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Introduction & Acknowledgements

Jivanta Schöttli[1]

This special issue of Heidelberg Papers in South Asian and Comparative Politics is the result of a two-day colloquium that took place in Heidelberg at the Internationales Wissenschafts Haus during October 2009. Thanks to funding through the project, *Citizenship as Conceptual Flow : Asia in Comparative Perspective*, part of the Heidelberg University, Cluster of Excellence, Asia and Europe in a Global Context, doctoral candidates and post-doctoral scholars were invited from universities across Germany and France to present and discuss papers and on-going research. A few core questions were posed as a basis for the proceedings, linking the three common themes of democracy, governance and citizenship:

- Do definitions and perceptions of *democracy* vary according to context and historical experience?
- Can *governance* be compared across time and space?
- How has the concept of *citizenship* 'travelled'?

The papers that were presented, amended and submitted have been divided into four sections. The first, "*Religion and the State: implications for democracy, governance and citizenship*" contains two articles by Valentine Zuber (Paris) and Xabier Itçaina (Bordeaux) that discuss the nature of secularism in Western Europe, emerging as it did within a historical context of state and nation-building projects. Both highlight challenges to western understandings and practices of secularism. Zuber's paper touches upon the rise of Islam, initially considered to be an issue related solely to immigration and which, today as France's second largest religion has provoked critical discussions about the limits to pluralism, equality and tolerance. Placing his analysis also in terms of the historical development of secularism within Europe, Itçaina, examines the role of religious actors in ethno nationalist conflicts that continue to fester and challenge the state, as in the case of the Basque movement.

In the second section titled, "*Governance in post-conflict and post-colonial states*", each of the three papers examines conceptual and institutional arrangements developed to cope with conflict and transition. Daniel Bach (Bordeaux) proposes the term, '*neo-patrimonalism'* to convey the coexistence of patrimonialism with legal-bureaucratic elements, drawing examples from Kenya and Côte d'Ivoire, where impersonal rules coincided with neo-patrinominal practices to alleviate the risks that political competition might engender for the newly formed nation-state. This, he argues, and demonstrates, is a useful concept to explain why the challenge of institutional under-development plagues so many African states. Focusing on Sierra Leone, where he has conducted extensive fieldwork, Mohamed Sesay (Bordeaux), in his paper draws upon original interviews to explore and portray the role that ex-combatant cadres have played in post-conflict, democratisation efforts. Serving as middlemen and brokers during fragile periods of transition, Sesay provides evidence for hypotheses about why some cadres are more successful at reconversion than others. Lionel Baixas' (Paris) contribution brings the South Asian experience into the picture by comparing the trajectories of India and Pakistan in terms of centre-state relations. All three papers identify processes of democratisation and transition that draw upon imported institutions as well as local and indigenous practices.

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Section three, "*Managing Diversity: legal and institutional arrangements*" approaches the subject from a theoretical and empirical angle. Ayelet Banai's (Frankfurt) piece on minority rights traces the discussion on multiculturalism through the prism of the Minority Treaties in inter-war Europe, part of the Versailles settlement, and the Indian Constitution as passed by the Indian Constituent Assembly in 1949. As an alternative to the *cultural* understanding of minority rights, Banai explores a *political* approach that challenges the assumption of predetermined identities and instead emphasises legal equality amongst citizens. As his entry point, Ndubueze O. Nkume-Okorie (Bordeaux) takes the decision to opt for affirmative action as a diversity-management mechanism. Examining various strategies undertaken by the Nigerian state, Nkume-Okorie offers an assessment of their success and proposes a comparison with India's attempts to manage cultural and religious diversity.

The final section, "*Exporting Institutions: democracy promotion and regional integration*" consists of two papers that explore the degree to which European institutions can be transferred, either as deliberate policy (democracy promotion) or through processes of emulation (regional integration). Vera Axyonova (Bremen) studies the European Council's 2007 strategy for a 'New Partnership with Central Asia' that aimed at increasing the EU's political role in the region by declaring the active promotion of human rights, rule of law, good governance and democratisation. Drawing upon the rationalist-constructivist debate on democratization, Axyonova identifies the interests behind and limits to the European Union's normative goals. In the second contribution to this section, Clarissa Dri (Bordeaux) explores the reasons behind the creation of a parliamentary division of Mercosur to argue that the European ideal played a central role. In her paper however, she considers the degree to which an institution such as the European Parliament can act as a model or blueprint for a region with such different historical and political conditions.

While most of the papers in this collection are one-country studies or region-focused, there are strong comparative insights into processes of democratisation and transition that cut across time and space. Each of these studies allude to the importance of transfers between Europe and Asia, Europe and Africa, Europe and Latin America, the counter-flow between them, and perhaps increasingly, a *dispersion* of flow, as African countries, for example, begin to look to Asian counter-parts rather than Europe for institutional innovations. Furthermore, the contributions, either explicitly or implicitly, address the methodological and theoretical challenges of how to study and analyse hybrid forms of governance and innovative methods of citizen-making, such as the role that reconverted ex-combatants in Sierra Leone play. By bringing together a wide range of region and country-specialists, these papers reveal that divergent historical experiences, widely varied socio-economic and political contexts nevertheless yield common concerns relating to the designing of resilient institutions.

The colloquium would not have taken shape had it not been for a fateful meeting between Professor Hoffmann-Martineau, Dr. Georges Lyenberge and Professor Subrata K. Mitra at which the idea was born and I was given the opportunity to get involved. A call for papers was put out and we received a number of stimulating responses. I am extremely happy that we were able to finally put together a volume with most of the papers that were presented and that these could be hosted on the HPSACP. However, none of this would have been possible had it not been for unfailing support from Professor Daniel Bach (Sciences Po, Bordeaux) and Professor Subrata Mitra (Political Science, South Asia Institute, Heidelberg) both during the conference preparations and as invaluable participants throughout the proceedings. I would also like to particularly thank my colleagues, Clemens Spiess, Thomas Bauer, Dominik Frommherz, Lion Koenig, Markus Pauli for their constant backing and Radu Carciumaru for seeing us through to the final stages of launching this volume online!

SECTION I:

RELIGION AND THE STATE: IMPLICATIONS FOR DEMOCRACY, GOVERNANCE AND CITIZENSHIP

Where are the limits to secularism in France ?

Valentine Zuber[1]

Keywords: Laïcity, Church-State relations, liberalism, Islam, women's rights.

ABSTRACT:

"Laïcity" is one of the subjects up for debate in contemporary French society. This French passionate debate, that seemed settled since the law of the separation of Churches and States in 1905, has re-awakened vigorously during the past 20 years. "Laïcity", which is inscribed in the constitutions of the 4th Republic (1946) and the 5th Republic (1958), had not seemed to pose any particular problem since it had been accepted by the significant society actors. Even the Catholic church, which fought against laicity at the end of 19th and beginning of the 20th century, accepted it since the beginning of the 1920s. The debate about the law of 1905 has come alive again since the end of the 20th century, in the context of one of the main areas of its application: the public school system. The debate about laïcity has been relaunched at the end of the 20th century about its principal realm: the republican school. Large demonstrations for « l'école libre » (1984), and in defense of « école laïque » (1994) brought one million people into the streets on each occasion. What became known as "the headscarf affair" (1989-2004) brought back the question of laïcity in the context of religious pluralism accentuated by the recent settlement of a significant Muslim minority on French territory. Finally, during the term of President Sarkozy, speeches by the president of the Republic about the recognition by the State of degrees from Catholic university in April 2009 have seemed to suggest a new practice of laïcity, more comprehensive and synchronized with the European mean stream views on this matter.

FRENCH LAICIZATION: VARIOUS TYPES OF POLITICAL PROJECTS

In France, there are today and have always been several understandings of the notion of laïcity.

a) Some see laïcity as « abstention », « neutrality ». They privilege the idea of the inalienability of freedom of conscience and think that the state is not competent to intervene in certain domains – including religion, which is a private affair – and that the State should abstain from these subjects.

b) Some see Laïcity as the guarantor of freedom of thought. For these « defenders of Laïcity », the State's mission is to save and preserve the freedom of each citizen – whether he or she likes it or not. They are opposed to the complete auto-

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determination of the individuals or groups, seen as threat to the universality of the principle. Laïcity is essentiallised by these people. Laïcity thus sacralizes itself and becomes the embryo of a civil religion.
c) Some insist on religious freedom – including freedom of conscience and freedom of religious practice. Here Laïcity becomes the guarantor of dialogue between the state and religions, and the religions are seen as associated with the state in the search for the common good (committes on ethics and morals etc.)

"Laïcisation" in France has oscillated between these three perceptions of laïcity. Some of the measures of laïcisation, leading to the autonomisation of religious and political spheres, were carried out according to the liberal philosophy of laicité (a) ; an example would be the laws concerning schools in the 1880s and the 1905 French law on the Separation of the Churches and State.

Several measures in the history of republic laïcisation, on the other hand, showed the recurring desire of the State to interfere in the beliefs of the people. Several times, one may see an instrumentalizaiton of religion by the state -- gallicanism during the Ancien Régime, the Constitution Civile du Clergé proclamed in 1790 during the French Révolution, and the state promotion of the moral utility of religion with the Concordat of 1801-1802. Still other measures showed a real State anticlericalism or at the very least a wariness of the state with regard to the religious phenomenon. The laws about congrégations in the 1880s, and in 1901-1904, and the law forbidding ostentatius religious symbols (15 March 2004) are not-so-liberal laws inspired by the 2nd understanding of laïcity (b).

Laws about the organization of private education such as the Debré law of 1959, the creation of the CFCM (Muslim Council) in 2003, and the institutional dialogue between State and Catholic Church since 2002, are finally very liberal measures in favour of a kind of recognition of religions and their action in public space, validated by the Republic (for example the very new Decree 2009-427 dealing with the agreement between the French Republic and the Saint-Siège about the recognition of degrees in higher education). (c)

THERE IS NO FRENCH EXCEPTION IN LAÏCITY

Is Laïcity a French exception? Often to the foreigner the term takes on a particular resonance, implying authoritarianism and a supposedly militant atheism governing the French state. History demonstrates that acts of religious persecution by the states have existed, yet they have not been worse than elsewhere (see, for example, the Kulturkampf in Swiss and Germany). More importantly, they have not been predominant in the legislation that has ultimately been retained (laïcisation of the school, separation of Churches and state).

On the other hand, one may still speak of a French exception concerning laïcisation for it took place in a situation of religious pluralism that was almost unique in Europe at the time of its inception. Since the Ancien Régime (before the French révolution of 1789), several religions have coexisted on French territory, though in a very unbalanced way. In spite of the (fictive) principle proclaimed by Louis XIV with the Revocation of the Edict of Nantes (1685) -- « one King, One Faith, One Law », Protestantism and Judaism have continued to coexist with the Catholic majority, since the 16th century at the very least. When the Edict of Tolérance (1787), recognized for the first time since the Edict of Nantes (1598) the existence of non-Catholic subjects in a country where Catholicism was the souverain religion of the State, the legality of other religions was finally and definitely reestablished. France was one of the first countries of Europe to have disassociated national belonging and religious belonging. This was not without problems due to the resistance of the majority. However, the Concordat system (Concordat of 1801 + Organics articles) did consecrate in a precocious and definitive way the pluralism of the French state. It recognized four legal religions; Catholicism, reformed and lutheran protestantism, and finally Judaism in 1808. In other countries in Europe, secularization was often less violent but also less complete, and in many countries one religion was “more equal than the others” (the established church in Great Britain, Scandinavia…)

The separation of Churches and State in 1905 ended this system of recognized religions : “ The Republic shall not salary, nor give grants to any religion” (art.2). But it did not proclaim the indifference of the State towards spiritual things because the law also guarantees religious freedom. In its first article, it said in effect that “ the Republic assured freedom of conscience. It guaranties the free practice of religions “. Therefore the Laïcity which prevails legally in France is not the atheist and authoritarian laicité of the atheists and free thinkers. Rather, it is the liberal and neutral laïcity of abstention, distinguishing the two spheres (civil and religious), recognizing religious pluralism and the existence of citizens who are believers and those who are non-believers.

The State does not ignore religions and maintains an uninterrupted dialogue with the different religions present on its territory. This dialogue is never without hidden agendas, and the “gallican” or “regalian” mentality of the State shines through the secular surface. The “historical” churches are often represented at the major moments of the year and the Catholic Church still possesses historical privileges (legal holidays, national funerals, and so on).

THE FRENCH DIFFICULTY TO ACCEPT REAL PLURALISM

Islam, now the second-largest French religion with four millions believers, came onto the scene in the 1970s. Since then, Laïcity has been redefined to integrate this new French religious dimension. The temptation is to make Islam a fifth “ recognized “ religion and to consider all other religious expression as a priori suspect (small churches, movement considered to be cults) The anticlerical temptation and suspicion towards religions (which goes back to the Enlightement and is solidly anchored in people mentalities) all too often dominated the contemporary discourse about religions. But this is not how the “fathers” of Laïcity (Ferry, Jaurès, Briand) saw things. The legislation they built tended to undo the links between State and religions to free them both. In their mind, this liberty, this privatization of religion ought to give a better balance between offer and demand. The religious balance would be better, thanks to market laws. Thus it is a liberal conception that prevailed in their spirit.

The cultural claims of some high school students (the most widely-mediatized being that of Muslim girls but it is not the only one) led to an impassioned debate since the end of the 1980s about the limits of Laïcity in the school system. Faced with the partisans of an intransigant laïcity calling for the expulsion of all religious expression within the school which becomes a sanctuary of the Republic, the responses of the highest state authorities have first of all been to call up the principle of State neutralism in religious and ideological matters. These principles, remarkably stable for a century at least, pronounced absolute respect for the freedom of conscience of pupils and the “droit de reserve” for teachers, who are public servants in a secular state. But it has nonetheless been necessary to ask pupils to show some limits in their expression of their religious convictions (loi du 15 mars 2004). In spite of the prudent form that the law takes, it is in priority directed at Muslim pupils. It seems quite paradoxical that the French legislator had to express himself in the way of restricting the individual liberties of the young Muslims girls that he says he wants to emancipate. The laïcity of French society should have been self-sufficient to protect them as individuals, and to guarantee at the same time, their religious freedom.

A PARADOXICAL ALLIANCE: LAÏCITY AND WOMEN’S RIGHTS

French laïcity took on a feminist point of view only a few years ago. Historically, the laïcisation process took place behind the backs of women. The abstract universalism, defended by the “Déclaration des Droits de l’Homme et du citoyen” of 1789, pretended to speak about man as a human being. In reality it spoke of man as male. It is obvious that the French Revolution brought some civil rights to women (civil mariage, divorce), however no political rights. We learned for decades on republican school benches, that universal suffrage had been established after the 1848 Revolution. Nobody ever specified at that time, that it was only a male “universal”. For a long time, women were considered as the best allies of the clerical French party in the “Two France” conflict. This stereotype lasted for a long time. The French laïcity partly established itself by pushing aside the half of the french population that was judged not very safe politically. French laïcity, promoted by the Republicans slowed down the feminist progress more than helped it. Views have changed since the 1970s. Feminist militancy then took the laïcity flag for themselves. Some of them considered it useful to refuse to open republican schools to the young Muslims wearing an Islamic veil. They hoped that this measure would remove these girls from the so-called “bad” influence of their parents. In spite of noisy proclamations in favor of women’s emancipation, it doesn’t seem that the laïcal and anti-feminist views have completely disappeared from the French political landscape. Some of the republican feminists paradoxally relayed those. During the long survey organised by the président de la République, Jacques Chirac in 2003 (before the law prohibiting the veil in republican public schools of March 2004), the experts did not want to listen much to young Muslims girls’ expressions and discredited their arguments because of their alleged “dependency”. And the eternal speech about the necessary emancipation of “poor” Islamic women threatened by their husbands, fathers, brothers, reminds us of the old male chauvinist speeches about the “poor” women, influenced by their priests during the XIXth century. Because of this paternalistic thinking, feminist views today that prevail in the French media are against the mainstream anglo-saxon variant of feminist discourse. It also ignores a new type of feminism : the Muslim one, which has appeared recently in various European countries. This current defends the liberty of choice for all women on religious matters, rather than ask for a claimed liberation of women brought about by the State.

FOR A LIBERAL AND NON-DISCRIMINATORY APPROCH OF LAÏCITY

In terms of the school or French society as a whole, French laïcity should not turn away from the liberal approach to Church-State relations. It should not give in to the recurrent temptation towards a State control of religions. This posture has always led to conflict. In our times, it seems harder and harder to put this into practice due to the general context of pluralism, which is one of the specificities of our western democratic, secular open world. The recent inflection given by the President of the Republic to the practice of laïcity brings it more into line with the European practice of collaboration and recognition of religions. The evolution of French legislation seems to wish now to grant a preference to the historical church, and this to the detriment of religious neutrality and to the detriment of religious minorities (protestantism and Islam) judged politically as “less secure” and under surveillance therefore by the Ministory of the Interior. We must be wary that the State, whose principal mission is to guarantee religious freedom for all, avoids limiting it, by using paternalistic and discriminative pretexts.

Religion and nationalism in secular Europe Lessons from the Basque case[1]

Xabier Itçaina[2]

Keywords: nationalism, Catholicism, mediation, Basque Country, secularization.

ABSTRACT:

The secularization of Western European politics and society has created new constraints but also new opportunity structures for religious bodies. This renewed activism of religious actors in the European public spheres needs to be analysed on specific issues. Immigration, ethical debates or education are well-known illustrations, but ethnonational conflicts are also relevant issues. In that respect, the Basque conflict, on the Franco-Spanish borderland, is a good example of the transformations of the Catholic Church's activism in a secularized environment. It is argue that the Church is trying to develop a new register of intervention in the Basque conflict by fostering its role as a mediator. The Church and other actors close to it are particularly active in the making rather than in the process of peace, which would require some basic social agreement on the way to follow. However, the Church's commitment to mediation has not gone smoothly, notably on account of the controversy over its impartiality, independence and absence of decision-making power. Though its expertise in mediation has been widely acknowledged, the Church has also been forced to come to terms with history, as though the burden of memory periodically acted as a nemesis for the religious, political and social actors. Finally, the Catholic Church's contribution to peace-making can only be apprehended through the double perspective of the secularisation of Basque society and the redefinition of the relationships between religion, the public space and democracy.

INTRODUCTION

Western Europe is generally seen as the paradigma of a secularized political community. Meanwhile, the secularization of Western European politics, policies and society has created new constraints but also new opportunity structures for religious bodies. It has provoked an increased political activism from religious actors, more as lobbies and voices than as moral authorities, and in return a re-mobilization of political institutions on religious issues. Far from being entirely confined to the private sphere, religion still plays a renewed significant role in the European public sphere, not only as an "identity resource", an "ethical reference" and a "ritual provider" (Voyé, 2006), but also as a relevant institutional player in various policy networks and political settings. This renewal can only be understood if national dynamics and processes of European integration are considered together. However, the emergent supranational level has a growing autonomous logic and influence but remains firmly secondary to national powers and is determined by the same societal trends. The nation-state remains the relevant level at which major controversies about the public regulation of religions are being held and framed. The revival of denominational powers within national arenas – see, for instance, in Southern Europe (Díaz-Salazar, 2006; Garelli, 2006) – testifies two complementary dynamics: a very slow convergence of national models of public regulation of religions, and a still prevalent role of the inherited socio-historical patterns of relations between Churches, States and party systems. Religious representative bodies do generally admit democracy and pluralism as a legitimate way of governing in a secularized political sphere. At the same time, these religious actors refuse the total privatization of religion: they still aim at influencing the political debate.

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[1] This paper was presented at the "Religion and politics" podium, European doctoral colloquium on "Democracy, governance and citizenship", University of Heidelberg, October 9-11, 2009. I am grateful to Prof. Subatra K. Mitra, Jiva Schottli and Daniel Bach for their kind invitation and to all the participants for their comments and suggestions. This article is an expanded and updated version of Itçaina 2011.

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This renewed activism of religious actors in the European public spheres needs to be analysed in terms of specific issues. Immigration, ethical debates or education are well-known illustrations, but ethnonational conflicts are also significant case-studies. In that respect, the Basque conflict, on the Franco-Spanish borderland, is a good example of the transformations of the Church's activism in a secularized political and societal environment.

I argue in this article that the Church is trying to develop a new register of intervention in the so-called "Basque conflict" by fostering its role as a mediator. By doing so, the aim is also to illustrate, from the example of the Basque conflict, one of the recent studies on changes in peaceful regulation as developed by Jacques Faget (Faget 2008). Faget points to the emergence of new actors in mediation and peace-building in violent political conflicts and argues that mediation is now making up for the shortcomings of the international order, as states and traditional national or international diplomacy have proved unable to address the issue of conflict resolution. These initiatives do not really break away from, but rather complement, traditional state action, as evidenced by the para-state status of some NGOs. Through a strategy of de-politicisation, the objective of these new actors is to facilitate the regulation of conflicts by eclipsing the very intervention of the states. However, the multiplicity of such initiatives from below, initiated by peace-makers with heterogeneous legal statuses and fostered by beliefs and interests which are not only political, may eventually lead to defining new roles for peace-makers thus blurring the frontiers between state and non-state actors (Faget 2008, p. 310). In Faget's view, mediation is different from global peace-making processes, state or supra-state UN-style diplomacy, etc., in so far as it is:

"a consensual process of conflict management, in which a third party who is impartial, independent and without any decision-making capacity, tries to solve or to moderate conflicts through the organisation of exchanges between persons and institutions." (Faget 2008, p. 312).

Faget applies his approach to mediation in his study of violent political conflicts, i.e. "political conflicts in which protagonists – states, social protest movements and political parties – do not respect the rules of the democratic game and resort to armed struggle and illegitimate physical violence, for instance." (Faget 2008, p. 313). While we may question the true mediating dimension of the various solutions tentatively proposed so far, the violent nature of the Basque conflict, even if deemed of “low intensity”, is beyond any doubt. Since ETA (Euskadi eta askatasuna, Basque Homeland and Freedom) resumed its bombing campaign in December 2006, which led the authorities to adopt a repressive stance as a response, a new cycle of violence has spread all over the Basque country. Quite obviously, the so-called “Basque question” should not be restricted to its most radical manifestations, but the fact is that violence has had major political consequences and contributed to destabilising the democratic game, if we consider the sufferings it has generated and the mediation efforts it has prompted. The persistent use of violence as a political instrument, especially in the light of the peace process in Northern Ireland, makes the Basque country an exception in Western Europe. What it clearly evidences, beyond the tentative explanations focussing on the historical genesis of an old conflict, is the incapacity of institutional and political actors to propose any durable solution.

The question of Basque identity, hinging on antagonistic values, is indeed buttressed on irreconcilable moral positions. As a consequence, today’s Basque society is highly politicised, even on such distinct domains as art, sports or even cooking (MacClancy 2007). Continued violence has prevented this conflict from evolving into a pacified confrontation of values in a stabilised political game, as is the case in Quebec or Catalonia. Since the mid-1980s, the difficulties met by institutional actors who have proved unable to come up with solutions have led organised civil society to take initiatives with a view to solving this enduring conflict, thus breaking the “spiral of silence” (Funes 1998). To take up Bernard Enjolras’ categories, horizontal governance of the conflict by civil society has compensated for the shortcomings of vertical governance by public institutions (Enjolras 2008).

Religious actors play a specific role in mediation in many conflicts (Smock 2006). According to J. Faget, religious actors have long represented the second largest group of political mediators in the world, together with the pacifist and liberal left wing in the United States in the 1970s. In his analysis of the Quakers in the 1970s, the Roman Catholic Church in Latin America, and various other Catholic organisations, the best known of which being Sant’Egidio in Africa, Jacques Palard – who adopts a wider definition of mediation – has shown how the Catholic Church could justify its intrinsic capacity to act as a mediator from its own theological foundations, privileging subsidiarity as a way for intermediary bodies to propose solutions to conflicts without systematically resorting to state regulation (Palard 2006). The case of the Basque Country offers a good illustration of this thesis, the Catholic Church and other actors close to it being particularly active in the making rather than in the process of peace – which would require some basic social agreement on the way to follow (§1).

However, the Church’s commitment to mediation in the Basque conflict has not gone smoothly, notably on account of the controversy over its supposed impartiality, independence and absence of decision-making power. Two contrasting perceptions of the Catholic Church have emerged – the Church as an expert in mediation at both local and global levels, and as the guardian of the memory of an old conflict of identity, thus conferring an insider-partial status on it. Promoting peace, reconciliation and pardon has necessarily led to questioning the responsibility of the Church in the historical crystallization of the identity cleavage. Though its expertise in mediation has been widely acknowledged, the Catholic Church in the Basque country has also been forced to come to terms with history, as though the burden of memory periodically acted as a nemesis for the religious, political and social actors

(§2). Finally, and from a more global perspective, the Catholic Church's contribution to peace-making can only be apprehended through the double perspective of the secularisation of Basque society and the redefinition of the relationships between religion, the public space and democracy in the Basque country (§3).

THE CHURCH'S DUAL MEDIATION IN THE BASQUE COUNTRY

Although case studies may prove to be too specific, they nevertheless offer the possibility of proposing an in-depth historical perspective. In the case under scrutiny, we uphold the hypothesis of a redefinition of the mediating activities of the Basque Catholic Church in the history of the modes of action adopted by the Basque clergy. From this perspective, contemporary mediation would be the fourth stage of a long process of interaction between religion and the "Basque question" which started in the mid 19th century. Broadly speaking, we may discern four successive periods on both sides of the frontier: a first period marked by tradition during the 19th century (Carlism and political traditionalism), followed by a period of filiation (some members of the clergy were close to the first expressions of Basque nationalism and its Christian-Democratic, personalist development in the early 20th century), and a period of rebellion (secularisation of Basque nationalism and radicalisation of a segment of the Basque clergy in the 1960-1970s). In our view, the reorientation of the activities of a part of the Basque clergy towards peace-making mediation, in addition to its traditional concerns for social action and more specifically religious questions, evidences the emergence of a fourth mode of action – mediation (Itçaina 2007). Though Catholic actors do not hold any monopolistic position, they seem to have incorporated the pacifist third sector which has developed in the Basque country since the mid 1980s. Catholic mediation is multi-faceted, thus placing the Basque Catholic Church in a position somewhere in-between mediation and committed activism. Its action can be analysed from the wider perspective of political mediation (Itçaina 2010), notably drawing on the distinction between the "mediator-broker" and the "mediator-generalist" (Nay & Smith 2002): the general mediator tries to build some common meaning between institutions which may not share the same knowledge and representations – the cognitive dimension of mediation –; while the broker looks for acceptable solutions for opposing groups who may find an advantage in co-operating even though they do not pursue the same objectives and do not have the same interests – the strategic dimension of mediation. The Catholic Church in the Basque country has clearly acted in both ways, more successfully in its activities as a general mediator than as a broker.

General mediation or the making of a culture of peace

In terms of *general mediation*, the Church, in its capacity as an expert in peace-making, has shown its know-how when it comes to staging negotiations and smoothing out differences. In its internal organisation, the Church has put the theme of peace at the top of its agenda, especially in its network of dioceses (Pagola 1995). The best illustration may be found in Guipuzcoa, a province where nationalist radicalism is deeply rooted. Within the diocesan structure – the social Secretariat created when Monsignor Setién became bishop of San Sebastián in 1979[3] – top priority was given not only to the nagging problem of unemployment but also to the restoration of peace. From 1992 onwards, the *Gentza* diocesan committee has taken reflective and symbolical action on this issue and staged highly publicised demonstrations, as, for instance, the March for Peace to the Arantzazu sanctuary, which gathered nearly 10,000 people, or the Rally for Peace in Armentia (Alava) on 13th January 2001 under the aegis of the four Basque and Navarre bishops. Prelates have urged *ETA* to lay down its arms and politicians to open negotiations. The leadership of the San Sebastián bishops, Monsignor Setién (1979-2000) and Monsignor Uriarte (since 2000), has played an essential role in mobilising local people and neighbouring dioceses, with the support of the bishops of Bilbao, Vitoria and Tudela-Pamplona.

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[3] Mgr Setién was first auxiliary bishop in San Sebastián between 1972 and 1979.

In a more acute way, some groups, notably religious orders, have regarded the reorientation of their activities towards the promotion of peace as an opportunity for them to reactualise their former and time-honoured specialisation. The Jesuits could thus use their long experience in peace studies and peace building, from Loyola to the entire Catholic world. The Franciscans could invoke the theology of their founder, Saint Francis of Assisi, to support their peace-making activities along with their old and firmly grounded commitment to the Basque culture in the Guipuzcoan sanctuary of Arantzazu.

Arantzazu, a highly symbolical place, was first and foremost a Marian sanctuary which traditionally had a symbolical and identity function in the province of Guipuzcoa. It was also a *locus* of memory in commemoration of the Basque cultural resistance against Franco’s regime. The year 1956 marked a revival of this symbolical dimension. *Euskaltzaindia*, the Academy of the Basque language, convened in Arantzazu to lay the foundations of a movement for the unification of the Basque language. On that occasion, the Arantzazu seminarians distributed the first issue of *Jakin* (‘knowledge’) which was soon to become a major journal in philosophy and social science published in the Basque language. The sanctuary, which was rebuilt by contemporary Basque artists under the guidance of J. Oteiza, became the symbol of Basque cultural creativity and emancipatory religious feelings clearly at odds with official Francoist national-Catholicism (Zulaika 1988). The Arantzazu sanctuary thus acquired a specific and highly symbolical dimension in the Basque country. In an attempt to restructure its pastoral project around the question of peace, the pastoral council of Arantzazu – which brought together both priests and laypersons – started to take training and advisory initiatives in 1992, with the help and support of the diocesan authorities. The sanctuary regularly became an arena where representatives of the peace movements and political parties could meet and discuss. Together with symbolical moves such as prayers for each violent death and Marches for Peace, the Franciscan community significantly contributed to the emergence of new *loci* where each party could express their views, in spite of the methodological differences that occasionally cropped up between the Church and the peace movements. Its action rested on the belief that intermediary bodies were presumably more efficient. As expressed by a friar from the Arantzazu community, “we must not leave it only to politicians to find the solution, we must show them the way, hence the importance of pardon”[4]. Through the promotion of peace and pardon, the radicalism of this religious order, which initially originated from an internal and utopian protest against the institutional Church (Séguy 1984), has thus been rejuvenated and updated.

The general dimension of the mediation efforts conducted by Catholic actors is also evidenced externally through their commitment to structuring the peace movements. It was not so much through the avowed implication of the Catholic Church as an institution but rather through the individual activism of Christians that their commitment for peace was to express itself visibly. For instance, *Gesto por la paz*, an association for the promotion of peace, was from the start helped and supported by the diocese of Bilbao and by young Christian organisations from Biscaye. However, Christian activism within the peace movements proved to be a very delicate task as they gathered members from various political origins. Jan Mansvelt Beck, for instance, distinguishes six peace activist groups according to their objectives – *Asociación de victimas contra el terrorismo*, *¡Basta ya!*, *Elkarri*, *Foro de Ermua*, *Gernika Gogoratuz*, *Gesto por la paz* –, founded between 1981 and 1999, and emphasises the differences – and the shortcomings - between their respective initiatives (Masvelt Beck, 2005, p. 214).

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[4] Interview with Brother E., Arantzazu, 1998.

María J. Funes (Funes, 1998) highlights the contrasting strategies of the two main organisations, *Gesto por la paz* and *Elkarri*. Indeed the vast majority of *Gesto* members accepted the political regime after the democratic transition, gathering under their name a wide spectrum of political activists, mainly from the *PNV* (Basque Nationalist Party) but also the *PSOE* (Spanish Workers' Socialist Party). From a cognitive perspective, *Elkarri* was closer to the radical nationalist left wing, though it refused violence (Funes 1998, p. 508). Some organisations were mostly concerned with the problem of financial and moral compensation for the victims of *ETA* and excluded the approach adopted by Basque nationalists. Other groups originated in some radical factions within the Basque nationalist left wing. Some were supported by the "constitutionalist" parties whereas others were more firmly rooted in their territory, etc. The Basque Catholic Church thus found itself in a very delicate position among fragmented peace movements, all the more so as most of these pacifist movements expected the Church to adopt a clear stance as if, unconsciously, they still saw the Catholic institution as a reference *par excellence* in its capacity as a mediator.

Christian personalities as mediator-facilitators

It is undoubtedly in the second register of action that the Catholic Church has been able to act as a true mediator, according to J. Faget's approach. If we adopt the conceptual distinction made by A. Smith and O. Nay, the Church has played the role of mediator-broker in the Basque country. Several times since the establishment of the Autonomous Community, members of the Catholic Church have been called, or have proposed, to act as intermediaries between the most radical parties. Their mediation efforts have mainly, but not exclusively, concerned the Spanish government and *ETA*. The Church has also been active in the promotion of dialogue not only between the Basque nationalists and the Spanish political parties and authorities, but also among the Basque nationalists themselves. Though we lack precise data on the Church's mediation activities, on account of the necessary confidentiality of the negotiations, we may still find evidence of the interventions of some high-ranking religious personalities as mediators in secondary sources such as chronicles, testimonies or press articles, which points to the fact that their mediation efforts were anything but anecdotal.

The Church's function as a mediator seems to date back to the transition period. In his memoirs, Carlos Garaikoetxea, the former president of the Basque Autonomous Community (1980-1985) and now a member of the moderate nationalist party *EA* (*Eusko Alkartasuna*, Basque solidarity) mentions an initiative undertaken by the Society of Jesus in 1984 with a view to initiating new negotiations (Garaikoetxea 2002, pp. 179-180). The Basque Episcopal authorities regularly proposed their help, as, for instance, the bishop of San Sebastián, Monsignor Setién, in 1986-87[5], then in November 1997[6], or the bishop of Bilbao in October 1996. After a failed attempt to resume talks, *ETA* made public the names of four intermediaries who had taken part in the organization of meetings with the Spanish government. Under the Socialist government, it was the former 1980 Nobel peace prize laureate, Argentinian writer Adolfo Pérez Esquivel, who assumed this charge. When the conservative Popular Party came to office in 1996, Harry Barnes, a member of the Carter Foundation, took on the role of intermediary[7].

According to *ETA*, the representatives of the Spanish government were reluctant to accept this type of mediation which could eventually turn the domestic conflict into an international one. The extradition of two *ETA* representatives from Santo Domingo to Spain put an end to negotiations in August 1997. The Roman Catholic community of Sant'Egidio also offered its mediation services. Specialised in conflict management as in Mozambique for example, Sant'Egidio allegedly held secret meetings with *ETA* and the Spanish Minister of the Interior. The rumour of a potential police operation ended these talks. During the *ETA* ceasefire in 1998-99, Monsignor Uriarte, then bishop of Zamora before becoming the bishop of San Sebastián, is also said to have taken part – unsuccessfully – in negotiations between the armed organisation and the Popular Party government[8]. As the fragile success of such mediation efforts essentially depended on the actors' discretion, the official announcement of Monsignor Uriarte's mediation by the Spanish government in October 1999, i.e. a few days before the truce was broken, may have contributed to weakening this mediation process.

Some representatives of the Church did not limit their mediation efforts to bilateral contacts between *ETA* and the Spanish government, but also acted in order to further dialogue between the moderate nationalists and the Spanish executive, as well as between moderate and radical nationalists. This initiative was undertaken by senior members of the Catholic hierarchy. In late September 2000, on the occasion of the canonization of María Josefa del Corazón de Jesús Sancho de Guerra, talks were held between the head of the Holy See's diplomacy, Monsignor Tauran, and the President of the Basque government, Juan José Ibarretxe (*PNV*), on the one hand, and the Spanish Minister of the Interior, Jaime Mayor Oreja (Popular Party) on the other. Their main objective was to analyse "the present and future prospects of a peaceful solution […] together with the potential contribution that the Catholic Church can offer"[9]. For the Spanish Foreign Affairs Minister, Josep Piqué, this proposed "collaboration" did not mean that the Church was to act as a mediator, as "nobody can serve as a mediator between a democratic State and murderers"[10]. Beyond the political controversy, the Vatican acted in its capacity as an expert in peace seeking, which it had already done in other circumstances.

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[5] "Entrevista realizada por Francisco Mora a Mons. Setién", *Interview*, 569, 9th April, 1987, pp.19-23.

[6] "La Iglesia vasca está dispuesta a mediar en el conflicto", *Egin*, 2nd November, 1997.

[7] The Carter Center Conflict Resolution Program started showing interest in the Basque conflict in the early 1990s. In 1994, *Elkarri* and the Basque Studies Program of the University of Nevada in Reno approached the Carter Center to inquire about its possible commitment as a mediator, should there be negotiations between the parties. On 14th November 1995, in San Sebastián, *Elkarri* and the Basque Studies Program signed an agreement creating the *International Committee for the Basque Peace Process*. In 1995, Harry Barnes, a former diplomat and member of the Carter Center, established contacts with Basque political parties, representatives of the Socialist party (*PSOE*) and *ETA*. In 1996, after the victory of the conservative *Partido Popular* (PP) at the Spanish general elections, the foundation tried to inaugurate a new round of contacts, but in December, President Aznar and the minister of the interior, Jaime Mayor Oreja, prevented a meeting between PP members and the Carter Center. In May 2003, members of the Carter foundation had their first contacts with the associations of victims of terrorism (*Fundación de víctimas del terrorismo*, *Fundación Miguel Angel Blanco*, FAES, *Fundación por la Libertad*, *Basta Ya*) and with the department of the Basque government in charge of the victims of terrorism (Fernando Lazaro, "la fundación Carter contactó con las víctimas del terrorismo a finales de Mayo", *El Mundo*, 6th July 2003, n° 4960). Harry Barnes also joined the permanent group of international advisors to the peace process set up by J. J. Ibarretxe, president of the Basque Autonomous Community, in January 2007, together with Joseba Azkarraga (Basque minister for Justice, Employment and Social security), Javier Madrazo (Izquierda Unida), Albert Reynolds (former Irish Taoiseach), Joanna Weschler (Human Rights Watch), Rolf Meyer (South Africa's former defence minister). (*Le Journal du Pays Basque*, 30th-31st January, 2007).

[8] *Gara*, 1st May, 2000.

The new political context after the banning of the Basque radical nationalist party *Batasuna* (Unity) in June 2002 in Spain, favoured the emergence of a new form of mediation. Talks took place within the nationalist camp between the moderate *PNV* and *EA* parties, the *ELA* (*Euskal langileen alkartasuna*, Union of Basque Workers) and *LAB* (*Langile abertzaleen batzordeak*, Union of Patriot Workers) trade unions, political, cultural and economic actors and social movements close to the ideas of Basque leftist and radical nationalism, the association of *Udalbiltza* municipalities and some *abertzale* lawyers. These talks were symbolically initiated by religious actors, notably an Irish priest, Alec Reid, who, as a member of the Redemptorist Roman Catholic missionary order, had played a significant part in the 1998 Good Friday Agreement in Northern Ireland[11]. The initiative of Alec Reid evidenced the strategy of the Irish Catholic Church which had maintained contacts with the Republican leaders though it had forcefully and openly condemned *IRA*'s military campaign (Rafter 2003). He proposed a "tactical ceasefire" to *ETA* in order to put forward a common proposal for the resumption of negotiations with the Spanish State. He was helped in his task by members of the Bilbao diocese and supported by the Bishop of San Sebastián. Alec Reid had previously taken part in the peace conference organised by *Elkarri* in October 2001 and 2002, as a guest expert, together with a member of the Sant'Egidio community[12].

Under the Socialist party which was elected into power in Spain in March, 2004 the Spanish Parliament officially authorized the talks with ETA on 17 May, 2005. A first series of meetings between representatives from ETA and the Spanish government occurred at Oslo and Geneva under the auspices of the Henri Dunant Centre[13]. Another series of talks took place between three Basque political parties: Batasuna (radical nationalists), the Basque socialist party (*PSE-EE*) and the moderate nationalist party *PNV*. This "political table" rounded its meetings in the Jesuit sanctuary of Loiola, in Guipuzcoa. The religious infrastructure was considered by the political parties as a guarantee for the confidential nature of the whole process (Murua, 2010: 67)[14]. Parties' representatives were close to an agreement on a draft text redacted on 31 october 2006. This agreement planned to bring closer Navarra and the Basque Autonomous Community in institutional terms, a proposal that would have been submitted to referenda on both territories. Talks eventually collapsed after a series of amendments, but the parties had been very close to an agreement.

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[9] [http://archimadrid.es/princi/menu/notdirec/notdirec/oct2000/03102000.htm]. 3rd October 2000.

[10] *Ibidem*.

[11] Resumen diario de prensa, Arzobispado de Pamplona, 28th May, 2003. [http://iglesianavarra.org/hemeroteca/20030528.htm].

[12] In the last stage of the Conference for Peace, in June-October 2002, *Elkarri* staged another seminar bringing together international experts in conflict resolution, with A. Bartoli, the head of the International Centre of Conflict Resolution, Columbia University, and a member of the Sant'Egidio community, W. D. Weisberg, a member of the Programme for the Resolution of International Conflicts, Harvard, H. Barnes, the former head of the conflict resolution programme in the Carter Centre, and Alec Reid.

[13] About the complex implication of the Henri Dunant Centre in Geneva, the Carter Center, Elkarri and other bodies and individuals before and during ETA's ceasefire in 2006, see (Douglass, 2009) and (Murua, 2010).

The Church resumed its own activism after *ETA*'s announcement of a ceasefire on 22nd March, 2006. On 3rd April, 2006, Mgr Uriarte, the bishop of San Sebastián, presented to the Vatican the efforts made by the Church of the Basque country in favour of peace. Two days later, Pope Benedict XVI exhorted the congregation gathered in Saint Peter's square "to pray in order that everybody will intensify their efforts for the consolidation of the horizons of peace that seem to appear in the Basque country and in Spain, and to overcome the obstacles that could appear"[15]. Despite a very cautions attitude – promoting peace is *not* mediating in the conflict –, the intervention of the Pope had a considerable symbolical impact, as it contributed to putting the Basque issue on the Catholic agenda. However, hope for a peaceful resolution of the conflict vanished when *ETA* resumed its violent campaign of assassination in December 2006. Leaders of *Batasuna* were arrested, many of the leftist *abertzale* (nationalist) candidates were suppressed from the electoral rolls, *ETA* re-armed itself. The conditions for new talks were not combined any more.

The role of religious mediators is more akin to the position of facilitators than to the position of formulators or manipulators. Jacques Faget (Faget 2008, p. 318) has clearly shown that there was a consensus among specialists on three types of mediation. *Facilitators* act as intermediaries between the warring parties and actually have little control over the negotiation process. Such diplomacy of "good offices" at best contributes to organising logistic support in the negotiation process and facilitating communication. *Formulators* have a more significant role in so far as they exert an important formal control as they choose where, how many and what type of meetings will be staged; they set the agenda, manage the information flow and may propose new solutions to the parties concerned. *Manipulators* can not only make proposals but also use their power of persuasion and their resources, and present conflicting parties with ultimatums. The Catholic Church mediators in the Basque country have mainly played the role of facilitators, furthering dialogue between the various parties. The fact that they have no decision-making power is most probably the reason why their action may be seen as legitimate by the warring factions, much in line with the "power of powerlessness" extolled by the Quakers. "Their power is acceptable precisely because they have no power to constrain actors and do not pursue their own objectives. They just have the possibility of applying one model and influencing the course of the exchanges." (Faget 2008, p. 320).

We should remain cautious at this stage of our analysis. It seems *a priori* that the Church has proved to be more efficient as a general mediator than as a broker, according to the definition of mediation proposed by J. Faget. The scarcity of information available, on account of the very secrete nature of talks and negotiations, makes it impossible to delve further into this question. However, we have to address the question of the impartiality of the Church as a general mediator acting for social peace, and redefine the relationship between religion and politics in the Basque country.

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[14] According to (Murua, 2010: 133), the parties also agreed on confiding the final agreement's original version to the Vatican's care, even if the socialists would eventually prefer the Society of Jesus.

[15] Luis R. Aizpeolea, "El Papa apoyó el proceso de paz tras la mediación del obispo Uriarte ante el Vaticano", *El País*, 22nd October, 2006.

IMPOSSIBLE IMPARTIALITY?

Mediation in context

The Church's activism on the theme of peace has generated open and politically-oriented controversies over the impartiality of the institution on both sides of the borders. The Church of the Basque country – the very expression "the Basque Church" is much debated – has been confronted with a double problem of internal divide over the territorial issue within the Spanish collegial institutions, especially the Episcopal Conference, and within the Basque clergy. In Spain, the internal cleavage within the Church mirrors the various cleavages that have shaped Spain's political life, in some form of political isomorphism: left-right divide and territorial divide.

The Spanish Episcopal Conference, for instance, has not always been in a position to adopt a consensual position on the question of territorial identity and Nation-State, as evidenced by the declaration of Monsignor Uriarte, the Bishop of San Sebastián, who publicly expressed his reservations[16] about the memorandum "On Nation and Nationalism"(OICEE, 2005) published by the Episcopal Conference on 7th January 2005 in which a clear distinction was made between legitimate and illegitimate forms of nationalism, and secessionist positions were condemned. Such a plurality of opinions has also been perceptible among the Basque-Navarre bishops, since the democratic transition. The activism of Guipuzcoan bishops in terms of general mediation has run counter to the more reserved position adopted by the bishops of Navarre over the concept of shared territoriality between the Basque and Navarre provinces. The clergy and the various secular movements have also split over the identity question.

The *abertzale* ('patriot') tendency has been most perceptible in three organisations, which are both close to each other yet quite distinct – the Coordination of the Priests of the Basque Country (*Euskal Herriko Apaizen Koordinaketa*, EHAK), founded in 1976 and present on both sides of the border as early as 1977, the Popular Christian Communities (CCPs) and the magazine *Herria 2000 Eliza* ('people/country 2000 Church'). These movements have been studied in depth by Felix Placer in his PhD thesis in theology (Placer Ugarte 1998) in which he highlights the fact that they have periodically expressed their own positions, sometimes at odds with the official views of the Church, over questions such as the theology of liberation, the status of political prisoners or the nagging problem of the territorial reorganisation of the ecclesiastical provinces of the Basque country and Navarre. The identity-oriented movements within the Basque clergy have been most active in the social forum over the question of peace, creating new debating arenas (Herria 2000; Eliza 2003). In spite of their systematic, open opposition to all forms of violence, their views in favour of a shared Basque identity and territoriality have regularly been the butt of criticism, owing to their alleged partiality towards Basque nationalists.

The action of the Vatican, as the central institution of Roman Catholicism, initially took on a special meaning in this specific context. Different voices emanating from very distinct sectors of the Basque society appealed to the Vatican – Catholics asking for the official recognition of a Basque ecclesiastical province, or, conversely, victims of terrorism asking for a clearer condemnation of violence *and* of Basque nationalism, pacifists, etc. Periods of ceasefire unilaterally decided by *ETA* were favourable moments for the expression of more global messages from the Vatican in favour of peace in the Basque country. Pope Benedict XVI's exhortation in April 2006 testifies to this trend. The fact that he should have made an explicit reference to the Basque conflict, though in a very cautious manner, contributed to internationalising the Basque question, despite all the efforts developed by some actors who tried to keep it a purely domestic issue. The strong presence of clergymen of Basque origin in the Roman curia and in the missionary orders may also have had some influence on the Holy See's positions on the Basque question. However, we lack solid data to go further in that direction and analyse better the role played by key figures of Basque origin in Rome with strong experience as mediators in other conflicts[17]. Nevertheless, it clearly appears that the few implicit or explicit calls for the intervention of the Vatican's diplomacy were undoubtedly tainted by recurrent references to the awkward positions of the Holy See on the Basque cause in recent history, notably during the Civil War (1936-1939) and Franco's regime (Iztueta, 1981). The heavy burden of History visibly pervaded every reference to the Roman institution.

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[16] *La Vanguardia*, 23rd January, 2005.

Constraints and resources of the biased mediator

The question is therefore to know whether the Church's impossible neutrality can be seen as an obstacle to its efforts for the promotion of peace. From a comparative approach, the impartiality of the mediator as a necessary condition has been much debated. In his analysis, Jacques Faget has taken up the research work conducted by Paul Wehr and John Paul Lederach (Wehr & Lederach 1991) who contend that, although trust in the mediator is a prerequisite, it is not necessarily coupled with impartiality, at least in the societies of Central America that they have studied. On the contrary, they uphold the hypothesis of the existence of an *insider-partial* – and not *outsider-neutral* – mediator whose acceptability and legitimacy rest not as much on his distance or objectivity but rather on his links with the conflict and his relations of trust with the warring parties. However these authors underline the fact that this type of mediation may only occur in specific cultural contexts in which political, economic and social exchanges are still characterised by face-to-face relations and where traditions have not totally been eroded by modernity. A "biased" mediator may thus appear to be more credible in the eyes of the actors, especially if he has some leverage. "In other words, successful mediators need not systematically be impartial, and the game theory model reveals that bias, to a certain extent, notably through sharing information, is not only acceptable but sometimes necessary" (Faget 2008, p. 319).

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[17] Two figures, one from the Spanish Basque country and the other one from the French Basque country, typically represent such expert mediators. Born in San Sebastián, Monsignor Laboa acted as a mediator in many conflicts in Uruguay, Libya and Panama where, in his capacity as an apostolic nuncio, he liaised between General Noriega and the US government. According to *El Pais* (15th October 2000), he was also active in a case of extradition of some presumed ETA members between France, Cuba and Panama in the late 1980s. Monsignor Roger Etchegaray, who was born in the French Basque country, chaired the Pontifical Council Justice and Peace under John Paul II. A close advisor to Benedict XVI, he took part in a number of missions on behalf of the Vatican, notably with Saddam Hussein in 2003 or in Rwanda, etc. (Etchegaray, 2007). According to (Murua, 2010: 68-69), Basque political parties would have contacted Monsignor Etchegaray in order to gain access to the Vatican. In October 2007, various media revealed Monsignor Etchegaray's "indirect mediation" between *ETA* and the French authorities, an allegation that he denied.

Can we thus say that the Catholic Church has been a biased mediator? This is the criticism levelled at the Church by the most radical and polarised parties. For instance, *ETA* has criticised the Rally for Peace organised in April 2001 by the Basque-Navarre bishops in Armentia, accusing the Church of trying to "depoliticize the conflict" in order to go back to the period "before the Lizarra Pact", while recalling the mediating role of the Church during the 1998-99 ceasefire. Organisations of prisoners' families (*Senideak* - the families) and the *Gestoras pro-amnistia*, close to the nationalist left, have regularly invited the Church to air its views on the problem of political prisoners, either by staging hunger strikes with the support of some priests, or by directly questioning the Diocesan authorities. On the other side of the political spectrum, the organisations of the victims of terrorism have systematically blamed the Basque Church for its lack of concern for the families of the victims of *ETA*, and its guilty complacency for the most radical nationalists. Controversies have hinged on the problem of the funerals and services in memory of the victims who had met a violent death. Criticism has generally merged into a single but ambiguous message: the Church has been blamed for both its partiality *and* impartiality, deemed politically biased because it was based on some hypothetical equivalence of violence (on the part of the Spanish State and *ETA).*

Acting as a regulator between the various and diverging positions defended within his own diocese, the bishop is undoubtedly the religious personality who is the most exposed to criticism. This is particularly the case of the Bishop of San Sebastián in Guipuzcoa, a province where radical nationalism, though a minority movement, has historically been firmly rooted. In a recent book which updates previous research work on the subject (Setién 1998), José M. Setién (Setién 2007), the Bishop of San Sebastián between 1972 and 2000, reveals how complex the pressure exerted on the Church has been in his diocese. He delves into the controversies over the positions of the Basque Church which rejected both *ETA*'s violence and the purely repressive stance adopted by the State authorities – the bishops' visits to *all* the prisoners, the rights of the victims, the question of the funerals and commemorative services, the Basque and Spanish bishops' diverging positions during the 2006 *ETA* ceasefire, the debate over the equivalence of violence. Peace, according to Mgr Setién, cannot be reduced to a mere issue of public order. In his view, there is a close link between the Church's predominantly religious vision of reconciliation and pardon and its call for the recognition of the fundamentally political dimension of the conflict which cannot be restricted only to the question of violence.

"From this perspective, dialogue, agreements and negotiations must encompass a wider spectrum than the relations with *ETA*. In other words, the solution to the "conflict" and the achievement of peace must be attained, with or without *ETA*, by the political choice of negotiations" (Setién 2007, p. 197)[18].

According to Mgr Setién, the two processes – the end of violence and political normalization – have to be distinguished *and* considered together in order to attain real pacification (Setién 2007, p. 197). Such a stance is clearly at odds with the views of the armed organisation claiming for the recognition of the so-called inalienable rights of the Basque people, and with the positions of those who assimilate all claims for identity with terrorism. In the same vein, Mgr Setién (2007,

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[18] This quotation and the following one were translated from Spanish.

p. 202) challenges both the 2002 law on political parties – which banned *Batasuna* as a legitimate party – *and Batasuna*'s persistent refusal to condemn *ETA*'s violence. This ethical approach to the conflict has been perceived by the Basque radical nationalists *and* by their more radical opponents as abusively liberal – since it reaffirms the legitimacy of *all* ideologies –, or as too overtly committed – because Mgr Setién acknowledges the political nature of the conflict (Bastante Liébana 2006). In his conversation with political specialist Francisco Garmendia (Garmendia & Setién 2006), José M. Setién exposes his pluralist approach to a democratic State, respectful of cultural diversity, a theory which may apply to the pluri-national Spanish State as well as to a hypothetical Basque State. The State and the Nation must be distinguished and the recognition of citizens' rights need not necessarily be linked with any adhesion to "national" feelings.

"From the perspective that he belongs to the political community, according to what we have just defined, any "citizen" who has stable relations with a territorially well-defined Basque State should be regarded as a fully-fledged "Basque citizen", even though he may not feel he is part of the Basque "Nation". For that matter, it is only through the mature and respectful acceptance of all the "differences" born out of "freedom" that political *convivencia* ('living together') may emerge, the necessary condition so that tolerance, assumed as a fundamental value in a modern and pluralist society, and solidarity, in a society made up of and shaped by national "differences", may guarantee political and social cohesion" (Setién 2003, p. 135).

Setién's reflections are complex, oscillating between a liberal and pluralist approach to citizenship *and* the political acknowledgment of national identities. His views were to shape the debate in the Basque public arena in the years 1990-2000[19]. The accusations of partiality regularly levelled at him were also the price to pay for his intellectual and ethical commitment. Setién's positions were challenged by those, even among nationalists, who contended that the only conflict in the Basque Country was the radical violence imposed by a group of criminals to the whole society.

More recently, further uncertainty came from the increasing internal discrepancies within the Catholic Church in the Basque Country, notably concerning its alleged conservative turn. Serious concerns were raised among Catholic – and non Catholic – circles around the last appointments of bishops between 2007 and 2009. In Guipuzcoa, 77% of the priests from the province claimed their worry when Monsignor Munilla, perceived as being conservative and reluctant to Basque nationalism, was appointed as bishop of San Sebastian in 2009. In Biscaye, the critical movement *Eliza gara Bizkaia* presented in February 2009 a woman as a candidate for the Spanish Episcopal Conference, in order to denounce the "democratic deficit" of the Church[20]. Feminists from the *Asanblea de Mujeres de Bizkaia* campaigned in favour of apostasy in order to denounce the Church's position on women[21]. The nomination of the auxiliary bishop in Bilbao in February 2008 also generated controversies.

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[19] Mgr Setién's ideas, according to some observers (Bastante Liébana 2006, pp. 113-133), may have some parallel with the sovereignty-association plan promoted by the president of the Basque Autonomous Community Juan José Ibarretxe in 2003-05.

[20] Goikoetxea, Agustin « Los católicos vizcaínos reivindican una iglesia 'más démocrática' con su candidata 'imposible' », *Gara*, 24 february 2008.

[21] Goikoetxea, Agustin « El viraje conservador de la Iglesia católica azuza nuevas campañas en favor de la apostasía en Bizkaia », *Gara*, 16 february, 2008.

These debates found their equivalent in Navarra with the appointment of Mgr Francisco Pérez as archbishop of Pamplona-Tudela in July, 2007. The claims raised by these critical Catholic voices were, for most of them, related to the positions taken by the hierarchies on abortion, bioethics, celibacy for priests or the women's role in the Church. Some voices also raised concerns about the effects of this conservative turn on the traditional role of mediation played by the Church in the ethnonational conflict. It is far too early to make any hypothesis on the effects of this alleged change. It is nevertheless true that these increasing tensions did not contribute to elaborate a climate of mutual trust.

SECULARISATION AND PEACE-BUILDING

We will now tackle the issue of the social and political response to the Church's commitment to peace. Broadly speaking, the involvement of religious actors in mediation activities evidences the redefinition of the relationship between religion and the public sphere in the Basque country from a double perspective – the role of religion in the Basque society and the influence of the multiple conceptions of the Church's mission on the peace movements and on the democratic debate.

Trust in the Church and Secularisation

The involvement of religious actors in the promotion of peace is multi-faceted. By renouncing any monopolistic position on this issue, the Church has found itself sharing the same public space with a multitude of other social and political movements. The Catholic Church may have been seen as one of the main models for political protest against Francoism (Iztueta 1981), but it is no longer the case today. In his PhD thesis on environnmental protest in the Spanish Basque country, Mario Zubiaga Garate (2008) underlines that many of today's pacifist movements borrow their line of action – in terms of protest *and* mediation – from the environmental mobilisation movements of the early 1990s, rather than from the Church (Zubiaga Garate 2008). For example, *Elkarri*, founded in January 1995, followed the initiative of the *Lurraldea* (territory) collective group, created in 1986, to oppose the planned Irurtzun-Andoain motorway. The stance adopted today by the Church, notably via the *Batetik* Centre, along with other pacifist movements, confers on it the role of a "civil society" actor among others in its mobilisation for the building of a more global movement for peace.

The Church's acknowledgement of plurality is all the more significant as its positions in the Basque society have evolved over the last decades. According to a *Euskobarometro* study published in November 2007 on the degree of trust in the main institutions as expressed by the citizens of the Basque Autonomous Community (Euskobarometro, 2007), the Catholic Church only ranked 11th out of a total of 17, behind the Basque Parliament, the government of the Autonomous Community, the European Union, the unions, *Ertzaintza* (the autonomous police force), the King, managers' organisations, the Spanish government, the Congress of Deputies and the Senate. However, the Church was cited before the Constitutional Court, the political parties, the *Guardia Civil* and the national police force, the Justice department, the armed forces and NATO. Generally speaking, there was an approval rate of 3.7 for the Church on a scale ranging from 0 to 10. Most analysts explain these results by a general feeling of *desconfianza* ('mistrust') for the institutions in the Basque society – only the Basque Parliament and government had scores higher than 5 out of 10. Such results should of course be apprehended with all the necessary caution as they do not reveal much on the exact state of public opinion on religion. However, they reveal a new trend – the end of the social prevalence of the Church in the Basque society, historically shaped by the structuring role of Catholicism.

This phenomenon is nothing but new. Indeed the secularisation process was already more pronounced in the Basque country than in the rest of Spain by the end of Franco's regime, as though opposition to the dictatorship was necessarily coupled with growing estrangement from a religious institution regarded as the main support of the regime. The *Law on Historical Memory*, voted by the Congress of Deputies on 31st October 2007, had reactivated the debate on the role of the Spanish Church – and the specificities of the Basque clergy – during the Civil War and Franco's dictatorship[22], a debate which had conspicuously been silenced during the democratic transition period in the name of national reconciliation[23]. However, and despite this new politicization of religion, in the Basque country and Navarre, two provinces with the highest ratio of church-goers and clergymen until the early 1970s, there has been a significant and regular loss of interest for the Church, as regularly confirmed by CIS (*Centro de investigaciones sociológicas*) polls. The Basque country is characterized by the persistence of the secularisation process today, contrary to the rest of Spain where the process has slowed down (Pérez-Agote & Santiago Garcia 2005). The hypothesis developed by A. Pérez-Agote (Pérez-Agote 1986) at the end of Francoism, who argued that the central role of religion had been replaced by politics, is thus confirmed. Nationalism and the linguistic issue have gradually become more important than religion in a now secularised Basque society. The Basque radical nationalists' rejection of the Church has thus contributed to furthering disinterest or even hostility towards religion among the younger generations.

As a consequence, there are now very few seminarians in the Basque dioceses which used to be the main purveyors of young priests, a phenomenon confirmed by data published by *Comisión episcopal de seminarios y universidades* in 2007. The number of seminarians dropped by 30 percent between 1987 (1997 seminarians) and 2007 (1387) in Spain. The trend is even more pronounced in the Basque country. In the diocese of Vitoria, which played such a significant role in the history of the Church, there was only one seminarian in 2007 against 119 in the diocese of Madrid (Bellido 2007)[24]. We can thus speak of an ever-growing gap between the loss of social influence exerted by the Church as an institution and a high level of politicisation among the religious actors in their public activities. The perception of the major role of the Catholic Church by the political world and the media seems to be increasingly disconnected from the reality of its eroding social influence. However, there is still mutual recognition among institutions. Political parties and institutional actors acknowledge the importance of the Church as a meaningful and legitimate reference in a public sphere lacking stability.

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[22] The *Ley de la memoria histórica* or *Ley de extensión de derechos a los afectados por la Guerra civil y la dictadura* is a law initiated by J. L. Zapatero's Socialist government for the recognition of the victims of Francoism. This much debated law was approved by the Council of Ministers on 28th July 2006 and by the Congress of Deputies on 31st October 2007. It finds its origin in the creation of an inter-departmental committee in charge of rehabilitating the victims of Francoism (Decree, 10th September 2004).

[23] Sandrine Lefranc has highlighted the ambivalent rhetoric of repentance used by the Churches of Argentina and South Africa after the end of the dictatorial and the apartheid regimes (Lefranc 2002, p. 179).

[24] Jacob Bellido, "Creciente caída del número de vocaciones en España", *Camineo.info, Noticias católicas en Internet*, 19th February, 2007.

A Catholic methodology of peace?

The religious dimension of the Catholic institution both brings together and singles out the various initiatives undertaken by the clergy within the multi-faceted world of peace movements. The Church's commitment to the promotion of peace is made in the name of a conception of democracy in which the notion of subsidiarity prevails. More fundamentally, this form of interventionism betrays a critical approach to democracy. The Church rejects a purely *procedural* conception of democracy, according to which political decisions are legitimate first because they are made by a majority. From a critical perspective, the majority rule may be useful for the adoption of temporary compromises, but can hardly initiate any durable solutions to deeply-rooted conflicts such as the ethno-nationalist Basque one. Some mobilisation movements, notably those inspired by Mgr Sétien's reflections, also level criticism at the *constitutional* conceptions of democracy, in which the institutional arrangements of rules and procedures are essential and sufficient conditions for the achievement of political and social stability.

In the Basque country, the institutional order which emerged after the 1978 Constitution of Spain has been unable to address the issue of the recognition of Basque identity in a completely normalized and pacified way. If we follow María J. Funes (Funes 1998), other movements such as *Gesto por la paz* are conversely supported by citizens who adhere to the institutional order based on the Constitution and calling for the end of violence. Through its promotion of a wider social debate hinging on the question of peace, the Church promotes a *deliberative* conception of democracy in which dialogue should precede decision-making. Contrary to the majority system in which the objective is to assess the balance of power without eventually changing the actors' respective viewpoints, the deliberative model makes it possible to solve moral conflicts which, according to Gutmann and Thompson, always imply irreconcilable positions (Gutmann & Thompson 2004)[25]. In the deliberative process, every single dimension of the problem becomes essential and can be discussed. As identity conflicts are both political *and* ethical cum moral conflicts, purely procedural democratic approaches do not seem to be the best tools to initiate any durable or viable solutions.

The Catholic Church seems to have adopted the same critical approach to procedural democracy in the Basque country as it had already done in other domains, notably on ethical problems. In Spain, the electoral victory of the Socialist party after the Madrid bombings on 11th March 2004 was an opportunity for the Church and some conservative milieus to reactivate their critical positions, especially against the new social reforms on same-sex marriage or education. B. Barreiro (Barreiro 2001) has shown how the various conceptions of democracy – deliberative, constitutional, majority – could be mobilised and opposed on ethical and moral issues such as abortion in Spain and Italy. Politically-committed Christians have to overcome the inherent contradiction of the logic of democratic public deliberation – laws are the expression of the citizens' collective will – and the binding religious law which must prevail over all, whether they adhere to it or not (Hervieu-Léger 1996). There are indeed superior Christian values which cannot be constrained by the majority rule. In the Church's view, the *nature* of the law is often of more importance than its *form*, in accordance with the Catholic conception of common good.

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[25] These authors define deliberative democracy "as a form of government in which free and equal citizens (and their representatives) justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding on all citizens in the present and open to challenge in the future" (Gutmann and Thompson 2004, p. 7).

During the democratic transition in Spain, some values of democratic governance such as tolerance and acceptance of the Other were encouraged by the Church while others were ethically challenged even though they had been institutionalised (Anderson 2003). It is thus from the perspective of the complex positioning of the Catholic Church towards the democratic regime that its pacifist activism in the Basque country must be apprehended.

The deliberative option is at the core of the methodology promoted by the *Baketik* Centre in Arantzazu, the Church's latest initiative for the promotion of peace. According to Philippe Braud, it evidences the Catholics' deep and structural reluctance towards any politicisation of the conflict (Braud 1998, pp. 39-40). Historian L. Mees highlights the fact that the diverging opinions in the political sphere on the nature of the conflict may account for the different positions adopted by the peace movements. Contrary to *Gesto por la paz*, *Elkarri*, for instance, considers that the debate is political, not ethical (Mees 2003, p. 97). The source of violence thus finds its origin in the conflicting opposition between a significant part of the population and the Spanish State on issues such as power-sharing and self-determination. Mees also points out that there is a double risk in the openly political dimension of *Elkarri*'s action, since its efficiency depends on the support of political parties. *Elkarri* is also criticised by all those who object to the intervention of non-elected organisations.

Some Catholic mobilisation movements have tried to smooth out differences with a view to initiating some common and converging positions. This is the case of the pacifist movement in Arantzazu in the years 1999-2000. Its approach to peace was based on the teachings of Saint Francis of Assisi and Mgr Sétien's reflections. The *Baketik* Centre has reaffirmed such references since its creation in 2006 under the auspices of the Franciscan community, by giving priority to the promotion of a generalist method of "ethical elaboration of conflicts". 3,500 people, including local representatives and civil servants, took part in the training sessions staged by the Arantzazu centre for peace between 2006 and 2007. We may speak here of an implicit division of work – organisations such as *Elkarri* or *Gesto por la paz* are entrusted with the task of looking for concrete solutions among the most polarised parties in the conflict, while *Baketik* conducts preliminary training work on more global societal problems, without forgetting the religious dimension. In other terms, pacifist organisations are active in the "pre-conciliation" and "conciliation" stages, and *Baketik* is in charge of post-conflict "reconciliation"[26].

Through the expression "ethical elaboration" rather than "resolution", *Baketik* insists on the complexity of some conflicts, with no specific solution, which may continue even after the end of violence. *Baketik* proposes to work on three themes: a) reappraisal of the perceptions of the conflict and of the opponent; b) personal links with the conflict (desire for and perceptions of the outcome); c) methodology of empathy. Such an approach, inherited from a long experience of mediation in the Basque conflict (Fernandez 2007), is presented by *Baketik* as an instrument which can be used in other conflicting situations, notably in matters of intercultural and inter-religious dialogue. For instance, the "Arantzazu Assisi Proposal", a collection of prayers and quotations which *Baketik* published in six languages in 2008 (Baketik 2008) and sent to all Basque schools, evidences this new global approach, just like the organisation of solidarity weeks for the African continent. By so doing, *Baketik* intends to reconcile an ethical approach to conflicts globally apprehended and take into account the emergence of new identity problems linked to the transformation of the Basque society, notably because of immigration. At the same time, such an inter-cultural approach should probably be related to the new context of the professionalisation of mediation, especially in a society with a high social capital and a dense network of community life groups, NGOs and social movements.

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[26] Intervention of Jonan Fernández, workshop *La mediación en los conflictos políticos nacionales e internacionale*, 5th June 2008, Baketik centre, Arantzazu. The filiation with *Elkarri* has been reinforced by the personal history of the *Baketik* centre leader who was the former leader of *Elkarri* and an environmental and political activist in the early 1990s.

CONCLUSION

In the closing lines of the present article, one should remain prudent about the real impact of the Catholic Church's action in matters of mediation. Some reservations about the consequences of the Basque clergy's mediation-facilitation efforts *stricto sensu* may be expressed. However, the Church's activism in order to attract public attention to the urgent necessity of peace cannot be denied. A more detailed analysis should focus on the way Catholic actors intervene in each of the three stages which characterise the construction of political problems, according to Pierre Lascoumes and Patrick Le Galès. The first stage is the transformation of some social facts into public problems, "when the mobilised actors manage to make it emerge in the public space, i.e. when it becomes a cause of public attention, even of controversies, and when positions oppose each other in order to define its contours, scope and causes." (Lascoumes and Le Galès 2007, p. 69).

In such a process, politicians do not necessarily play an essential role. The Church's contribution to the first stage of the transformation of the peace issue into a public problem has been significant, especially in the Basque country where whole segments of society still refuse to use the expression "peace process" to qualify a conflict perceived as merely pertaining to public order. A public problem then becomes a political one when mobilisation "is strong enough to make it sufficiently visible and challenging for actors who were initially reluctant to take position and debate for or against it." (Lascoumes & Le Galès, 2007, p. 80). The problem "becomes political when the solution envisaged concerns public authorities." (*ibid*., p. 70). We have seen that part of the Catholic mediation efforts converge on the recognition of the political dimension of the conflict and on the necessity of a social, political and institutional response to it.

However, we have not addressed the question of the Catholic third sector in the third stage of the process. There are indeed three necessary conditions for the incorporation of a problem into the government's agenda: actors must first acknowledge that there is a problem pertaining to general interest and calling for governmental action. The problem must then be presented in terms compatible with the government's domain of competence and in keeping with its ideological positions. Finally there is no systematic call for the actors' intervention and involvement on account of the difficulties of adjusting their respective agendas. In the Basque country, the institutional response to the conflict has taken the form of extremely diverging politically-oriented initiatives: the Ajuria Enea Pact in 1988 (together with the *PP-PSOE* anti-terrorism Pact in 2000 in Spain); President Ibarretxe's project for new statutes in the Basque Autonomous Community (voted by the Basque Parliament in December 2004 but rejected by the Congress of Deputies in Madrid in March 2005); the sovereignist initiatives such as the Lizarra-Garazi Pact in 1998, etc.. Daniele Conversi has highlighted the potential threats at each of the three stages in the process: the persistence of a culture of violence at the local level, the central government's uncompromising positions, and the influence of the international context and notably the war on terror in the US since 9/11 (Conversi 2006).

In such an environment, the Basque regional Parliament[27] voted a resolution on 27th June 2008 in favour of a new referendum supporting the peace process in the Basque country. Presented by President Ibarretxe amid a new campaign of political violence, the text was welcome by the usual chorus of protest and support. The proposed text was invalidated in September, 2008 by the Spanish Constitutional Court, after an appeal lodged by the central government. In such a context, what will the impact on public opinion of the pacifist initiatives be amid such diverging and discordant positions? More specifically, how will the Catholic pacifist third sector manage to reconcile their acknowledged expertise in peaceful mediation and the historical burden of the Church's role in the genesis of the conflict?

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[27] This was before the March 2009 elections at the Basque parliament, which led to the first non-Basque nationalist autonomous government since Madrid had granted self-government in 1980.

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SECTION II:

GOVERNANCE IN POST-CONFLICT AND POST-COLONIAL STATES.

The African neopatrimonial state as a global prototype

Daniel C. Bach [1]

Keywords: patrimonialism, bureaucratisation, hybridity, Africa.

ABSTRACT:

The concept of neopatrimonial rule was first applied to Africa in 1978, when Jean-François Médard undertook to account for the Cameroonian state's lack of institutionalization and "underdevelopment". The lack of distinction between office and officeholder, Médard went on, is masked behind discourses, juridical norms and institutions that nourish the illusion of a legal-bureaucratic logic. In the absence of a legitimizing ideology, the ruler owes his ability to remain in power to his capacity for transforming his monopolistic control over the state into a source of opportunities for family, friends and clients. Neopatrimonialism in Africa is still classically viewed as the outcome of confusion between office and officeholder within a state endowed, at least formally, with modern institutions and bureaucratic procedures. The introduction of "neo" as a prefix, means that neopatrimonialism is freed from the historical configurations to which patrimonialism had been associated by Weber. The display of legal-bureaucratic norms and structures coexists with relations of authority based on interpersonal rather than impersonal interactions. This coexistence of patrimonialism with legal-bureaucratic elements, begs the key question of the forms of interaction and their outcomes. Indeed, neopatrimonialism infers a "dualistic situation, in which the state is characterized by patrimonialisation, as well as by bureaucratization". Such dualism translates into a wide array of empirical situations. What is ultimately at stake, however, is the state's capacity (or lack thereof) to produce 'public policies: political systems where patrimonial practices tend to be regulated and capped should be distinguished from those where the patrimonialisation of the state has become all-encompassing, with the consequent loss of any sense of public space or public policy.

REGULATED FORMS OF NEOPATRIMONIALISM

In Africa, regulated forms of neopatrimonialism have been usually associated with the introduction of a policy of ethnoregional balance. The distribution of resources by the ruler takes place on an inclusive base. The emphasis laid on cooptation and redistribution, rather than coercion, contributes to promote a culture of mutual accommodation. The expected outcome is an increased state capacity to penetrate society and ensure compliance. Even though such notions as public ethics and common good may be undercut, regulated neopatrimonialism conveys its own brand of «moral economy» in so far as it favours redistribution processes that target the nation as a whole.[2]

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The regimes of Jomo Kenyatta and by Félix Houphouët-Boigny were good examples of regulated neopatrimonialism. Within the Kenyan state, impersonal rules were made to co-exist with neopatrimonial practices designed to alleviate the risks that political competition might carry for the Nation-State [3]. Synergies between presidentialism, the single-party system and what amounted to an institutionalised system of patronage facilitated the incorporation of the periphery by the centre. Similarly, in Côte d'Ivoire, the regime of Félix Houphouët-Boigny (1960-1993) exemplified the combination of personal rule with regulated neopatrimonialism. Direct control was exerted over the recruitment of the political élite so as " to balance ethnic, generational and even personal rivalries".[4] The outcome was a hybrid political system where « strong personal power ... through patron-client relations [combined with] the use of modern bureaucratic agencies ». As in Kenya, the imprint of neopatrimonialism was regulated, capped and ring fenced.

The 1970s were the golden age of regulated neopatrimonialism in Africa. Commodity export prices were still high, the states often had access to significant resources for redistribution and comforting the rulers' personal power seemed compatible with ensuring state- (if not nation-) building. As a result, the integrative virtues of the resulting processes were often extolled.

PREDATORY FORMS OF NEOPATRIMONIALISM

Predatory forms of neopatrimonialism refer in Africa to systems where personal rule and resource control have reached a paroxysmic level, with a consequent “failure of institutionalisation... and thus of the state”.[5] The corollaries are the absence of a public space, and of any capacity to produce 'public' policies. Indeed, the privatization of the public sphere is carried to such extremes that it becomes conducive to its dissolution.

The Mobutu regime (1965-1997) is commonly associated to a thoroughly patrimonialised system. Mobutu’s brand of neopatrimonial rule, observes René Lemarchand, differed from others on the continent due to an "unparalleled capacity to institutionalize kleptocracy at every level of the social pyramid and his unrivalled talent for transforming personal rule into a cult and political clientelism into cronyism".[6] Also described by other authors as arbitrary, predatory or kleptocratic,

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[2] J.-P. Olivier de Sardan, “A Moral Economy of Corruption in Africa?”, *Journal of Modern African Studies*, 37(1), 1999, p. 25-52.

[3] D. l Bourmaud, « L’État centrifuge au Kenya », *in* Médard J.-F. (dir.), *États d’Afrique noire : formation, mécanismes et crise*, Paris, Éd. Karthala, coll. « Hommes et sociétés », 1991, p. 262.

[4] R. C. Crook, “Patrimonialism, Administrative Effectiveness and Economic Development in Côte d’Ivoire”, *African Affairs*, 88(351), 1989, p. 214.

[5] J.-F. Médard, « L’État néo-patrimonial en Afrique noire », Médard J.-F. (ed.), *États d’Afrique noire : formation, mécanismes et crise*, Paris, Éd. Karthala, coll. « Hommes et sociétés », 1991, p. 339.

[6] R. Lemarchand, “The Democratic Republic of the Congo: From Failure to Potential Reconstruction”, *in* Robert I. Rotberg (ed.), *State Failure and State Weakness in a Time of*

Mobutu's Zaire has called for parallels with sultanism –the term coined by Max Weber to characterize those extreme instances where the ruler's domination relies less upon traditional foundations than on the leader's arbitrary and uncontrolled power.

To summarize, the distinction between regulated and predatory forms of neopatrimonialism signals the two extremes of a diversity of empirical configurations. In the case of integral and predatory forms of neopatrimonialism, the ruler is the state. Conversely, regulated neopatrimonialism infers some capacity to craft 'public' policies. To put it differently, an operational distinction has to be drawn between patrimonial practices *within* the state and the patrimonialisation of the entire state.

THE AFRICAN STATE AS AN 'ANTI-DEVELOPMENTAL' STATE

The foundations of a political economy of neopatrimonialism were laid by Richard Sandbrook who had undertaken in the 1980s to relate the private appropriation of the state's powers to the developmental failure of African states.[7] The neopatrimonial state, he subsequently argued, is an archetype of the anti-developmental state, with "economic objectives [subordinated] to the short-run exigencies of political survival" for the rulers and his regime.[8] Göran Hyden similarly described bluntly as an "institutionalized curse" the spread of neopatrimonialism in Africa.[9] By then, the African state, stereotyped as desperately corrupt and "klepto-patrimonial",[10] provided an anti-model to the literature that, globally, attempted to conceptualize the developmental state.

The typology of Peter Evans, drawing from the experience of the first wave of emerging countries in East Asia (Japan, South Korea and Taiwan), identified three archetypes in accordance to the states' propensity to promote economic development. The model of the predatory and anti-developmental state was found to be in Africa, where, as in Mobutu's Zaire, "the preoccupation of the political class with rent seeking has turned the rest of society into prey." This was a confirmation Evans concluded, that "it is not bureaucracy that impedes development so much as the lack of capacity to behave like a bureaucracy."[11]

Similarly, Atul Kohli's more recent overview of development and industrialization processes in 'peripheral' or 'emergent' countries draws from Africa his prototype of a highly ineffective and anti-developmental "neopatrimonial" state. Its characteristic feature is the absence of an "effective public arena" clearly differentiated from private interests, organizations and loyalties.[12] Nigeria is seen as

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Terror, Cambridge (Mass.)/Washington (DC), World Peace Foundation/Brookings Institution Press, 2003, p. 31.

[7] R. Sandbrook, *The Politics of Africa's Economic Stagnation*, Cambridge/New York, Cambridge University Press, coll. "African society today", 1985.

[8] R. Sandbrook, *Closing the Circle: Democratization and Development in Africa*, Toronto/London-New York, Between the Lines/Zed Books, 2000, p. 97

[9] G. Hyden, 2000, *op. cit*., p. 19.

[10] I. McIntyre quoted in: P. Searle, *The Riddle of Malaysian Capitalism: Rent-Seekers or Real Capitalists?*, Honolulu, Asian Studies Association of Australia/Allen & Unwin/University of Hawai'i Press, 1999, p. 8.

[11] P. Evans, "Predatory, Developmental and Other Apparatuses: A Comparative Analysis of the Third World State",*Sociological Forum*, 4(4), 1989, p. 570.

[12] A. Kohli, *State-Directed Development: Political Power and Industrialization in the Global Periphery*, Cambridge (UK)/New York, Cambridge University Press, 2004, p. 408.

a near-perfect example of such a prototype that is also considered relevant to describe "almost all African states". Africa is hyphenated with predatory and integral forms of neopatrimonialism.

BEYOND AFRICA...

In Latin America, South-East Asia or the Communist and post-Communist societies of Europe and Central Asia, the diffusion of the concept of neopatrimonial rule has remained limited. Ongoing references to patrimonialism have also been adjusted to suit specific debates, as reflected by a rich crop of lexicographic and conceptual innovations.

In Latin America, patrimonialism still commonly refers to the legacy of the three centuries of Spanish and Portuguese presence.[13] In the late 1950s, Richard Morse famously noted that patrimonialism could account for the persistence in contemporary South America of patterns of governance that drew their roots from Spain’s imperial policy.[14] Similarly in Brazil, the state is commonly depicted as “a bureaucratic state that traditionally has been at the service of a patrimonial order”[15]. Such commonly used notions as “patrimonial society”, “patrimonial regime”, or “patrimonial order” seek to stress the existence of continuities that transcend regime changes or the type of elites in power.[16]

One of the outcomes is that, in Latin America, the dividing line between ‘tradition’ and ‘traditionalism’ is often blurred. References to patrimonialism have, for instance, been extended so as to include the return of totalitarian rule, as in Brazil, Argentina or Peru during the 1970s. Patrimonialism became then a metaphor for the capture of the state by traditionalist corporate interests.[17] Neopatrimonialism, which Oszlak was the first to apply to Latin America, merely refered then to "contemporary cases in which personalist government turns states into the private government of those possessing the necessary power for the exercise of political domination”.[18]

In contrast with neopatrimonialism in Africa, personal rule was not associated with processes of disinstitutionalisation. The postulate was that a neopatrimonial regime could even have a developmental impact if the Dictator happened to be surrounded by a “true 'Court' of 'trustworthy men'...who act as placemen at key institutions, and a small staff of professionals in charge of the administration of certain large programmes (ie public works, industrial promotion)."[19] There, as in other and more recent studies, the underlying assumption has been the lack of incompatibility between patrimonialism and the rise of a bureaucratic and capitalist state. Latin American references to neopatrimonialism have also been exempt from any teleological assumption that the state was inexorably dissolving into informality.

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[13] G. Zabludovsky, “The Reception and Utility of Max Weber's Concept of Patrimonialism in Latin America”, *International Sociology*, 4(1), 1989, p. 51-66 ; R. Roett, *Brazil: Politics in a Patrimonial Society*, 3rd ed., West Port, Praeger, 1984.

[14] R. M. Morse, “The Heritage of Latin America”, Hartz L. (ed.), *The Founding of New Societies: Studies in the History of the United States, Latin America, South Africa, Canada, and Australia*, New York, Harcourt, Brace & World Inc., 1964, p. 157-158 .

[15] R. Roett, 1984, *op. cit.*, p. 1 ; F. Uricoechea, *The Patrimonial Foundations of the Brazilian Bureaucratic State*, Berkeley, University of California Press, 1980.

[16] R. Roett, 1984, *op. cit*., p. 23.

[17] S. Schwartman, “Back to Weber: Corporatism and Patrimonialism in the Seventies”, Malloy J.M. (ed.),*Authoritarianism and Corporatism in Latin America*, Pittsburgh, University of Pittsburgh Press, 1977, p. 89-106.

[18] O. Oszlak, “Public Policy and Political Regimes in Latin America”, *International Social Science Journal*, 38(2), 1986, p. 229

[19] *Ibid.*, p. 232.

In Africa and Latin America, the concepts of patrimonialism or neopatrimonialism have been linked to the discussion of institution- and state-building. In East and Southeast Asia it is the impact on the development of capitalism that provides an analytical thread. The outcome is a multiplicity of expressions designed to account for the interactions between state bureaucracies and private business – e.g cronyism, oligarchic patrimonialism, predatory, rentier and even, in the case of Malaysia, ersatz capitalism.[20]

The relationship between bureaucrats and business circles has also been central in debates on the conceptualization of the 'developmental state'. By contrast, with the much-celebrated economic performances of Japan, Taiwan and South Korea in the 1960's, prospects for capitalist development in Malaysia, the Philippines, Indonesia or Thailand were initially overlooked. Corruption and cronyism among rulers, bureaucrats and big business, were considered too intense. The intimation of a thoroughly patrimonialised state conveyed by this pessimistic prognosis was eventually challenged by the economic performance of Malaysia, Indonesia, the Philippines and Thailand in the 1990's. In Malaysia, for instance, the rise of internationally competitive forms of capitalist entrepreneurship was now treated as the counterpart of a state bureaucracy that was more regulated despite the persistence of "highly patrimonialistic relations between the state and business".[21]

In the post-Communist states of Europe, the concept of patrimonialism still bear the imprint of Weber's writings on the administrative system of Petrine Russia.[22] Patrimonialism, as applied to Communist and post-Communist political regimes is associated with two distinct yet closely intertwined strands of interpretations. A first type of reading stems from the analysis of patrimonialism as a historical or cultural model. Mikhail Maslovski, for instance, sees the development of patrimonialism within the Stalinist system as a 'reversal'.[23] Hans van Zon similarly depicts post-Communist Ukraine as "a patrimonial state [that]...furthers anti-modern tendencies in society."[24] A second type of reading, broadly coincides with what the notion of regulated neopatrimonialism stands for. The concept describes modern political systems with a capacity to produce public policies. When Yoram Gorlizski characterizes the day-to-day working of the Stalinist state as 'neopatrimonial', he is insistent that he is not referring to a traditional system where " autocratic rule [rests] on institutional confusion and disarray, but...[to]... patrimonial authority coexisting alongside quite modern and routine forms of high level decision-making*"*[25]

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[20] Y. Kunio, *The Rise of Ersatz Capitalism in South-East Asia*, Singapore/New York, Oxford University Press, 1988 ; N.J. White, "The Beginnings of Crony Capitalism: Business, Politics and Economic Development in Malaysia, c. 1955-70", *Modern Asian Studies*, 38(2), 2004, p. 389-390.

[21] Searle, 1999, *op. cit.*, p. 8.

[22] M. Maslovski, "Max Weber's concept of patrimonialism and the Soviet system", *Sociological Review*, 44(2), 1996, p. 295.

[23] M. Maslovski, 1996, p. 302.

[24] H. Van Zon, "Neo-Patrimonialism as an Impediment to Economic Development: The Case of Ukraine", *Journal of Communist Studies and Transition Politics*, 17(3), 2001, p. 72.

[25] Y. Gorlizki, "Ordinary Stalinism: The Council of Ministers and the Soviet Neopatrimonial State, 1946-1953 ", *The Journal of Modern History*, Vol. 74, No. 4 (Dec., 2002), pp. 699-736.

A third type of interpretation specifically refers to situations where patrimonialisation tends to become integral. The analyses also acknowledge the influence of Africanist literature on interactions between personal rule, patronage and the disinstitutionalization of the state. Thus, in Ukraine, the political system dominated by Leonid Kuchma (1994-2005) has been characterized as neopatrimonial, in view of "the disintegration of the state apparatus, the capture of the state by ruling clans [and] the spread of corrupt practices in the state bureaucracy".[26] Integral forms of neopatrimonialism, however, find an almost perfect match with Islam Karimov's regime in Uzbekistan. The assimilation of neopatrimonialism to the disinstitutionalisation and informalisation of the post-colonial African state is echoed in this case by the 'creeping capture' of the political-administrative system inherited from the Soviet Union by networks of patronage and private interests.[27] The informalisation of interactions within the state is exacerbated by a system of personal domination based on the conversion of clanship alliances into patronage ties and the redistribution of state resources. The related rise of a "parallel power network, matching existing state hierarchy"[28], sketches a pattern reminiscent of the "shadow state" of William Reno.[29] In other words, neopatrimonialism in Uzbekistan amounts to an almost perfect illustration of the development of institutional underdevelopment.

CONCLUSION

The dissemination of the concept of neopatrimonialism in Africa has been particularly successful. Neopatrimonialism is extensively and casually discussed in studies and programmes conducted under the aegis of multilateral institutions, NGOs, 'think tanks', and international donor agencies, with the result of an association of the notion to an increasingly diverse range of subjects. Such a trajectory, however, has not been without a price.

Described by some as "endemic"[30], stigmatized by others as "a paradigm for all African seasons"[31] neopatrimonialism is commonly equated with predatory and integral forms of personal rule. The outcome is a *doxa* that depicts the African state as quintessentially anti-developmental and infers its inevitable descent into informality and capture by criminal networks.

Neglected for all too long, the study of regulated or capped forms of African neopatrimonial rule calls for fresh empirical and theoretical attention. Reasserting the empirical relevance of regulated forms of neopatrimonialism will contribute to restoring the foundations for a truly comparative approach both within Africa and across world regions. The developmental trajectory of different waves of emerging countries is a powerful reminder that neopatrimonialism – i.e. the coexistence of patrimonial and legal-rational elements with a political system - does not predetermine outcomes. In Africa, as elsewhere, monitoring cases of regulated or capped interactions between public space and private interests should have never ceased to call for attention.

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[26] van Zon, 2001, art. cit., p. 72.

[27] A. Ilkhamov, " Neopatrimonialism, interest groups and patronage networks: the impasses of the governance system in Uzbekistan", *Central Asian Survey*, Vol. 26, No. 1, 2007, p. 75

[28] *Ibid.*, p. 71

[29] W. Reno, *Corruption and State Politics in Sierra Leone*, Cambridge (UK)/New York, Cambridge University Press, coll. "African studies series, 83", 1995. W. Reno, *Corruption and State Politics in Sierra Leone*, Cambridge (UK)/New York, Cambridge University Press, coll. "African studies series, 83", 1995.

[30]. A. Pitcher, M.H. Moran et M. Johnston, "Rethinking Patrimonialism and Neopatrimonialism in Africa", *African Studies Review*, 52(1), 2009, p. 125-156; G. Erdmann & U. Engel, "Neopatrimonialism Reconsidered: Critical Review and Elaboration of an Elusive Concept", *Commonwealth & Comparative Politics*, 45(1), February 2007, p. 95-119.

[31] O. Therkildsen, "Understanding Public Management Through Neopatrimonialism: A Paradigm for all African Seasons?", in: Ulf Engel & Gorm Rye Olsen (eds), *The African Exception*, Aldershot, Ashgate, 2005, p. 36.

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Brokering democratic governance in Africa: The reconversion of former war commanders in a post-conflict society (Sierra Leone)

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Keywords: ex-combatant cadres, democratization, principal-agent relationship, Sierra Leone.

ABSTRACT:

In 2007, observers noted the increasing ambit of ex-combatant cadres' participation in the Sierra Leonean general elections. This nouvelle accentuation on the augmenting ex-combatant cadre intercession in elections was embedded as part of the Sierra Leonean post-conflict political landscape from the 2002 general and parliamentary elections onwards. It was however not ideated, as most studies on the issue of ex-combatant reintegration discuss either the difficulties of ex-combatant acclimatization to a democratizing political scene or the risks they pose to society generally. This study however argues that instead of subsiding, ex-combatant cadres in Sierra Leone have continued to play significant roles in the post conflict democratizing environment. Noting the dearth of scientific material on the subject, the study notes that key ex-combatant cadres in Sierra Leone have engaged a middleman role that facilitates interaction between political parties and ex-combatants generally. In so doing, they have, among other things, encouraged the participation of formerly marginalized citizens in Sierra Leone's 'new' democratizing experience as they serve as 'go betweens' betwixt the state, political parties, ex-combatants of their former fighting forces, and sometimes even larger segments of the national population.

"*You see my brother this is also our time to shine. We have to make use of democracy in any way we can*"[2], responded an ex-combatant cadre to questions about his participation in the mobilization of ex-combatants for the All People's Congress (APC) political party in Sierra Leone. The ex-combatant in question was a former member of the Revolutionary United Front (RUF), an armed force that fought against successive governments in Sierra Leone for over ten years.

Observing the attention that was being paid to democracy and the active re-mobilization of ex-combatants from various fighting groups by their former cadres, one is tempted to put on hold the often mediated image of ex-combatants that portrays a systematic breed of incoherent violence and internal disorder. A scrutiny of the control that cadres have on their former rank and file validates seemingly paradoxical attempts at peace-building that have frequently placed ex-combatant leaders at the helm of governance hierarchies in a bid to attain peace[3]. Observing this cadre talk to his former rank and file, one gets the feeling of being in a totally military setting, where orders are passed and obeyed without question, and disorder among the ranks seems a myth.

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[2] Interview with an ex-RUF cadre, Freetown, June 2007

The study conceptualizes the status, role and performance of former war commanders/ex-combatant cadres and their reinvention as key figures in Sierra Leone's democratization process. It places into context the role these ex-combatant cadres played in the 2007 post-conflict electoral process in Sierra Leone, and their reinvention after these elections. In this light, the study focuses on the role of the reconverted ex-combatant cadre whose intents and existence is based on obtaining profit via the embrace and proliferation of "democracy". In such a manner, in an almost dramatic way, such ex-combatants overturn their former roles of spreading war and mayhem via the embrace of 'peace'.

Three observations must ergo be made: firstly, it is important to highlight that one of the most significant "contributions" of ex-combatants to the recent electoral campaigning process in Sierra Leone was noted in the 2007 elections[4]. Secondly, research has noted that the same practices betraying weak and failing institutions that led to and which were rampant during the civil war, are still extant in the country[5]. Thus, peace time practices resemble a continuation of the war, because in peace as in war, the economy remains fragile and violent. The only difference being that during war the violence was more visible[6]. Bach has similarly noted that the use of violence and insecurity remains a characteristic of the post colonial state. He claims that an economy of violence is not necessarily an economy of war, only an exhibition of the predatory and mercantile nature of post-colonial states[7]. Finally, a successful demobilization of ex-combatants remains unattainable in Sierra Leone, as elections actually provide reasons and avenues for the re-mobilization of ex-combatants.

Research material for this study was gathered in the Bombali district, Bo, Kenema and Freetown. One must highlight however, that the Bombali district, situated in the North of the country hosts a traditionally pro All People's Congress (APC) population, while towns like Bo and Kenema situated in the South are pro

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[3] For an interesting debate on the question, see Tull D; Mehler A; "The hidden costs of power-sharing: Reproducing insurgent violence in Africa", in AFRICAN AFFAIRS; 2005, 104(416):375-398

[4] See for example Utas M; "Watermelon Politics in Sierra Leone: Hope amidst Vote Buying and Remobilized Militias" in AFRICAN RENAISSANCE, 2007, 4(3/4): 62-66; Christensen M; Utas M; "Mercenaries of Democracy : The Politricks of remobilized combatants in the 2007 General Elections in Sierra Leone" ; in AFRICAN AFFAIRS, 2008, 107(429): 515 – 539

[5] See for example the International Crisis Group; "Sierra Leone A New Era of Reform?", AFRICA REPORT, N° 143, 31 July 2008; Fanthorpe R; "On the limits of liberal peace: Chiefs and democratic decentralization in post-war Sierra Leone", in AFRICAN AFFAIRS, 2006, 105(418): 27-49

[6] Richards makes an interesting argument on this in Richards P; (ed) NO PEACE NO WAR: AN ANTHROPOLOGY OF CONTEMPORARY ARMED CONFLICTS; Athens: Ohio University Press/Oxford: James Currey, 2005

[7] See Bach D; "Régionalisme et régionalisation à travers le prisme de l'aire Saharo-Sahélienne" in Marfaing L; Wippel S; (dir) RELATIONS TRANSSAHARIENNES AUX XXe ET XXIe SIECLES: UN ESPACE EN CONSTANTE MUTATION, Paris, Karthala, 2003

Sierra Leone's People Party (SLPP)[8]. Together, these towns/districts represent the voting patterns of a majority of towns/districts in the North and South-East of the country. Freetown was thus important for the research because it was *the* town to conquer for most political parties, due to the fact that it did not have a clear established majority and was thus liable to changing voting patterns. During and immediately after colonization, Freetown was mainly home to the Krios, who were freed slaves from England, the America's, and the Caribbean Islands, which is why it was called Free Town, the town for the freed slaves[9]. Following the war, a huge number of displaced people populated the town from all regions of the country, especially from Makeni, situated closer to Freetown, which had post 1998 suffered a massive influx of rebels. This is important to note as voting in Sierra Leone is largely ethno-regional.

The present study is organized in three sections; the first is an introductory analysis which gives historical insight into Sierra Leone's recent political history and proposes definitions of the reconverted ex-combatant cadre. The second section deals with the transformation of the ex-combatant cadre to the middleman, faceting his roles and activities in post-conflict Sierra Leone's democratizing experience with special focus on the 2007 elections. The final section compactly illuminates the final reconversion of the ex-combatant cadre from a warrior to his future role in a post-conflict democratizing environment. This section provides quintessential illustrations of such cadres in Sierra Leone.

NEW DEMOCRATIC EXPERIENCES OF A FAILING STATE

The ushering in of democracy as a successful means of brokering peace in post conflict societies has gained favor among political actors in Africa and the Western world. By definition, most see democracy not only as the rule of the people by the people, but also as *the means* par excellence of positive conflict resolution. That is, it is a means of peacefully arbitrating potentially violent power pursuits via tools such as elections, legitimizing political opposition, freedom of speech, and of association etc[10].

The recent political history of Sierra Leone can serve as an example of the importance levied on the democratization of (post)conflict African countries. In 1996 at the onset of the country's civil war that started in 1991[11] a new government was ushered into power. These elections were important for manifold reasons, which included first and foremost the hope for a new and lasting peace, but also an imperative for economic development and prosperity of a nation. In this light, Quantin observes that,

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[8] The APC and SLPP have dominated the political landscape of Sierra Leone since the country's independence in 1961. To the extent that there are now entire regions that vote in block for these parties, for example the North generally votes APC while the South and East vote SLPP.

[9] Jones W.S.M; LEGAL DEVELOPMENT AND CONSTITUTIONAL CHANGE IN SIERRA LEONE (1787 – 1971), Arthur H. Stockwell LTD., Elms Court, Ifracombe, Devon, 1988

[10] See Dahl R; A PREFACE TO DEMOCRATIC THEORY, Chicago, University Press of Chicago, 1956; Dahl R; POLYARCHY, New Haven, Yale University Press, 1971; Dahl R; DEMOCRACY AND ITS CRITICS, New Haven, Yale University Press, 1989

[11] For a more complete history of the war, see Gberie L; A DIRTY WAR IN WEST AFRICA : THE RUF AND THE DESTRUCTION OF SIERRA LEONE, London, Hurst & Company, 2005; Richards P; FIGHTING FOR THE RAINFOREST: WAR, YOUTH AND RESOURCES IN SIERRA LEONE, London, James Currey, 1996; Keen D; CONFLICT AND COLLUSION IN SIERRA LEONE, Oxford, James Currey, 2005

> *"De nombreux auteurs ont vu dans la démocratisation l'outil de sortie du neopatrimonialisme et de construction de l'Etat."*[12]

However, clearly, not all authors agree on the *bienfaits* of democratic practices in Africa. Thus, Jalloh notes that,

> *"In the wake of the democratic resurgence in Africa, most observers of African politics thought that neo-patrimonial regimes would soon give way to the institution of democratic norms and rules through competitive multi-party elections. A cursory look at the emergent trend so far continues to raise further doubts over the viability of elections to provide the conditions that will support the institution of such democratic norms."*[13]

For his part, Rockfeler[14] highlights how the Burundian society deals with the complex issues pertaining to post-conflict reconstruction. He exposes the potential dangers of rapidly introduced democratic institutions into African governance systems. The author notes that triggering factors of the conflict in the country involved Christianity and Western style institutions.

> *"The crisis that has paralyzed Rwanda-Burundi (as the two countries were historically known) is also attributed [...] to imported and misapplied ideologies. Most notorious among these are Christianity, "racial" [sic] superiority and Western-style democracy. It is argued that the institutions put in place to enforce these concepts replaced traditional practices and nullified existing social contracts. These factors are now seen to be damaging the country's social fabric and its potential for sustainable development*[15]*."*

On this note, one must make a difference between democracy and its interpreted version in Africa. To be certain, it would seem that the version in Africa has shown a tendency for mutation and adaption to the local climates[16], giving birth to what has been described as democracies with adjectives[17].

Thus, Rockfeler continues by suggesting that in post crisis Burundi, *"all Burundians should be invited to define, understand, and exchange ideas on what "democracy" will mean for Burundi."*[18] He continues by noting that for democracy to work in Burundi, it would be good if the country were to copy *"some of the relevant characteristics of modern democracies"*[19].

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[12] Quantin P; "La redécouverte des institutions" in Quantin P; (dir.) GOUVERNER LES SOCIETIES AFRICAINES: ACTEURS ET INSTITUTIONS, Paris, Karthala, pg 14

[13] Jalloh M; "Elections and the Dynamics of Institutionalisation in Sierra Leone" in Quantin P; (dir.) GOUVERNER LES SOCIETIES AFRICAINES: ACTEURS ET INSTITUTIONS, Paris, Karthala, pg 85.

[14] Rockfeler P; "Democracy, Governance and Conflict in Burundi", at http://www.peacestudiesjournal.org.uk/docs/Burundi.PDF

[15] Rockfeler P; op. cit. pg 2

[16] See for example du Bois de Gaudusson J; Darbon D; (dir.) LA CREATION DU DROIT EN AFRIQUE, Paris, Karthala, 1997.

[17] Collier D; Levitsky S; Democracy 'With Adjectives': Conceptual Innovation in Comparative Research; WORLD POLITICS; 1997, 49(3): 430-451

[18] Rockfeler P; op. cit. pg 10

[19] Idem pg 11

It thus seems that it is neither the importation of democracy itself nor how it fits into former socio-political practices in different settings that are in question, but the implementation of the right form of democracy.

This study contents itself with defining and measuring the democratizing process in Sierra Leone according to the level of electoral competition and the degree of electoral participation[20]. Thus, noting that a change of government through the use of the ballot box has been a way of determining the level of democratization of a given country, Sierra Leone's recently concluded elections that saw the transfer of power to an opposition party through the ballot box gives hope for the consolidation of democratic practices in the country. However, antidemocratic practices as defined by Van de Walle are still extant in the country. That is to say, there is "*little vertical accountability despite the regular elections. Vote fraud is common. Violence against the opposition goes unpunished. Civil society and the press are repressed, further insulating the government from the citizenry. There are independent newspapers, another gain of the transition period… but journalists can be arrested, newspapers seized, or news organizations undermined by harsh taxes and regulations.*[21]" Thus, in face of the latter practices, coupled with antidemocratic neopatrimonial rule based on the private appropriation of public goods, one can say that the democratization process in Sierra Leone at present remains ambiguous[22]

To briefly recapitulate democracy's post-war origins in Sierra Leone, it is necessary to highlight the factors that facilitated this 'new' type of governance in the country. Foremost, one must note the importance of the 1996 elections in the country as an entry point for a democratic type of governance in a war-torn society, that was welcomed by all war wearied nationals and internationals. To ensure its survival a simple strategy first provided for by article 13 of the Abidjan Peace accord, centered on the transformation of the Revolutionary United Front (RUF) into a political party, was implemented.[23]

This accord was however short lived and the war was to continue till January 2002 when it would be officially declared over. It was however not without repercussions for the process of democratization in the country, because at that very point, it was recognized that former combatants could have a role to play in the future elections of the country. The SLPP for their part maintained their traditional alliance with one of the fighting forces - the Kamajors[24], securing a clear majority of the Kamajor's support. They logically enough found it more difficult to get support from the RUF due to the recently concluded war that had placed them on opposing sides, even though they succeeded in getting support from some RUF cadres.

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[20] For an interesting debate on democracy, elections and government alternation (regime change), see Foucher V; "Difficiles successions en Afrique subsaharienne: persistance et reconstruction du pouvoir personnel" in POUVOIRS, 2009, 129(2): 127 – 137; Diamond L; Elections Without Democracy Thinking About Hybrid Regimes : JOURNAL OF DEMOCRACY, 2002, 13(2): 21-35

[21] See Van de Walle N; "Elections Without Democracy: Africa's Range Of Regimes" in JOURNAL OF DEMOCRACY VOLUME, 2002, 13(2): 66 – 80, pg 68

[22] See Van de Walle op. cit., Diamond L; op. cit.

[23] Bangura Y; "Reflections on the 1996 Sierra Leone Peace Accords", at http://www.un-ngls.org/orf/documents/publications.en/voices.africa/number9/number8/9bangura.htm

[24] The Kamajors were local hunters who had served under the SLPP during the war in Sierra Leone, helping in the fight against the RUF.

A more unexpected, even if unequal and marginal alliance was however that formed between the APC and the RUF. Unexpected because of two key reasons; in the first place, after largely failing to convince voters to support their political party, and due to their negative public image, the RUF, it had been expected would be snubbed by political actors. Gberie for example noted that in the 2002 elections,

> "*No one had any doubt that the RUF would lose, but the extent of their loss was nonetheless striking. The RUFP received less that 2 per cent of the vote; its presidential candidate actually received fewer votes than the number of RUF combatants who had handed in weapons…"*[25]

Secondly, the war in Sierra Leone had started during the rule of the country's second Republican President Joseph Saidu Momoh who had inherited a one party state, in which the APC was the only party recognized by the constitution of the country. It must be noted that most Sierra Leoneans and political analysts place the blames for the war on the corrupt practices and overall mismanagement of the State by the APC government in power 1967 to 1991[26]. Thus, at the *debut* of the war, the RUF was in opposition to the APC, and the RUF leader, Foday Sankoh had sworn the termination of the party and all it represented.

In a post conflict environment however, these considerations did not seem to weigh much as the RUF and APC considered the advantages of a union. On the side of the RUF, their leaders anticipating political disappearance, and in need of money and some form of security decided to lend weight to the APC. As for the APC, scoring second with a total of 426,405 votes[27] for its presidential candidate during the 2002 general elections, this bid to enroll former combatants of the RUF arose from a number of considerations, firstly, the APC realized that a lot of the RUFP's votes were from the same region as the APC[28], thus, the RUFP had served to split even if in a not too important manner, the APC's votes. It was decided that it was not to the APC's disadvantage to regain those votes. Secondly, it had been noted that a lot of young ex-RUF members had not voted, many it was supposed had not voted because they were not as yet 18 years of age. Thus, it was presumed that in future elections, they would be of age, and could be convinced to vote for the APC, swelling up the voting numbers. Thirdly, the APC had noted that the SLPP had very strong ties with the ex-CDF forces, due to their heavy collaboration during the war, but also as a result of the South-Eastern origins of the CDF. They thus decided that aligning themselves with the RUF would be a politically salient move[29].

A final reason not commented on by actors interviewed, but which serves as a focal point of our current study refers to the control of violence. Historically, the APC[30] had been known to woo young elements of society to their side under the guise of being a ‘youth’ party and utilizing them as violent purveyors of mayhem[31]. In this light, one can argue that the APC’s union with the RUF could be seen as a nostalgic return to former political strategies that had maintained them in power for over twenty years. Thus, this political strategy of uniting with the RUF, seemingly paradoxical with regards the country’s recent political history, remains remarkable.

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[25] Gberie L; op. cit. pg 193

[26] See Reno W; CORRUPTION AND STATE POLITICS IN SIERRA LEONE, New York, Cambridge University Press, I995; Keen D op. cit; Gberie L; op. cit; Richards P; op. cit. etc

[27] See http://www.sierra-leone.org/elections2002.html

[28] Towards the end of the war, the RUF had been based in Makeni a town in the North, where they had refrained from committing large scale atrocities, thus a lot of them had adopted this town as their new homes.

[29] Interview with an APC political actor, Freetown, November 2009

[30] Most analysis on the use of youth in electoral violence in Sierra Leone has been in the past noted on the side of the APC. See Abdullah I; Muana P; "The Revolutionary United Front of Sierra Leone: A Revolt of the Lumpenproletariat" in Clapham C; AFRICAN GUERRILLAS, Oxford, James Currey Ltd; 1998; Abdullah I**;** "Bush Path to Destruction: The Origin and Character of the Revolutionary United Front (RUF/SL)" in AFRICA DEVELOPMENT,

Most of these young ex-fighters, needless to say, were/are unemployed segments of the society. Reintegration programmes had failed to successfully integrate these ex-fighters into society on the long run. Sierra Leone thus had a bunch of military trained citizens widely exposed to violence, in search of livelihoods and openly engaged by political parties to ensure political victory.

DEFINITIONS OF A RECONVERTED EX-COMBATANT CADRE

We will now discuss two main questions, which are, who such characters are, and what motivates them.

In the first instance, the term ex-combatant in our present context regroups former fighters (irrelevant of age and sex) belonging to different factions (including the national army) during the civil war in Sierra Leone. This name tagging exercise finds it roots from the conditions of disarmament that were imposed during the different peace accords on the Sierra Leonean war. Keen for example notes that,

> “*By March 1st 2000, the UN Secretary-General reported, the total number of combatants who had officially been disarmed stood at 17,191, comprising 4051 RUF, 8851 loyal and ex-SLA, and 4289 CDF ex-combatants.*”[32]

The key fighting forces were thus the Revolutionary United Front (RUF), the Kamajors later on known as the Civil Defense Force (CDF), and the Sierra Leone Army (SLA) who were also known to occasionally join forces with the RUF, giving birth to the term ‘sobels’ (soldier-rebels). At the end of the war, a total of 72,500 ex-combatants were disarmed, with some 24,000 ex-RUF and 37,000 CDF[33].

The present study recognizes as ex-combatant cadres, those actors who were in control of factions of a particular fighting force. This is based on Rejai’s definition of cadres “*as transmitters of party policy and agents of mass mobilization, and generally as links between leadership and rank and file*.”[34] Hence, in opposition to

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1997, 22(3&4): 45 - 76; Rashid I; “Subaltern Reactions: Lumpen, Students, and the left” in AFRICA DEVELOPMENT; 1997, 22(3&4): 19 - 44; Abdullah I; Bangura Y; Blake C; Gberie L; Johnson L; Kallon K; Kemokai S; Muana P.K; Rashid I; Zack-Williams A; “Lumpen Youth Culture and Political Violence: Sierra Leoneans Debate the RUF and the Civil War” in AFRICA DEVELOPMENT; 1997, 22(3&4): 171 – 216; “Elections, Violence and Human Rights: The Sierra Leonean Experience”, Campaign for Good Governance, CEAN/IEP, OCCASIONAL PAPER SERIES, 2005. A clear reason for this is because the APC has been the only political party in Sierra Leone’s short political history since independence to create and maintain a one party dictatorial State.

[31] Abdullah I; Muana P; op. cit; Abdullah I; Bangura Y; Blake C; Gberie L; Johnson L; Kallon K; Kemokai S; Muana P.K; Rashid I; Zack-Williams A; op. cit.

[32] Keen D; op. cit. pg 257

[33] International Crisis Group; “Sierra Leone After Elections: Politics as Usual?” AFRICA REPORT No. 49, Freetown/Brussels, 12 July 2002

[34] Rejai M; “Theory and Research in the Study of Revolutionary Personnel” in Gurr T; HANDBOOK OF POLITICAL CONFLICT: THEORY AND RESEARCH, London/New York, Free Press, 1980, pg 120.

overall leader figures such as for example Foday Sankoh for the RUF or Hinga Norman for the Kamajors, we find cadres such as Leather Boot, Tom Nyuma, Augustine Gbao, etc. who through their functions in a fighting force controlled small or larger factions of fighters. Noting how such fighters are important, the author claims that enough attention has not been paid to cadres who occupy the important space between rank and file and leaders of fighting forces[35].

With regards brokers, Eric Wolf defines brokers as individuals who "*stand guard over the critical junctures and synapses of a relationship which connect the local system to the larger whole"*[36]. Consequently, the author argues that the principal role of the broker is to create a link between "community oriented individuals … and nation oriented individuals"[37]. The purpose of such a link is to allow the former the chance to improve their living conditions and the latter, a possibility of increased success via the amelioration of the size and strength of their following. For his part, Auyero claims that "*brokers the world over function in essentially the same way, as* ***go-betweens***"[38]. The author argues that while the notion of brokerage was invented in relation to peasant societies, it proves useful in the analysis of the roles that brokers play in urban societies and within political parties. Accordingly, the author notes that brokers are essentially important elements of democratizing societies. The clientelist and even predatory nature of brokers is highlighted by spotting the fact that brokers only involve themselves in improving the lot of a society based on how much profit they gain personally[39]. Powell has similarly noted the clientelist nature of brokerage that stems from competition among brokers. This competition he argues creates 'factionalism' in village politics as national political leaders chose their brokers, who in turn chose their political workers, who also chose followers from among their family or clan and so on.[40]

Ergo, for the present study, the transformed ex-combatant cadre is thus a cadre from a former fighting force who has in a post conflict society enabled himself to personify a key political role and status. Such ex-combatant cadres may in the start of their transformation process serve as brokers/'go betweens' betwixt the state, political parties, ex-combatants of their former fighting forces and even larger segments of the national population, such as their ethnic groups, or local communities[41]. At the end of their transformation process, successful ex-combatant cadres have been known to occupy high positions of influence in society, completing their transformation process. Such actors, the study postulates promote electoral participation of formerly marginalized citizens (for example ex-combatants/youths) in Sierra Leone's 'new' democratizing experience.

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[35] Idem

[36] Wolf E; "Aspects of Group Relations in a Complex Society: Mexico" in Heath D; Adams R; (eds) CONTEMPORARY CULTURES AND SOCIETIES OF LATIN AMERICA, New York: Random House, 1965, p. 97

[37] Idem page 97

[38] Auyero J; POOR PEOPLE POLITICS: PERONIST SURVIVAL NETWORKS AND THE LEGACY OF EVITA, USA, Duke University Press, 2000, p. 83

[39] Idem

[40] Powell J.D; "Peasant Society and Clientelist Politics" in Schmidt S.W; Scott J.C; Landé C; Guasti L; (eds) FRIENDS, FOLLOWERS AND FACTIONS: A READER IN POLITICAL CLIENTELISM, University of California Press, London, 1977

[41] For more on the role of the middle man in modern African societies see Bierschenk T; Chauveau J-P; Olivier de Sardan J-P; COURTIERS EN DEVELOPPEMENT: LES VILLAGES AFRICAINES EN QUÊTE DE PROJETS, Paris, Karthala; Mayence, APAD, 2000

It is necessary to signal early in the study, the difficulty that arises from differentiating 'youth' generally from ex-combatants in electoral processes in Sierra Leone. This difficulty was experienced more so with regards ex-RUF as most tend to hide under the embracing cloak of 'youth' in a post-conflict society that was/is little appreciative of ex-RUF combatants. This study agrees with Keen's analysis that 'youth' in Sierra Leone describes a category of people defined more by their status than their age[42]. Thus, a 'youth man' can be illustrated as an unmarried, economically dependent male, aged between 15 and 40 years. Due to the abuse of the word 'youth' by politicians[43], to describe such elements in society as were known to carry out their violent campaigning strategies, 'youth' became a highly negative term. Various authors have noted how the youth have been formerly used in electoral processes in Sierra Leone, even before the war. Gibril Sesay for example highlights that marginalized youth formed a forefront aspect of the electoral scene in the 1970s, intimidating voters in the streets, beating up opposition members and stopping political candidates from being nominated[44]. Abdullah for his part claims that to a large extent, such politically orchestrated violence sowed the roots for the civil war that was later to consume Sierra Leone, by teaching the youth the possible recourse to violence in order to obtain desired results[45].

As regards the motivational aspects of ex-combatant activity in democratic governance, the study argues that the democratic aspirations of such 'new converts' is/was limited to resources available for exploitation. In essence, ex-combatants place emphasis on what we here refer to as survival enhancing resources (SER). SER includes material survival resources (MSR) and generational survival resources (GSR). MSR refer to objects that facilitate the daily survival aspirations of ex-combatants. These objects include money, food, bicycles, motorbikes, cars, houses, jobs, alcohol, cigarettes, etc. These resources are mainly obtained from politicians at rallies or closed door meetings. Ex-combatants who place emphasis on MSR will not support a political party in the absence of such incentives. They will boycott party meetings and/or give their support to another political party. However, if such resources are promised, ex-combatants have been observed to spend entire days engaging themselves in party activities. Some may even sleep at party headquarters under the guise of keeping guard.

GSR on the other hand refers to issues of security and ethnicity. Close monitoring of ex-combatants have revealed that they also tend to adhere to political parties they believe will assure their overall security. For instance, many former RUF rank and file supported the APC out of a general feeling of suspicion as regards SLPP intentions towards them. Fears of insecurity include being thrown in prison, or even being killed by a certain political party. In a post-conflict society, security based tensions may occur between ruling parties and former members of rebellion forces. In a similar manner, ex-combatants may also base their support on ethnic concerns; for example, the Kamajors, a force with origins from the South-East of the country were known to vote heavily for political parties hailing from those parts of the country, first for the Sierra Leone's People Party (SLPP) and later on for the People's Movement For Democratic Change (PMDC). The present study has noted that ex-CDF forces seem to place a lot of significance on ethnical and security factors (GSR) which has guided their alliances only with political parties that hail from the South-East of the country, while the ex-RUF have been known to vote largely for the APC based on insecurity considerations. One must however also note that even though GSR factors might cloud an ex-fighter's reasoning, MSR considerations remain very important (even intra party) as they allow for the immediate survival of the ex-combatant. Ergo, it remains unclear on which aspect (MSR or GSR) ex-combatants place the highest importance.

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[42] Keen D; op. cit.

[43] See Abdullah I; Muana P; op. cit., Abdullah I; Bangura Y; Blake C; Gberie L; Johnson L; Kallon K; Kemokai S; Muana P.K; Rashid I; Zack-Williams A; op. cit.

[44] Sesay M.G; op. cit.

[45] Abdullah I; Muana P; op. cit., Abdullah I; Bangura Y; Blake C; Gberie L; Johnson L; Kallon K; Kemokai S; Muana P.K; Rashid I; Zack-Williams A; op. cit.

The next section details the adaptation process of these ex-combatants into their new democratic environment. In doing so, it focuses specifically on the ex-combatant cadre democratic broker. The aim is to expose the roles and importance of ex-combatant cadres in a post conflict, democratizing society.

THE WARRIOR BROKER

A major consideration of the present study is hence the identification of key conditions that facilitate the transformation of the ex-combatant cadre to the status of the middleman/go between. A significant point to be highlighted is that the ex-combatant middle man in Sierra Leone is a direct creation of the country's recent democratic experiences. His strategic inclusion into political parties was as a result of political machinations to gain victory. In another context, Kriger has affirmed how ex-combatants in Zimbabwe were known to re-mobilize in coherently organized rallies. He highlights that ex-combatants may profit from politicians who include them in political parties in an undisguised menacing posture that betrays the recourse to violence should such a party feel it has the right to such actions. According to this study, even though ex-fighters from a same former armed group may belong to different political parties, it does seem that former ranks and positions within the former armed force influence the level of importance an ex-combatant might expect from politicians[46]. A high level of importance is in most cases directly translated into a higher amount of pay, which increases the level of dependency on an ex-combatant cadre by his former subordinates.

A similar pattern of over dependence on cadres by political parties can also be noted in Sierra Leone. This for the following reasons; in the first place, some cadres having benefitted a lot from looting of private property and diamonds or gold during the war, retreat to 'quiet corners[47]' wherein their relative easy access to finance makes them a reference point for their former fighters who live in abject poverty, and thus come on regular basis to 'pay respect' and by the same bias, gain a few cents[48]. Politicians might take note of such maintained visits by an ex-cadre's former fighters and translate such events into political relevance for the ex-cadre.

Secondly, due to their previous position as cadres, such actors benefit from a high level of legitimacy in terms of giving orders that rank and file members obey without question. It must be signaled that a lot of rank and file members were only kids, or young boys when they joined a fighting force, thus they had previously built important ties during their earliest years with their former commanders. Murphy has studied this tendency in African guerrillas, through the methodological utilization of the weberian model of patrimonialism. He analyzed the clientelist and "staff" roles that child soldiers assume in Sierra Leonean and Liberian type civil wars. He observes that child soldiers in these conflicts become entangled on structural forms of domination and dependency characteristic of ties between patron and client. In the absence of parents, and other forms of family, most child soldiers build an almost father/child relationship with their commanders in the field[49]. These relations may continue even after the war.

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[46] See Kriger N; GUERRILLA VETERANS IN POST WAR ZIMBABWE: SYMBOLIC AND VIOLENT POLITICS 1980 – 1987, Cambridge, Cambridge University Press, 2003; Kriger N; "ZANU(PF) Strategies in General Elections, 1980 – 2000: Discourse and Coercion", in AFRICAN AFFAIRS, 2005, 104(414): 1 – 34

[47] In Creolized English, a 'quiet corner' refers to a person's personal space or territory over which he has complete control.

[48] Interview with an ex-RUF cadre in Kailahun, October, 2009

This then leads to the question of why were ex-combatant votes important to the elections process. The response given by politicians from all major parties interviewed was that in a situation wherein political victory was uncertain, all possible votes needed to be gained. Noting that the Disarmament, Demobilisation and Reintegration (DDR) process reported a total of 72,500 disarmed fighters – one must also take into consideration that some ex-fighters were not counted in the DDR process, for example, women and children[50] - then the electoral representation of ex-combatants seems impressive, but not enough to have warranted the amount of importance that they gained from political parties. It is also noted that despite the negative public perceptions of the RUF for example, and the little votes they had scored in the 2002 elections, they were still highly interested to join political parties[51]. In this light, one can argue that added to their importance as electorates, one of the key considerations of retaining ex-fighters was the dissuasive use of violence to gain electoral victory. In this manner, one notes the genesis of ex-combatant strong men in Sierra Leonean politics. Bach highlights the utilization of a strong man in post colonial African societies whose role is the instrumentalisation of violence and insecurity to gain desired resources. He defines the strong man in Africa as a warlord, head of a gang, or a troop of vigilantes. The strong man can also be a state employee whose power and resources are based on the recurrent misappropriation of instruments of coercion that he has access to in carrying out his state duties[52]. The ex-combatant cadre turned strong man in Sierra Leone was thus a cadre in full control of a significant following that he utilizes to protect his political candidates, while openly or secretly terrorizing others. His inclusion into political party's strategy was largely based on the principal of dissuasion, that is, the exposition of violence in order to dissuade violence and portray political importance. This explains the added value attributed to ex-combatant cadres, and also the rampant spread of electoral violence perpetuated by all major political parties across the country in the pre and post 2007 elections.

However, maintaining such political relevance depends on a cadre's ability to maintain followers, which depends on their previous roles in the war as well as their current disposition to redistribute resources. Tensions for example have been noted in the RUF when a former cadre was disgraced by rank and file for having failed to properly redistribute resources he had gained[53]. While other factors such as change of leaders might also pose problems to rank and file who have in the past depended on and given alliance to another leader figure[54].

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[49] Murphy W; "Military Patrimonialism and Child Soldier Clientalism in the Liberian and Sierra Leonean Civil Wars", in AFRICAN STUDIES REVIEW; 2003, 46(2): 61 – 87

[50] See for example McKay S; and Mazurana D; WHERE ARE THE GIRLS? GIRLS FIGHTING FORCES NORTHERN UGANDA, SIERRA LEONE AND MOZAMBIQUE, THEIR LIVES AFTER THE WAR, Montreal, Canada, International Center for Human Rights and Democratic Development, 2004; Roux J-S; Gagné J; FEMMES ET CONFLITS: REALITES, LEÇONS ET AVANCEMENT DES POLITIQUES, Canada, les Presses de l'Université Laval, 2005

[51] See Christensen M; Utas M; op. cit.

[52] See BACH D; op. cit.

[53] ICG 2002; op. cit.

Thus, choosing the right people, those former cadres having maintained sufficient levels of legitimacy within their former fighting groups became an important question for political actors who wished to solicit the support of former combatants. To this extent, the two key political parties had different strategies. The SLPP, in power and thus expected to have important resources for distribution received many former cadres (from different fighting forces) claiming the possibility of gaining the votes and support of their former rank and file. The party, in a general manner; recruited such cadres as agents, bestowing upon them functions of recruiting more party members not only from among their former fighting forces, but also from among members of their various communities or ethnic groups. Such actors were given the strategic place of middlemen, or brokers. The ex-combatant cadre broker can thus locally boast of having had key meetings with important politicians on issues of group or local relevance, while at the same time hold political actors in line by claiming a significant following susceptible of influencing voting results in elections.

In essence, this embodies a strategic principal-agent relationship, in which, the party is the principal, and the broker, the agent[55]. A methodological individualist, the agent approaches developmental issues principally motivated by his personal interests[56], which forces the principal to engage in a carrot and stick approach. In this line, if he is trusted to succeed, the ex-combatant broker will receive personal gifts like a car, a motor cycle, or a bicycle (depending on the extent of his supposed importance and the community represented) with which to circulate, and spread party messages. These objects will of course increase his social status and prove the ability of the party to improve the living standards of its militants. Other important resources such as money for group/local distribution among key actors, and for the provision of certain services will also be accorded to the ex-combatant broker. One important factor however is that, due to a predominantly informal attribution of such transactions between political parties and the ex-combatant broker (such money transactions and meetings take place in closed environments, at a politician’s house or in a restricted party meeting) he enjoys a certain degree of autonomy in providing such services as delegated to him. Thus, how he spends the resources given him is not easily monitored, and since his impact on voting patterns cannot otherwise be easily measured, he is required to occasionally host meetings between members of his group/community and political actors. The amount of people he succeeds in assembling for such meetings will in a long way decide whether a party continues to work with him, and what resources will be allocated to him in the future, as the more people present, the more importance he gains and vice versa.

Consequently, a key focus of the ex-combatant broker in this relationship is to highlight issues of local interest on the part of his represented community that warrant party action in a bid to obtain more votes/support. Ex-combatant brokers have been known to essentially highlight issues related to the survival of their (former) ‘followers’. The trend has however been to use such pretexts to gain money that will be used for the ex-combatant broker’s personal needs, like building a house, paying living allowances for his home and sometimes numerous wives etc. In such instances, party funds rarely trickle down to the rank and file, giving much cause for further disgruntlement by those rank and file, who adopt a strategy of either quitting the political party in question and joining another, or forming a group of their own, without a clear leader[57] and on such basis, make attempts to meet with key political actors. The latter strategy has been known to be approved by the APC, a party that has averred grassroots relations from its conception, due to the Trade Union origins of its first leader. In this way, the APC has always been seen as an opposite to the SLPP by its subaltern approach to politics as opposed to the SLPP's elitist approach[58]. Accordingly, in using such an approach, the APC facilitated direct contact with the majority of the ex-combatant population. In such a way, they aimed to assure themselves that the amount of money spent went directly to the majority of ex-combatants, instead of into the pockets of a middleman. In a post election setting, this strategy, even if it did not succeed in bypassing the middleman figure, seems to have yielded more results, by gaining more support not only from the ex-combatants, but generally nationwide as the APC won the elections in 2007.

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[54] Some RUF ex-combatants for example expressed anger over the fact that Pallo Bangura had been placed as head of the RUF political party instead of their commanders.

[55] See Blair H; “Rebuilding Civil Services”, in Brinkerhoff D; (ed) GOVERNANCE IN POST-CONFLICT SOCIETIES: REBUILDING FRAGILE STATES, London, Routledge, 2007

[56] See Wolf op. cit., Auyero op. cit.

The study will now present the roles of ex-combatant cadres during the 2007 elections process. These can be summarily described as middlemen operating between the state, political parties, and ex-combatants; purveyors of political violence and galvanizers of feminine votes. Information is primarily based on fieldwork.

RALLYING EX-COMBATANT SUPPORT

Christensen and Utas write that

> *"Former SLPP task force members have once again been positioned as 'losers' and forced to the leave the center of politics without any significant benefit… Among APC task force members, the political mobilization is regarded as a success – especially among the high ranking commanders who are presently experiencing the benefits of their employment… Besides receiving a large sum of money when election result was announced, many high-ranking task force members received private cars and new residences. Some are buying land and others establishing themselves within the mining sector. Most startling, however, is the present process of mobilizing APC task force members into the armed wing of the Sierra Leone police force."*[59]

As signaled above, even though ex-combatants tended to support political parties based on reasons such as ethnic factors and their former fighting force's alliance or rivalry with the party in question, MSR considerations largely favored their re-mobilization. To an extent, that while an ex-combatant might consider voting personally for a certain political party, it necessitated MSRs to motivate him to actively campaign for a political party. To assure attaining MSRs, ex-combatants created what was described as the ‘watermelon politicking’ strategy. That is, they pretended to be SLPP (green) whilst they were actually APC (red) or vice-versa in order to trick as much money as possible from politicians. Ex-combatant cadres apparently approved such strategies, noting that it allowed them to retain more of the money politicians gave them, but more importantly they used such characters as spies to obtain information on the rival party’s political strategies[60].

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[57] This, ex-combatants argue allows for a more equitable resource allocation. In such instances, they appoint from among them, a spokesman. The spokesman is generally the person the most advanced in military grade, from their fighting days. However, the spokesman in his turn is usually transformed into a broker. His position as spokesman of his group makes him easily recognized by political actors as leader of that group. In most cases, politicians who do not wish to deal with large crowds prefer dealing directly with such individuals, who they utilize as brokers in their future campaigning strategies.

[58] See Abdullah I; Bangura Y; Blake C; Gberie L; Johnson L; Kallon K; Kemokai S; Muana P.K; Rashid I; Zack-Williams A; op. cit.; Abdullah I; Muana P; op. cit.; Sesay M.G. op. cit.

[59] Christensen M; Utas M; op. cit. pg, 538

Hence, ex-combatant cadres became strategic to the political party’s shadow political manipulations. They organized their previous followers into groups of what was referred to as task forces, directly under their command. In most cases, the organization of a task force was as a result of a politician’s request. Task forces were generally charged with wearing party colors and passing entire days going from one part of the town to another singing the praise of the party supported. In some cases, task force activity could result in violence due to other political activity in the area targeted. Ex-combatant cadres who had been given resources used former war networks to establish task forces. They normally searched for past ‘followers’ who they knew well, especially those who had remained loyal to them. It was not considered out of place for an ex-combatant cadre to pay the transportation fees of a combatant he needed on his task force, who was in another town to come and join him. Nonetheless, a lot of the networking actually involved ex-combatants gathered in the same town, a lot of whom had remained in contact. This was possible largely because in a town like Freetown for example, which is relatively not such a large town, a majority of ex-combatants who had come in search of DDR compensation[61] had come in groups, or had been re-united according to their former fighting forces in one training camp or another. Further, many of them squatted street corners engaged in illicit petty trading, or providing services such as washing people’s cars or fixing pot-holes in the streets in return for small sums of money. Their relative visibility made it easy for them to be contacted by those who knew who they were.

Regarding the RUF, first contacts were generally made under the cloak of night, in small pubs that ex-RUF members frequented to smoke or drink alcohol, an almost ritual nightly exercise for a majority of them. Explaining how he had contacted, one former rebel informed that a black tinted jeep had rolled up in the area they usually sat. They had thought the driver was looking for fuel as they normally sold stolen fuel cheaper because it was mixed with oil, late at night after most fuel stations were closed. It was then that a former commando had stepped out of the jeep, from the passenger side, neatly dressed. He had taken some time to recognize the commando, but when he had, he had walked up to the man and talked to him. They were a total of four that night, and the commando had told them to organize more people and meet him the next night at a specified spot. The commando had then given them money that they should use for transport, he had promised more when they showed up the next night. He explained that they had been twenty to go to the meeting spot, and had met with a politician who had told them to vote for the APC and also to prepare themselves for the future. He had told them they would win the elections, and they would be given more money and jobs. After the meeting, they were given alcohol and some money. The funny thing as related by the ex-rebel was that the politician in question was a religious man who publicly preached against drugs and alcohol, but was giving them money to smoke marijuana and drink hard liquor[62].

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[60] Information gained from successive interviews with RUF and CDF cadres.

[61] As part of their reintegration package, ex-combatants were given some money with which to restart their lives.

[62] Interview with an ex-RUF rank and file, Freetown, October 2009

One important point to note about such meetings was that ex-rebels generally decided to attend in just enough numbers as would impress a politician without too many ex-rebels being involved. The main reason for this was that, "*the more people you bring along, the less money you have, because we have to share the money they give us*"[63]. Ex-rebels had figured out that politicians had limited resources to hand out, so they only involved a limited number of people. Normally, the ex-combatant cadre/middleman retained a few who were given the responsibility of choosing who could attend a meeting, and who could not. In some cases, they organized themselves on a rotational basis, bringing to new meetings those who had not been to a previous one. This system worked well, facilitating resource distribution and politicians were always impressed to see new faces. This however, did not mean that everyone had rights to an equal share of the money handed out. The sharing of money was done in a hierarchical manner, with the ex-commando and his chosen few receiving the lion's share. Those who grumbled about receiving less money too loudly were side-stepped at future meetings. As commented on, ex-commandos chose their henchmen based on past relationships, but ethnicity also seemed to play a part in the choices they made. One ex-commando told me,

If I don't understand a man's language, he could easily cheat me in front of my face. In this kind of life, you can trust no one, so I limit my stress by choosing those who are from my village. I understand everything they say, and I also understand how they think… because people from different villages and tribes do not think alike.[64]

As regards the CDF/Kamajors, their involvement in politics was more visible, and up to recently, they openly maintained offices in most parts of the country where they had operated. In fact, most of them deny the overall negative connotations of the term ex-combatant, preferring to see themselves as national liberators. In the past, they had maintained offices, in buildings that were in very poor conditions, maintained by scant SLPP funds. In a former visit to the then existing CDF Kenema head office for example, one found only a chair and table in large poorly lit room that sometimes served as parking for the motorcycle of the Chairman. The Chinese model motorcycle was apparently a gift to him from the SLPP. One significant aspect of the Kamajors is however this element of visibility. Their members are known, and they form part of a national CDF organization boasting over 70,000[65] members that continues to exist in a post conflict environment. The loss of the SLPP has however been a big blow to their visibility as they no longer have enough resources to maintain offices and pay staff in various towns and villages.

ORGANIZING DISSUASIVE VIOLENCE

Christensen and Utas note that for the ex-combatants, the 2007 elections

"…*was a game in which the former combatants employed many of the violent techniques they had mastered during the war…"* [66]

"*You see every single violent activity that takes place in the country at present is automatically attributed to us ex-fighters. When young boys fight people say 'look at*

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[63] Interview with an ex-RUF rank and file, Freetown, October, 2009

[64] Interview with an ex-RUF cadre, Bo, November, 2009

[65] One must however be prudent with this figure. It was provided by a Kamajor Commando during an interview in June 2007

[66] Christensen M; Utas M; op. cit; pg 516

them they must be ex-fighters', when they steal, they say it is us. Even, now in face of the present violence in the country everyone blames us. I am not saying ex-fighters are not violent, it is just that not everyone that causes trouble is an ex-fighter. I joined politics to make some money, and that is what interests me now, not fighting."[67]

In contrast to this statement, I met Joe an ex-RUF living at Brook Fields Town in Freetown. Joe had re-started his life as a mechanic in a small garage work-shop. In a small corner on the side of the road, where the garage workers normally ate their lunch, amidst the dust that is characteristic of the roads in Freetown made worse by the passing cars and the stench of the gutter close by, I overheard the crew talking of the 2007 elections to come, and decided to edge closer. It turned out to be an interesting discussion as there were supporters of both parties in the small crew. One of the older garage workers, a supporter of the SLPP was busy trying to convince everyone that the SLPP would again win the elections,

"They have the most money, they will definitely win. Besides, they have not done so bad they should be allowed to continue."

Joe was immediately angered by this man's statements;

"I have warned you a lot of times to stop talking like that, eh. If they (SLPP) win in this country, there will be another civil war. All of us former fighters we will go back to the streets and we will fight. You people you talk plenty, in the times of the war, you could never have argued with me, you see this street where we are sitting, in 1999, we made a check-point here, right there with the heads of people like you talking about SLPP. With that kind of talk, you better pray that there is no more civil war, because you will be among the first I will search for."

After such a threat, the older man closed his mouth, and continued eating his dust infested food. Like the rest of Sierra Leoneans, he had heard of how RUF fighters had targeted the houses of people they had formerly had problems with during the war, and how those people had ended up brutally murdered. He must have also reasoned that a government that allowed such poor conditions as people eating on the sides of dusty streets did not merit dying for. Such threats were common in the 2007 pre-election atmosphere. Ex-combatants had taken to the streets, dressed in party colors, like a young man that I saw around the clock tower in the Eastern parts of Freetown, walking around, close to the police station screaming "*they (SLPP) are shit, they think they will win, but that is all shit*", all in very crude language. One thing that was clear in pre-election Freetown was that the ruling party was not favored by the youth, ex-rebel or otherwise. However, in interviews with a lot of the city's youth, they largely expected the ruling party to win the elections. Adopting a crude, rude or violent behavior was thus their sort of defense mechanism, based on the expectation that the threat of a return to violent conflict would dissuade ruling party members from engaging in electoral fraud. Foday, an ex-combatant cadre voiced out this opinion to me,

"*We must face the fact, this is Africa, and ruling parties never lose the elections. They will rig, that is for sure, so we have informed our boys to scare them, so they will know that if the elections are rigged there will be war*[68]*."*

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[67] Interview with an ex-RUF rank and file, July 2007

[68] Discussion with an RUF ex-cadre in Freetown, July 2007

The SLPP were however not to be out done. They created youth wings of their own, mandated to retaliate ‘fire by fire’. They had the goal of showing that the APC was neither in control of youth in the country, nor of the ex-rebels. To this end, SLPP took on certain former leaders of the West Side Boys[69], this strategy did not however yield much result. Responding to advice from his campaign managers, Solomon Berewa, the SLPP presidential candidate decided to adopt a younger image. Espousing a base-ball hat, jeans and green tee-shirts for his political rallies, Solomon Berewa became known as Solo B. A well versed and educated man who speaks the English language even at his residence, Solo B made sure most of his campaign speeches were delivered in Krio, so as to enable the comprehension of even the uneducated. SLPP funds went to organizing youthful football leagues and cinema shows. But most significantly, the party engaged two former young army cadres in the 1992 coup d’Etat that drove the APC from power. Retired Major Tom Nyuma, a sort of local military hero due to his exploits during the civil war, and Julius Maada Bio, former vice – president briefly turned President of Sierra Leone under the National Provisional Ruling Council (NPRC)[70], and the man attributed to have acquiesced the return of the country to civilian rule by organizing a palace coup against the then president Captain Valentine Strasser. These two men were expected to bring with them a large support from (ex-) SLA, and youth generally.

The SLPP’s message was clear, they also had ex-combatants on their side, and the threat of war could be played by two sides. The campaign message however was more catching, they had deliberately chosen to high-spot these two men, men with relatively clean records in contrast to the APC’s favorite ex-combatant personality, the personal bodyguard of their presidential candidate, an ex-rebel notoriously known under the name of Leather Boot, for his deadly kicks delivered to victims with his military style leathered boot.

For the APC, these moves were interpreted as a menace on two fronts; on the first hand, the SLPP was convincing people of their capability to assure peace after elections should they win. This was a no-go area and represented a threat, mainly because one of the key issues of the APC political manipulation was to put in doubt the capacity of the SLPP to continue leading a peaceful state. The issue of peace was strategic to the APC campaign because, the 2002 elections had largely been won by an SLPP accredited to have brought peace to the country. Thus, this theme remained central to the SLPP campaign, with cars passing by the streets, blaring loud microphones boasting of how the SLPP was the party that had brought peace and the only one that could maintain it in the country, but also that the only reason the International Community had any interest in Sierra Leone was because of the SLPP. Thus, the APC alimented their campaign by inspiring fear and some elements of chaos, backed by false rumors about ex-combatants who had guns and would attack should the SLPP ‘rig and win’. They succeeded in imposing an important element of doubt on the minds of voters who did not wish to see their fragile peace destroyed and a return to war.

In a second manner, the SLPP was boasting of a large electoral support from the army, mainly because of the incorporation of certain key actors into their folds. To respond to this threat, the APC used the ethnic card to dissuade certain heads of the army to, if not support them, at least remain neutral. Thus it was that a few months before the elections, the army had become a disunited unit. In interviews conducted with certain key figures[71], it was noted that while almost all interviewed claimed to be a-political and loyal only to the/whatever government elected by the people, some insisted more on the improvements that had taken place within the army. These included better salaries, payment on time, improved accommodation etc. – generally stating their overall satisfaction with the present government, while others focused even more on issues like lack of trust of the army by the present government, ethnic politics like the inclusion of the Kamajors in national politics, and a deliberate side-lining of the army by limiting their gross national budget. The interesting thing was, after cross-checking the identities of those interviewed, a majority of those hailing from the South seemed to be satisfied with the SLPP government while those from the North and West were more critical.

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[69] For more on the West Side Boys see for example Prestholdt J; “The afterlives of 2Pac: Imagery and alienation in Sierra Leone and beyond” in JOURNAL OF AFRICAN CULTURAL STUDIES, 2009, 21(2): 197 – 218; Utas M; Jörgel M; “The West Side Boys: Military Navigation in the Sierra Leone Civil War”, in JOURNAL OF MODERN AFRICAN STUDIES; 2008, 46(3): 487–511.

[70] The NPRC under Strasser had taken over the country in a coup d’Etat in 1992.

The election it now seemed was set for war. According to one Kamajor, who explained why he had decided to stay the course with the SLPP,

> *"The SLPP will win, and I will get more money. Those who left for other parties for ethnic sentiments are fools. They will get nothing, here with the SLPP, people like me are respected, because the APC has now gotten rebels on their side, we the Kamajors stay with the SLPP. If they move or shake, we will fire them, we defeated them before in the war, and we can do it again, even in the peace."*[72]

On the campaign trail, parties were as much as banned from entering certain towns or villages. The APC presidential candidate for example on a trip to Kenema in the east of the country, had his car stoned and only close police protection saved him from sustaining bodily injury, from attackers that members of his entourage described as ex-Kamajor members. In a similar manner, SLPP supporters in Makeni, situated in the north, did not dare show their loyalty to the SLPP in fear of being beaten or killed. According to a source living in Makeni, a man who was suspected of supporting the SLPP had his house burnt by an ex-combatant commando and his boys with no police intervention. Weeks after the incidence, no action had been taken against the perpetrators, and none was imagined possible.

In summary, violence during electoral processes is not new in Sierra Leone. In fact, it is noted that,

> "*Every election in Sierra Leone since 1951 has contributed to the evolution of a mishmash of electoral rules and practices that are till extant in present day Sierra Leone. This is why understanding processes of enfranchisement and disenfranchisement and possibilities for promoting political rights in Sierra Leone necessitate an historical analysis of elections."*[73]

While it is now a widespread tactic in many African countries to utilize youth in political violence[74], it is however, not clear as to what extent their participation enables the victory of the party they support. One can nevertheless argue that youth violence during elections does play an important role in defining leaders of a nation. Sesay for example, taking a historical overview of politics in Sierra Leone highlights that due to a high level of electoral violence in the Sierra Leonean 1973 elections, the opposition (SLPP) withdrew from the elections,[75] permitting the ruling party (APC) to claim victory and institute a one party state.

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[71] Interviews conducted at the Cockerill Barracks in Freetown, July 2007

[72] Interview with Kamajor conducted in Bo, August 2007

[73] Sesay M.G. op. cit. pg 3

[74] See for example Laakso L; "Insights into electoral violence in Africa" in Basedau M; (ed), VOTES, MONEY AND VIOLENCE; Uppsala: Nordiska Afrikainstitutet, NAI, 2007, pp. 224-252; Wondwosen T; "Electoral Violence in Africa: Experience from Ethiopia" in INTERNATIONAL JOURNAL OF HUMANITIES AND SOCIAL SCIENCES; 3:2 2009; consulted at http://www.waset.ac.nz/journals/ijhss/v3/v3-2-20.pdf

FEMINIZING THE VOTES

Women have had an evolving role to play in democracy since the birth and implementation of this term. Susanna Wing notes how a global context has helped shaped reflections on the role that women should occupy in national politics. The September 4-5 1995 United Nation's Fourth World Conference on Women in Beijing she highlights helped put the issue of women's right as a human right on the international agenda[76]. Thus, she puts on the spot the fact that "*constitutional dialogue… has created a space within which female citizens can talk about their rights*."[77] Nevertheless, it is noteworthy she points out that most women do not really know about their rights mainly due to their low levels of literacy[78]. The 50:50 group in Sierra Leone, a women's organization that aims to promote more women in "*politics, local government and public life*"[79], similarly note in Sierra Leone that women forming more than half the population are poorly represented in national politics. They also note an 80% illiteracy rate among women in proportion to 61% among men. This brief discussion puts to the fore, three important elements about women participation in African politics, firstly, they are an important electoral element, based on their numbers, secondly, their poor access to information, based on their high levels of illiteracy make them an easily manipulated source of votes. Finally, their dependence on men, due to a culturally predominant patrimonial societal structure, reduces their voting preferences, and space for strategic action.

This does not however mean that women do not play important roles in elections. In fact, quite to the contrary, African political parties make a central theme of their politicking to reach out to women. In illustration, Bauer notes in relation to the Liberian 2005 elections that women voters were widely accredited for Ellen Johnson Sirleaf's victory to becoming the first woman elected President in Liberia. Her study claims that the formation of women groups, and their consistency in activities allowed them a greater impact on the elections. Taking a wide swing, she affirms that "*women can organize to become a formidable societal force*"[80].

It was in this light that ex-combatants decided to engage women[81] for their voting rights. However, if the phrase 'engage women' seems catching, one must specify that the focus of ex-combatants was limited to women engaged in petty trading. There exists a plethora of women in Freetown especially and Sierra Leone generally, who own stalls in local markets, operating and existing on the margins of society. These women are generally referred to as Market Women. The number of Market Women shot up in the 1980s, due to bad economic management of the country by its rulers, and their failure to delink a local economy heavily dependent on an international market from crashing[82]. Solomon notes that due to the failure of the World Bank's Structural Adjustment Programme (SAP), Sierra Leone's women, hardly hit by an overall poverty accentuating crisis engaged themselves in petty trading for survival reasons[83]. One interesting find is that, noting that women make over half the Sierra Leonean population[84], and an important number of this female population are involved in petty trading, this makes Market Women a very significant part of the voting community. Solomon, for example, notes that Market women are "*among the majority of rural and low-income urban women dwellers… dub[bing] themselves as the 'poorest of the poor'.*"[85]

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[75] Sesay M.G; op. cit.

[76] Wing S; CONSTRUCTING DEMOCRACY IN TRANSITIONING SOCIETIES OF AFRICA: CONSTITUTIONALISM AND DELIBERATION IN MALI; New York, Palgrave Macmillan, 2008.

[77] Idem pg 101

[78] Ibid

[79] See 50:50 Group; "Strategic Plans 2005-2008 for the 50 :50 Group of Sierra Leone" on http://www.daco-sl.org/encyclopedia/5_part/5_6/ffg_strat_plan.pdf

[80] Bauer J; "Women and the 2005 election in Liberia", in JOURNAL OF MODERN AFRICAN STUDIES, 2009, 47(2): 193 – 211, pg 199.

[81] This observation was primarily made in Freetown. However, due to a large ex-RUF presence in the North, it was affirmed by an ex-combatant that the same strategy had been implemented there also.

The study further notes that most market women are illiterates, and bound in polygamous homes, mainly dominated by males[86]. They were thus ripe for domination by the mostly male-constituted, ex-combatant bands that infiltrated their markets demanding them to vote for their political party. In addition, it seems that the relationship between ex-combatants, especially ex-RUF and market women had started in another context that gave ex-rebels encouragement to single out market women as partners in an electoral contest. Solomon highlights that during the war in Sierra Leone, goods were very hard to get due to a lack of transport infrastructure and fear of a majority of remaining businessmen to engage in activities wherein they could lose their markets. Market women on the other hand saw this as a moment to gain profit. During a trade ban imposed on the country in 1997 by the United Nations due to the unlawful seizure of state power by soldiers and rebels, market women saw their chances to engage in the war economy doubled. Prices for food and other commodities had skyrocketed, and they[87] thus engaged in smuggling goods from the neighboring Guinea into Sierra Leone. In such an atmosphere, market women sometimes became business partners with rebels, supplying them food, petrol and other items in exchange for money, diamonds and other such items. While most of such activity was based on a logic of survival, some women took on a profiteering approach to such business, running huge risks, while securing the friendships of rebel commanders who supervised and securitized their movements[88].

Thus, at the end of the war, and in an electoral atmosphere, ex-RUF cadres, given the responsibility of harnessing votes and in full knowledge of the high numbers of women present in markets, infiltrated markets in the east and central areas of town while campaigning and planting their spies[89]. They held secret meetings with market women, blackmailing some they already knew from the civil war, while openly threatening others to vote their way. They were able to convince a lot of these largely illiterate women little conscious of their rights that they had well placed informants inside of voting booths to observe the parties that such women voted for[90]. In the event of not voting for the party supported by an ex-RUF cadre, the businesses and even lives of these women were threatened. A market woman I spoke to informed me that,

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[82] See Solomon C; "The Role of Women in Economic Transformations: Market Women in Sierra Leone"; paper prepared for the Transformation of War Economies – Experts Conference at Plymouth, 16-19 June, 2005.
[83] Solomon C; op. cit.
[84] 50:50 group op. cit.
[85] Solomon op. cit. pg 7
[86] This information is based primarily on interviews conducted in over 10 markets in Freetown, but also on almost a lifetime of living in Sierra Leone and the experiences gained from frequenting markets around the country.
[87] Apparently a small number of Market Women
[88] See Solomon C; op. cit. Information from various interviews also confirms these events.
[89] In this light, it is noted that market women living in the east and central parts of Freetown, mainly in slums voted APC.

> *These government officials, they do not protect us much here. They come here and take taxes from us every day, but we do not even have police protection. In fact, some of the tax people even tell us that if we do not remove this government, we will continue to suffer. We are poor women, and we live here in the slums, with these young boys who harass us every day. Some of them were even ex-combatants. Before the elections, they come here and they take what they want, if someone talks they will threaten to kill her. So no one talks, just the other day a woman who is working here was raped and nothing has been done. The boys who did the act come here almost every day; they know the police are rubbish. Now they threaten us to vote for the APC, they say it is a youth man party, and if we don't vote we will be sorry. I don't care who comes to government, they are the same. On the day of elections, I will vote to keep my business alive*[91].

Kriger and Sawyer have alerted how fears of insecurity can influence voting behaviors[92]. While this woman was visibly afraid of the ex-combatants threats, not every market woman who voted for the APC in those parts of town was forced to do so. Most lived in hard conditions, and were angry with the SLPP for a lot of issues, the key ones being; the breaking down of market stalls and people's houses placed close the streets by government officials in a bid to 'reduce traffic jams'; and the implementation of new market taxes that the SLPP government had instituted, that most market women saw little benefits from, especially since, drawing close the elections, most of the markets in the central and east of the country had huge piles of rubbish planted in front of them. This disturbed the market women, and their clients, and a lot of blame was heaped on the government of the day for failing to clean this rubbish up. The government for their part claimed that it was the fault of opposition parties who hired ex-combatants to dirty these areas and destroy the image of the government. One market woman interviewed told me,

> *The kind of rubbish were we sit all day is enough to make people die. Some of us, we bring our children here with us because we cannot live them with other people. So when they are here, close to this rubbish it makes them sick and we cannot even afford health care. The government is busy saying that the rubbish was put here by the opposition. But even if opposition put it here, it is still the responsibility of the government to take it out. If they cannot, then maybe we should give the opposition a chance. If they put the dirt here, then maybe they will also take it away when they come to power.*[93]

In summary, ex-combatant pressures on market women did to an important degree define the voting preferences of such women in a post-conflict democratic setting. However, this pressure only yielded results to due to the presence of a weak governmental structure that was unable to assure the security and education of its citizens, and also to provide structures that enabled an improved condition of their living standards and working facilities.

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[90] Interview with a market woman conducted in Freetown, August 2007

[91] Interview with market woman conducted in Freetown, August 2009

[92] See Sawyer A; "Emerging Patterns in Liberia's Post Conflict Politics: Observations from the 2005 Elections" in AFRICAN AFFAIRS, 2008, 107(427): 177-199; Kriger N; GUERRILLA VETERANS IN POST WAR ZIMBABWE: SYMBOLIC AND VIOLENT POLITICS 1980 – 1987, op. cit.; Kriger N; "ZANU (PF) Strategies in General Elections, 1980 – 2000: Discourse and Coercion", op. cit.

[93] Interview with a market woman conducted in Freetown, August 2009

The next section focuses on the trajectories of ex-combatant cadres, it is divided into three parts, the first two parts discuss successful and unsuccessful trajectories, while the finale aspect deals with demoted cadres.

From warrior to …: Reconverted ex-combatant cadres

This section presents examples of reconverted ex-combatant cadres in post-conflict democratizing Sierra Leone. It has been divided into three parts, successful, unsuccessful and demoted ex-combatant cadres. *A priori*, it is signaled that the analysis of success and failure presented in this study has been drawn from what Rowland's refers to as a material culture of success in Africa, which depicts the argument that success in African countries is measured based on the possession of material objects such as cars, and houses etc.[94] Daloz has similarly noted in his analysis of the Nigerian society that men become part of the elite based on their capacity to own a car. He assumes that the car itself is the figure of wealth. As such, the author notes that "*la possession d'un véhicule particulier était le critère primordial à l'appartenance à l'élite…*"[95] His article exposes the materialist considerations that favor the empowerment of the Big Man in Africa. It is against such considerations that our analysis has categorized the following ex-combatant cadres as successful or unsuccessful.

From Middleman to Big Man – Successful Trajectories of warrior main men

In his analysis of New Guinean societies, Lemonnier notes that in big men societies, wealth is immediately associated "*with the exercise of a limited and diffuse, but nonetheless very real, power over others"*[96]. Indeed in Sierra Leone, one tends to observe a materialist culture that seems to hold fast to a capitalist comprehension of socialization. This has given birth to big men, whose roles and importance are based on the amount of wealth they own and redistribute. Hence, Medard notes the particularities of the big man in Africa. He describes the big man as a personality who by his proper efforts has succeeded in raising himself above the common lot. However, it is his 'generosity' seen in his ability and willingness to redistribute that earns him prestige and power. Medard further notes that at the heart of the big man's logic lies what he refers to as the symbolic exchange - which entails the conversion of economic resources into '*ressources relationnelles de loyauté*" and following this, the conversion of these '*ressources relationnelles de loyauté*' into economic resources that are then through redistribution transformed into prestige[97]. The author outlines three trajectories for the big man who accumulates positions (straddling) to strengthen his power; these are the normal course – from a politician to a businessman; the inverted course – from a businessman to a politician; and the uncompleted course – that is the case of the individual who reaches the stage of elite without 'straddling'[98].

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[94] See Rowlands M. J; "The Consumption of an African Modernity", in Arnoldi M. J; Geary C. M; and Hardin K. L; (eds), AFRICAN MATERIAL CULTURE, Bloomington, Indiana University Press, 1996; see also Banégas R; Warnier J.-P; "Nouvelles figures de la réussite et du pouvoir", POLITIQUE AFRICAINE, 2001, 82: 5 – 21.

[95] Daloz J-P; "Voitures et prestige au Nigéria", POLITIQUE AFRICAINE, 1990, 38 :148-153, pg 148

[96] Lemonnier P; "From Great Men to Big Men : Peace, Substitution and Competition in the Highlands of New Guinea", Godelier M; Strathern M; (eds), BIG MEN AND GREAT MEN: PERSONIFICATIONS OF POWER IN MELANESIA, Cambridge, Cambridge University Press, 1991, pg 7

To be certain, various authors have highlighted different means of transforming to a big man that fits into the above patterns. In this light, Laurent notes how the process has been achieved in a small emerging town of the Sahel. In this little village he claims, men gain importance by bringing in foreign resources that they gradually use to transform themselves into big men. A down part of the argument shows how big men personalize such resources gained from the outside, using it to augment their influence. The article claims that such actors see aid introduced for the benefit of the people as partly theirs since they worked for its existence. Thus, through redistribution and misappropriation of funds, they transform these resources gained from the outside into prestige, becoming big men. Locals are presented as onlookers who admire from afar the intelligence of the big man predator[99]. Other research has given importance to the emergence of the big man through the political avenue[100]. In this vein, Bako-Arifari notes the relationship between democracy and logic of territory in Benin[101]. His analysis is that the democratization process in Benin is progressively being taken away from an initial stage of urbanization and the usual neglect of the rural areas that accompany the process. He demonstrates that in their social ascension, politicians now frequently move back to their small towns of origin, in order to gain local support for higher political ambitions. In consequence, most of the elected candidates are teachers, lawyers, superior cadres of administration and people living in big towns. Such actors frequently return to their villages, in search of conquest and power, transforming their local importance into national political relevance. In his conclusion to *L'Etat en Afrique*[102], Bayart has similarly noted the importance of territory to politicians in Africa.

The above discussion helps put into context the emergence of the African big man. Of particular importance to our study, is Lemonnier's analysis of the passage from a warrior to organizer or big man in the Highlands of New Guinea. The author claims that at the end of wars in the Highlands of New Guinea, opportunities arise for the transformation of the great warrior into an organizer. Thus, he explains, "*A position is emerging for an organizer, which is first filled by the man whose role, power and social base are the best suited, the great warrior-leader.*"[103] Hence, the warrior becomes organizer, a role that embodies the function of "*organizer of peaceful exchanges, the very function that is the dominant attribute of the big*

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[97] See Medard J.F; "Le 'Big Man' en Afrique: Esquisse d'analyse du politicien entrepreneur" in L'ANNEE SOCIOLOGIQUE, Troisième Série, 1992, 42: 167 - 192

[98] Medard idem.

[99] Laurent P-J; "Le 'Big Man' local ou la 'gestion coup d'état' de l'espace public" in POLITIQUE AFRICAINE, 2000, 80: 169 - 181

[100] A lot of emphasis has been paid on this level; See for example Medard J.F; "L'Etat patrimonialisé", in POLITIQUE AFRICAINE, 1990, 39: 25 – 36; Darbon D; "L'Etat prédateur" in POLITIQUE AFRICAINE, 1990, 39: 37 – 46; Medard J.F; "Charles Njongo: Portrait d'un 'Big Man' au Kenya", in Terray E; L'ETAT CONTEMPORAIN EN AFRIQUE, Paris, l'Harmattan, 1987; Bayart J.F; L'ETAT EN AFRIQUE, Paris, Fayard, 1989

[101] Bako-Arifari N; "Démocratie et logiques du terroir au Bénin" in POLITIQUE AFRICAINE, 1995, 59: 7-24

[102] Bayart J.F; op. cit.

[103] Lemonnier P; op. cit. pg 20

man[104].” As protector and leader, he is given the role of “*organiser of the substitution of wealth for death*”[105]. From this position of organizer, the author avers, “*competition between warrior-organisers gradually turns into competition between organizers, or big-men*”[106] The process is somewhat similar in present Sierra Leone. The ex-combatant or warrior must similarly have been a well known[107] and commanding figure during the war. Secondly, he also passes through a phase of organizer, in which he puts into contact politicians and ex-combatant rank and file. In so doing, the ex-combatant cadre gains resources that through his willingness to redistribute earn him prestige and more resources. In difference to the organizer described in the Highlands of New Guinea, his role encompasses not the compensation of wealth for deaths, but the compensation of wealth for votes, as his importance was first and foremost noted in relation to elections.

Leather Boot: The rising big man

Riding around Freetown in the jeep of his choice for the day, Leather Boot has become a figure of success and envy not only among former combatants, but also among civil servants of the country who earn a pittance of what this former combatant holds as his personal wealth. The proud owner of at least one house (his well-known residence at Lumley, in the Western parts of Freetown), a state of the art Lexus jeep, a Toyota Land Cruiser and a Toyota Four Runner, Leather describes himself as a self made man who fears nothing, A drop-out from school, Leather whose real name is Idrissa Kamara, chose a similar path of many Sierra Leonean drop-outs, joining the national army. The army by then was reputed to be the breeding ground of school drop-outs and rascals. Stuck in the lower echelons of army hierarchy, his former squad mates describe him as being power hungry, disgruntled and adventurous. He was quick to get into fights, drank a lot and had an imposing character. Rumors indicate that at a younger age he was part of a group of armed robbers and gangsters utilized by the APC government to control political opposition. His tenure in the army ended when during the war he saw better opportunity for himself in the RUF. In 1997, he became recognized for the role he played in the Armed Forces Revolutionary Council (AFRC) junta coup. By this time, his thirst for power had reached a peak and he was known to make himself very “fearsome” to his fellow fighters. Members of the RUF who served under his command report that he was a severe commander with a lot of fetishes (juju) that render bullets useless against him. They claim having seen him eat human hearts during the war in a bid to strengthen his juju powers. As proof of his link to the spiritual world, he was known to enter battles bare-chested wearing only a strap on trousers and amulets around his neck[108].

At the advent of peace, Leather was imprisoned by the SLPP due to his roles in the civil war. He was however released in 2006, under very suspicious circumstances, close to the 2007 elections, with a host of other former fighters who had also been imprisoned. Christensen and Utas intimate that their release was directly in connection to their expected remobilization into politics[109]. Leather for his part was almost immediately seen in the company of the then APC presidential candidate Ernest Bai Koroma. Sources indicate they had been in direct contact during his tenure in prison.

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[104] Idem. pg 20
[105] Ibid. pg 19
[106] Ibid. pg 20
[107] The term ‘great’ warrior may however not apply in this case
[108] Interviews with former RUF/AFRC/CDF fighters conducted in 2009
[109] Christensen M; Utas M; op. cit.

Occupying the role of the APC presidential candidate's personal body guard, Leather caused storms in the country by publicly displaying the fact that he was always armed, and thus going against the laws of the country which do not allow civilian bodyguards the right of having arms on them. An important factor that comes to attention however was the level of impunity that this actor enjoyed due to the fact that he commanded a lot of support from ex-combatants. He indeed played a valuable role for the APC presidential candidate, aiding him to not only gain the support of former RUF/SLA ex-fighters, but also making it possible for the APC campaign team to enter strongholds of the ruling party for campaigning purposes despite the threat of violence from SLPP party stalwarts present in these areas.

A few months away from the elections, Leather again made the headlines by beating to a pulp Tom Nyuma, a former army Major in Bo on the pretext that Nyuma was preparing an attack on the APC presidential candidate. Sources however indicate that the fight was as a result of a personal feud between the two men who had served on opposing sides in the war. In a personal interview, Nyuma informed me that he had formerly been contacted to join the APC and his decision to join the SLPP had further angered Leather who promised to deal with him[110].

Upon the dawn of victory for the APC political party and the change of government that ensued, Leather and a handful of ex-combatants from the AFRC and RUF have been sent on training missions to Libya and Morocco. He is currently the head of the armed wing of the Sierra Leone Police force, and also the head of the presidential bodyguard unit. Close to him are some of his trusted ex-fighters including the fearsome commander Akim, reputed to have been the commanding officer of an attack on a village in the outskirts of Kenema town that left over 200 civilians dead, and necessitated the existence of a mass grave close to this village[111]. Akim was also a member of the national army before joining the RUF.

Maada Bio: The presidential hopeful

Julius Maada Bio, born in Bo, on the 30th October 1964 is the youngest vice President Sierra Leone has ever had. In 1992, he aided Captain Valentine Strasser[112] and other members of the army organize a coup d'Etat that ousted an APC government that had been in power for over 24 years. Sources indicate that his tribe, Mendi was an important factor that led to his being appointed Vice President or Vice Chairman of the National Provisional Ruling Council, (NPRC) government that was created. He is reported to have been a brilliant initiator and one of the few educated men present in the government. A behind the scenes man, Bio never actually put himself in front even though he was reputed to be very influential in the newly formed government, commanding a lot of respect from his fellow officers and rank and file alike.

It was to this end that in 1995, other members of the coup met with him, to organize a palace coup and remove Strasser from power. They had become angry over decisions Strasser had been taking behind their back. One of these decisions was effectively to get rid of the NPRC Supreme Council which was made up principally of military men, and few civilians and replacing it with a more civilian based council. Top echelons of the army were not happy with this decision. Further,

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[110] Interview with Tom Nyuma conducted in Kailahun, October 2009

[111] Interviews conducted at Hanga Village in Kenema, November 2009

[112] Strasser was President of the NPRC government, see below.

Strasser had a very violent way of responding to critics, usually by beating up the person who dared confront him.

Upon gaining the office of President, Bio hurriedly concluded arrangements with national civilian negotiators, but also members of the International Community on the return to democratic rule of the country. It is reported that part of the package he was promised was impunity for his previous actions in the coup, a university scholarship to do a Master's degree in an American University and a large sum of money[113].

After the realization of his Master's degree, Bio returned to Sierra Leone, started a business of transporting food stuff from farms inside of Sierra Leone. He owns for example at least four trucks that transport food from Kailahun to Kenema, and offices in these towns. He also owns at least one house in Freetown, Kenema, and Bo, and three to four 4x4 jeeps that earn him the reputation of being a rich man. Bio contested the leadership position of the SLPP in 2007 and lost to Vice-President Solomon Berewa. He is reported as one of the contenders for the flag bearing position of the SLPP in the 2012 elections in Sierra Leone.

Tom Nyuma: The local big man

Tom Nyuma is presently the Chairman of the Kailahun District Council. Born in Kailahun, Nyuma has become an undisputed big man in the town where he is almost recognized as a presidential figure. Lodged in a District Council House, Nyuma's house is always full in the evenings with people who come to lodge complains, seek favors, or just pass the time talking.

Nyuma rose to the position of Major during the civil war in Sierra Leone by creating an almost myth like figure around himself. Most people in the town of Kailahun assume that Nyuma has magical powers, for instance that bullets cannot harm him, and that he can disappear at will. An expert at hiding, he smugly admits to having created these impressions around himself during the war, in a bid to survive. In 1992, he proudly asserts that he was one of the key figures that planned and realized the NPRC coup d'Etat.

"*It was late in the night and I had the task of mobilizing the boys. We had to gone collect some other top young officers at the time who were also my friends, and even as they got into the cars, none of them knew what was going on. The whole coup had been kept quiet. As we drove up to Freetown, we met one older Officer who had apparently been informed that some activity was happening, he called out to me 'Nyuma, get out of that car and come here, what is happening'? I got out and put him under gun point, we arrested him and his boys and continued to Freetown. When we got there, the whole army had been made aware that we were on our way but none of them dared stand in my way. I was a much feared man. To some point, we were also very lucky, the head of the army, the only man who could have mobilized enough resistance against us was not reachable, people had telephoned him and had been dispatched to his house to inform him of our activities, but he was absent, in the arms of one of his lovers. So I took the capital, with almost no resistance.*[114]"

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[113] Information concerning money given is based on rumors and no concrete facts.

[114] Interview with Tom Nyuma October 2009

Nyuma was subsequently made Commander of the Eastern Provinces, a post he assumes was meant to keep him out of Freetown as he was a feared figure and Strasser felt better with him up country. He had started having key clashes with Strasser by this time. These clashes he intimated led to his collaboration with Maada Bio and other key officers at the time to oust Strasser from power and replace him with Bio.

Nyuma has never really been happy with the return to civilian rule and claims that it was done a bit too hurriedly. He blames Bio for not having well managed the transition. As with the rest of the young leaders of the NPRC coup, he was sent overseas to study, but did not succeed in passing his degree course. He was deported to Sierra Leone from the US, close to the 2007 elections and was immediately drawn into the SLPP camp by Maada Bio. In the aftermath of the elections, Nyuma contested the seat of the Kailahun District Council under the flag of the SLPP and won with a whopping 87% of the votes. Kailahun being a traditional SLPP block voting town, it remains unclear whether people voted for him or the party. Nyuma considers his present post as a spring board for more important positions in the future.

UNSUCCESSFUL TRAJECTORIES

A discussion on the successful trajectories of ex-combatant cadres would be incomplete without a discussion of unsuccessful trajectories. This part allows a balance between the comprehension of successful and unsuccessful trajectories, permitting an intellectual clarity of why some cadres were successful and others not.

Valentine Strasser

Captain Valentine is the youngest president Sierra Leone has ever had. Born in 1967, he was at 25 years of age, the Chairman of the NPRC, and head of state for Sierra Leone. His arrival as president at that age gave the youth of Sierra Leone revitalized hope for the future and a steady zeal on the part of the army to end the war. Indeed for almost a year, after their coming to power, the army was at top performance and the rebel forces were pushed to the extremes of the country. However, Strasser was unable to handle the power he was faced with at that period of his life and started making some serious mistakes. As Head of State, he was known to be a drunken womanizer who frequented bars and night clubs. This image did not help with his popularity in the army, as in his marital home. Further, Strasser had become a dictator, who did not like being second guessed, a physically strong man, reputed to be well advanced in martial arts, it was his habit to beat up inferiors who dared counter his judgment.

Added to his internal behaviors, he was reputed to be a very snobbish diplomat. His former aides report that in an airplane trip to an international meeting, he snubbed the invitation of another more powerful African Dictator to have a dialogue. He eventually isolated himself from the regional power Nigeria, when he voted for the suspension of Nigeria from the Common Wealth after the assassination of Ken Saro Wiwa.

Based on his lack of internal and external support, he was eventually ousted from power in 1996. Members of his past government however abstained from killing or imprisoning him and placed him on a helicopter for Guinea where he was hosted for a brief moment by Lansana Conteh before being sent on a study course to the UK. He failed in his courses there, continuing his reputation of being a violent drunk. His wife had left him by this time and he was eventually deported to Sierra Leone. In Sierra Leone, his violent attitude, and the lack of support from former members of the Sierra Leone Army made him a neglected figure. He erred in the local bars of Freetown for a while getting involved in fights and was once reported severely beaten and almost dead. After this period, he quietly returned to his home town, Allen Town, where he presently resides alone in a home he had built for his parents during his years as president. The house itself seems almost as neglected as the owner, and inside the compound is an old Mercedes Benz, in an almost irreparable condition, kept as a reminiscent of the good old times when money was no problem. Strasser has become a figure of failure and irrelevance to the political scene in Sierra Leone. The only resources he gains are from friends who visit him and give him some money that he normally spends in bars around Allen Town.

Johnny Paul Koroma

Johnny Paul Koroma was a member of the national army. He was trained in Nigeria and Britain. In 1996 he was imprisoned for suspicions of planning a coup d'Etat against the SLPP government. A coup d'Etat which did indeed take place in 1997 and he was released from prison and made Head of State by the perpetuators of the coup. Koroma has always claimed his innocence regarding the planning of the coup. He maintains that he was forced to take up the position of Head of State by boys of the National Army and the RUF. Operating together, the army and RUF created the AFRC, setting up a government that was similar to the NPRC. The government was however less effective and had the entire International Community against it.

In 1998, ECOMOG forces, supported by the United Nations succeeded in ousting them from power and reestablished the democratically elected civilian government of Ahmed Tejan Kabbah. Instead of punishing Koroma however, the new government decided to utilize this actor in its quest for peace. Indeed, Koroma turned out to be instrumental in maintaining the national army in place. He still commanded a lot of respect among the force. Further, he was instrumental in ending the terrible reign of the West Side Boys[115]. Sources also indicate that he was essential to the final capture of Foday Sankoh the rebel leader. A close former aide to Koroma reports that Sankoh had contacted Koroma to plan another coup against the civilian government. However, factors such as the presence of the United Nations and memories of his having been ousted from power by the ECOMOG were instrumental in making Koroma chose sides with the civilian government[116]. He reported such activities to the government, thus aiding in the final arrest of Sankoh.

In 2002 Koroma decided to contest the democratic elections process, convinced of his popularity in the country, but only succeeded in gaining about 2% of the national votes. It was noted at this point that his support from the national army had dwindled, and he was becoming a somewhat irrelevant figure. Following his unsuccessful presidential candidature, the police reported information concerning ammunition at his residence. Koroma fled the country and is reported to have been killed in Liberia.

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[115] For more on the WSB see Utas M; Jörgel M; op. cit.

[116] Interview with ex-SLA/AFRC fighter and aide to Koroma, August 2007

Issa Sesay

Issa Sesay was a well known cadre of the RUF. During the civil war he started from a lowly position as fighter and managed to climb up the difficult ladders of the RUF and get to the position of Battalion Commander. As Battalion Commander, Sesay became the third most important figure of the RUF superseded only by the RUF Head Foday Sankoh and the Second in command Maskita.

Sesay was to take over the reins of acting head of the RUF in 2000 from Maskita in a period when Sankoh was imprisoned. It is reported that Sankoh himself ordered this change due to significant differences arising between himself and Maskita who had grown too powerful at this period[117]. Following this point, Sesay was charged with the transformation of the RUF into a political party in accordance with the Lomé Peace Accords of 1999. He started this process with zeal, instituting certain changes in the manner of operation of the RUF captured towns. For example, forced labor was reduced and locals received pay for farming and mining activities they conducted for the RUF. Prior to this, they had been put to work under gun point.

Sesay was also to become a key figure in negotiations for the disarmament of the RUF that went on between the RUF, the Government of Sierra Leone and the UN forces in the country. He eventually started some fishing and agricultural projects that were granted funds by the National Commission for Disarmament Demobilization and Reintegration working in collaboration with the UN. He was however arrested before these projects reached fruition and has recently been condemned to prison by the Special Court for Sierra Leone due to his activities in the war. Sesay and other condemned RUF were sent to Rwanda for imprisonment. He is currently serving his sentence.

Demoted Cadres

As regards this third category of fighters, it should be noted that demotion occurs in two instances. The first to be commented on is as a direct result of participation in other regional wars. In this light, the Human Rights Watch has published a report[118] that claims the re-shuffling of African warriors regionally. In this light, Sierra Leonean cadres who participate in such other wars are enrolled as rank and file soldiers, thus becoming demoted from their former positions as cadres. Only really well known fighters with connections get to keep former statuses as cadres, and even in such circumstances, they either command their own forces from a previous war, or become subjected to another commander. Examples of cadres who kept their statuses can be illustrated in the Liberian fighter named Rambo who participated in Sierra Leone's civil war. A cadre in Taylor's fighting force, he only maintained his level as cadre when commanding Taylor's Liberian troops, some of whom were certainly Sierra Leoneans. In the event wherein he started losing communication with Taylor, and decided to stay in Sierra Leone as his own man, he was killed in Makeni Town by Sierra Leonean RUF fighters who esteemed that he was becoming too powerful in their territory. Maskita is another example of a regional fighter having served as cadre in another fighting force apart from his own country. He is reported to have served in Taylor's forces and have participated in other wars under the recommendation of Taylor. However, when his tenure of usefulness was over,

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[117] Interview with an ex-RUF cadre in Kailahun October 2009

[118] Human Rights Watch "Youth Poverty and Blood: The Legacy of West Africa's Regional Warriors", 2005 at http://www.hrw.org/en/node/11795/section/1

Taylor ordered his death in Liberia. Thus it is that the majority of former Sierra Leonean cadres contented themselves with serving under the command of another cadre in foreign wars. To this extent they became demoted, but were allowed to survive within the force.

A second result of demotion is as a result of participating in recent Sierra Leonean politics under another cadre. As has been discussed above, not all cadres enjoy the same status of respect and power in a post war situation. Thus, those who have lost touch with former followers, and are resource-less, prefer serving under more powerful cadres in search of a place to sleep and food to eat.

CONCLUSION

In conclusion, the advent of democracy passes through various processes in its adaptation to different countries. The new democratization experience in Sierra Leone has as its roots, a ten-year civil war whose only conclusive termination was the acceptance of democratic values and ex-combatant inclusion.

In this light, the ex-combatant cadre has been able to take advantage of the position in which he found himself in post conflict Sierra Leone, transforming his war resources into political resources and finally into prestige. From a cadre in an armed fighting force, he has established a center spot around himself as a middleman or democratic broker, assuring the electoral participation of his (former) followers, who, formerly marginalized in society have seen a chance to resurface in the country’s politics. These actors have been motivated by several resources including a direct contact with political actors who solicit their support and votes. In this way, ex-combatant cadres have been given the roles of mobilizing former fighters that not only serve to vote, but also to provide security for politicians. Thus, added to their roles as middlemen, these actors saw themselves portraying the roles of strongmen at the head of factions that utilize violence and insecurity as political tools.

On this note, the study has highlighted the preconditions for successful transformation of ex-combatant cadres, which are summarized as follows. Firstly, success during the war means success after the war – thus, those ex-combatant cadres who had the most ‘popularity’ during the war are those solicited by national political actors to serve as middle men in a post-conflict environment. Secondly, in order to maintain his relevance, an ex-combatant cadre must be able to retain his followers in a post-conflict environment. Loss of followers can immediately be interpreted as a loss of relevance to the political system by political actors – as was seen in the case of unsuccessful cadres. Finally, an ex-combatant cadre must be able to transform his political resources into economic resources, and these economic resources into prestige, as it is only when he becomes a prestigious or big man in the society that the ex-combatant cadre has completed his transformation process, preserving himself from future political and social irrelevance.

To conclude, it is worthy to highlight that the process of reconversion for the ex-combatant cadre has been complex. This has been aided by various factors such as the fear of a return to conflict; the ambition to win elections and the hope, often felt by marginalized ex-combatants and youths who see in such actors their chances of representation and thus their opportunity to ‘eat’ as well.

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Identity Politics, Federal Governance, and Electoral Democracy in South Asia: Historical and Comparative Analysis of Centre-States Relations in India and Pakistan

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Keywords: Identity, Federalism, Democracy, Minority, India/Pakistan,

ABSTRACT:

This article intends to analyze the relationships between democracy, governance and citizenship by comparing the diverging trajectories of India's and Pakistan's federal systems. Such a focus it is proposed allows one to simultaneously explore federalism's relationship with majority rule, its role in democratic transition and consolidation, and federalism's relationship with minority groups through its role in the representation and accommodation of territorially based ethnic, cultural, and linguistic differences in divided societies. This it is argued is crucial in order to understand under which circumstances social identities, specifically ethnic identities, are made relevant during conflicts in modern states, how such conflicts arise, and how they can be resolved. Or, in other words which factors promote or impede a viable and stable federation?

INTRODUCTION

The disruption of borders and migratory dynamics by imperialism, the evolution of multinational empires, annexationist movements and creation of states, territorial reorganizations and transfers of population have made minorities a "permanent institution" within the legal and political structure of the nation-state (Arendt, 1997: 243-70). The impact of nationalism has been particularly thorough and manifold in the British Indian Empire. The nationalist project carried out by the Indian National Congress (INC) advocated a civic conception of nationalism built on the cardinal principle of secularism. Religion was only to play a secondary role and an inclusive and composite definition of national identity was supposed to transcend not only religious but also linguistic, ethnic, social and regional plurality, to unite its diverse population into equal citizens regardless of their religion, caste or creed. On the contrary, Hindu nationalists promoted an ethnic conception of nationalism in which Hindu religion had to be the cornerstone of the nation and other religious minorities had to swear allegiance to Hindu national identity.

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Against these two nationalist projects, which it tended to lump together, the All-India Muslim League (AIML) projected itself as the sole representative of the Indian Muslim community whose political interests it intended to defend against the tyranny of Hindu majority in a democratic majoritarian set-up. Initially demanding only political safeguards for the Muslim minority in a free and united India, the AIML then adopted the "two-nation theory", which claimed that Hindus and Muslims constituted two totally different nations, as its official ideology and called for the creation of a separate and sovereign state for the Muslim community. Until the very last moment, the partition of the British *Raj* had never been inevitable. Both the INC and the Hindu nationalist movement were sternly opposed to a partition of British India, though for different reasons.

The AIML's demand for Pakistan was more a political ploy to gain maximum safeguards for the Muslims than an outright secessionist claim. If partition could have been avoided, it was because the bone of contention was actually more of a political nature than a religious one, and even rather arithmetical than ideological. The real issue was not between intractable religious identities but about the place of religious minorities in a majoritarian political regime. If the fears of the Muslim minority to be permanently subjugated by the Hindu majority had been assuaged through political guarantees such as separate electorates and a degree of cultural autonomy for instance, partition may have not occurred. Ironically, while the last attempt to find a compromise between the demands of the INC and the AIML over the transfer of power and to avoid a partition of the British *Raj* by the Cabinet Mission in May-June 1946 of the Indian Empire, which advocated a federal formula with a weak centre, was approved by the AIML, it was the INC's refusal which buried it and made partition inevitable. As a result, the inability and/or reluctance of the various nationalist projects born in the subcontinent to accommodate each other's political conception of religious identity and of the minorities' place within the nation, led to the partition of the British Raj and the creation of two, not one, independent and sovereign nation-states, India and Pakistan, on 15 August, 1947.

The management of majority-minorities relationships has become even more fundamental during the postcolonial era. Indeed, where ethnic minorities could formerly be ignored and left alone, they are now defined from the outside as citizens of the nation-state, and are thus given equal rights by an administrative apparatus unable to - or at least unwilling to - grant its subjects unequal rights on grounds of cultural distinctiveness. Ethnic minorities pose a problem to the national state to the extent that they communicate their distinctiveness in contexts where it is incompatible with requirements of the nation-state, notably those referring to formal equality and uniform practices. On the eve of independence, India and Pakistan were thus confronted with the crucial task of forging a sense of national unity amongst their populations which were divided by various ethnic, religious, linguistic, and regional belongings. One of the fundamental aspects of this nation-building process was linked to the task of evolving a common national citizenship that is, turning former colonial subjects, including a huge amount of refugees who had poured into each other's territory due to the partition massacres, into national citizens.

There is an historical link between citizenship and the nation as it is within the frame of the nation that democratic legitimacy and practices have been built (Schnapper, 2000: 231). In all independence movements, the demand for national independence is linked to the claim for citizenship. It is in the name of the values of citizenship that colonized people revolted against the European colonizers. Democracy is thus born within a national shape. Moreover, citizenship is what links state-building and nation-building processes; hence the basis of the modern nation-state, as “The state essentially exists in the heart and mind of its citizens” (Strayer, 1979: 15-16). Besides claiming a monopoly over legitimate physical violence, the state also claims a monopoly over the definition of national identity by closing the space of national identity and the political territory over which it exerts its authority.

Modern citizenship consecrates a new set of allegiances and relies on a political nationalism which promotes the creation of a national political culture intended to constitute a decisive feature of both the individual and collective identity of the state’s citizens. This political nationalism encompasses all the social or political mechanisms aimed at creating and sustaining, to the benefit of the state, a feeling of civic belonging and allegiance sufficiently strong to carry the rights and duties associated to national citizenship. Each citizen belongs to a plurality of social groups: family, class, profession, religion, language, partisan, etc., each carrying specific normative codes which can contradict each other. The modern nation-state tends to neutralize or even discredit minority groups’ pretention to exist autonomously and sometimes has to confront dissident subnationalisms which demand political autonomy or independence. That’s why the nation-state tries to promote an encompassing citizenship relying on a benchmark identity that is national identity, distinct from those prescribed by citizens’ primordial belongings in order to make national belonging the most decisive identity marker and to prevent the emergence of other rival nationalist claims and to activate for its own benefit, a sentiment of civic loyalty.

Citizenship implies a deep reorientation of allegiances and loyalties within society from family, local community or religious belonging to the state and corresponds to a way of regulating cultural identities characterized by divergent loyalties (Déloye, 1996: 69). National citizenship is hence based on the supposed existence of a relative cultural and moral homogeneity, conducive to the promotion of an identity able to absorb particularisms and to limit conflicts of belonging. While the nation-state tries to depoliticize its citizens’ primordial ties in order to impose national identity as the sole or the most legitimate identity, it is yet possible that individuals in a postcolonial state operate with dual citizenship, one in an ethnic community and the other in the nation-state, as in the case of Kenya according to Stephen Ndegwa. “This dual citizenship differs in form, especially in the balance of rights and obligations that each type grants the individual. Within the ethnic community, on the one hand, citizenship takes a civic-republican form that subordinates individual rights and demands certain actions in the public arena to preserve and advance the community. On the other hand, the postcolonial state grants all its members a liberal citizenship that emphasizes individual rights and does not, or is unable, to extract obligations” (Ndegwa, 1997: 599-616). The tensions inherent in the coexistence of these dual and competing citizenships can prevent a successful democratic transition “because the vision of democracy assumed, propagated, and installed is the liberal majoritarian variety, and its presumption of autonomous individual actors is at odds with the reality of individuals fulfilling republican obligations to their subnational community”.

Yet, by recognizing, indeed legitimizing, subnational communities as arenas of claiming citizenship and as relevant aggregations of interest in democratic politics, the citizenship perspective allows us to incorporate issues of rights and obligations into the design of democratic institutions, such as alternative electoral rules and constitutions. Tensions can thus be mitigated in two ways. First, electoral mechanisms can be employed that both respond to the reality of ethnic voting founded upon ethnic citizenship and offer incentives to politicians to seek votes outside narrow communities of accountability. Typically, federalism, limited electoral engineering, and consociationalism are the options proposed to accommodate ethnicity in democratic politics. The second way to mitigate tensions is to resolve outstanding conflicts between demands made by subnational communities for group rights and those made by national states for individual rights, even within groups, through a strong constitutional articulation of group and individual rights which is best negotiated in constitutional debates and constitution making, and ultimately it is underscored by political practice through time. While the axis on which citizenship is contested varies (ethnicity, religion, region, or race), these conflicts fundamentally express disagreements about identity and political community and about power and legitimacy in the nation-state. Competing visions of political community and of citizenship frame the conflict over what institutions are appropriate to structure democratic politics in a multiethnic state.

Ethnonationalist movements seeking secession through armed struggle are undoubtedly the most radical and violent expression of an outward rejection of a nation-state's identity and citizenship. Ethnonationalism is traditionally understood as an attempt to mobilize people by dividing them on racial, ethnic or language lines and opposed to civic nationalism that unite all or greater majority of the citizens of a polity irrespective of race, ethnicity, religion or any other such distinction. The different articulation of citizenship in national and subnational communities has thus important implications for democratic transitions in multiethnic and multicultural states such as India and Pakistan.

Although ethnonationalism has long been associated with minority populations, looking at how the state and/or a majority group interact with minorities, one realizes how, behind the expression of the nation promoted by the state, there is often an ethnic core. Members of larger ethnic groups, exercising the republican duty to vote for their community, propel their group to electoral dominance and therefore benefit from liberal democracy with majoritarian institutions, in which the individual is the presumed principal political actor. Such a situation leads to a stratified citizenship; members of groups that capture the state enjoy a larger bundle of rights and undertake a greater responsibility for the national state than do members of excluded groups, not unlike the stratified citizenship among Jews and Arabs in Israel (Peled, 1992: 432-43).

For the minority groups, obligations of ethnic citizenship operate just as efficiently in an election, but their smaller population results in perennial defeat or exclusion from crucial participation, despite protection of individual rights and privileges. "Some of its [nationalism] most narrowing and tyrannical aspects are a product of it being neurotically *in*clusivist" (Bilgrami, 1999: 386). It is rather because of its inclusivism that nationalism rejects demands for regional autonomy or independence than due to its exclusivism which is at best peripheral though "in most cases of inclusivism there is an *underlying ex*clusivity having to do with the fact that a set of dominant economic interests at the centre find it necessary to *exclude* regional interests, particularly the interests of the regional masses, even as they insistently *include* them *superficially* into the ideal of the nation" (ibid: 386-87). Dominant nationalism and ethnicity involve the projection, the promotion, and sometimes the imposition by the state and/or a dominant group of an identity, which can be challenged, negotiated and/or resisted by minority groups (Lang, 2009). This creates challenges for democratic practices, as it raises the issue of self-rule. Given that dominant nationalism and ethnicity are shaped by ideas and institutions relating to the territorial division of power federalism is crucial to understanding these phenomena.

Federalism, by enhancing authority to subnational units of government, can provide a greater degree of protection for minority rights than a unitary national system of government, a number of political advantages that help to strengthen democratic governance, and serve as a truly peace-keeping and culturally integrating force in a nation-state or a region. Where regional governments possess substantial authority, they can react more quickly and effectively than central governments to satisfy the preferences of the local citizenry. Federations also provide more opportunities for meaningful citizen participation in public decision-making below the central level and public participation, in turn, should increase the accountability of regional and local officials as citizens have more opportunities and more incentive to choose their representatives and to monitor their work. Finally, regional- or state-level elections multiply the potential "entry points" for new candidates and parties, and thus provide additional opportunities for the representation of diverse groups and interests. In newly democratizing countries, the opportunities are especially important for opposition groups. As a result, increased participation and competition make it less likely that new democracies will revert to old authoritarian modes of rule.

Yet, there is a paradox in multi-nation federalism: while it provides national minorities with a workable alternative to secession, it also helps make secession a more realistic alternative to federalism (Kymlicka, 2001: 118). As a result, some argues that if new democracies inherit a national federal structure, they tend to be more vulnerable to secessionist pressures (Bunce, 2004: 436).

In this article, it is proposed to analyze the relationships between democracy, governance and citizenship by comparing the working of the federal systems of India and Pakistan. Of the total number of people who live in long-standing democracies, the majority of them live in federal systems and "among the relatively long-standing (if often troubled) multinational and multilingual democracies, *all* the polities that fall most clearly in to this category are federal" (Stepan, 2001: 315). Yet, most of the scholars on federalism do not pay attention to the question of democracy (Linz, 1999: 382). Besides, although there is an extensive literature on nationalism and federalism in India and Pakistan, it has been rarely addressed through or in relation to the concept of citizenship. This is precisely this gap that this article intends to fill, by studying the federal dimension of democratic governance, especially where it relates to the issue of citizenship.

Basically, citizenship can be defined as both an overt, official expression of allegiance that is established through bureaucratic procedures, proven through the possession of passports and identity cards, and articulated through participation in the political process, and a membership status, which contains a package of rights, duties and obligations, and which implies equality, justice and autonomy (Faulks, 2000, p.13). As a result, citizenship must be understood as a category that comes from the granting of certain rights which are related to democracy and governance structures such as federalism for instance. In this perspective, one of the main questions to be answered is thus: "How to make citizenship meaningful, and with what effect on civil society and established institutions of governance" (Elliot, 2006: 22). The inclusive nature of citizenship is an important concept in matters of governance as it is only when citizens consider power as legitimate that they will respect law and order. The problem is that more often than not the system and institutions of governance are based on an existing, unequal social ordering or threatened by majoritarianism which is contradictory to professed values of governance (Mander & Asif, 2004: 9). According to Mitra, governance is located between the thin norms of the state and the thick perceptions of the citizenry.

Governance is a dual process made of legality and legitimacy and based on an interaction between locally embedded values and the political context. Regarding the question at the heart of this article, Mitra argues that "institutional arrangements based on the logic of federalism and consociational forms of power-sharing, promote governance" (Mitra, 2006: 19).

As a first step in the analysis of federalism and its relationship to majority rule and the processes of democractic transition and consolidation, the paper examines how the Constituent Assemblies of India and Pakistan have respectively defined citizenship. Next, a study will be made of why federal democratic governance came to be confronted with the challenge of ethnonationalist movements seeking autonomy or independence, although with different outcomes in India and Pakistan. This will be done by looking at the Khalistan Movement in India and the Bangladesh movement in Pakistan so as to understand the factors in India's relative success at normalization and the reasons for Pakistan's persistent failure.

The Definition of Citizenship by the Constituent Assemblies of India and Pakistan

Using the traditional dichotomy between civic and ethnic conceptions of nationalism – the former corresponding to a territorial identity that is citizenship voluntarily defined by residence within the state's borders and the latter a cultural identity that is citizenship centered on community belonging – it would be easy to qualify India as a civic nation based on its declaration of faith in a secular and composite national identity and Pakistan as an ethnic nation due to its emphasis on Islam as the fundamental identity marker. However, the civic-ethnic distinction is misleading as any nation has an ethnic core and even ethnic nations have civic dimensions. A more accurate way to classify nations is to distinguish between the various types of state strategies to regulate diversity, which can be categorized in four ideal-types: assimilation, integration, multiculturalism and segregation. Even before considering actual practices, a closer look at India's and Pakistan's Constituent Assembly Debates (CAD) reveals that the definition of citizenship was in both cases a very complex, challenging and ambivalent task. India adopted a secular and inclusive citizenship which subsequently tended, in practice, to gradually slide towards an already deeply entrenched majoritarianism and nationalistic reductionism detrimental to minority groups, whereas Pakistan outwardly failed to promote such a citizenship.

Although a legalist and egalitarian conception of citizenship conditional upon domicile regardless of any primordial identity markers, is enshrined in the Indian Constitution[2], there was little unanimity in the Indian Constituent Assembly about the normative grounds that should govern citizenship in India. One of the most debated issues according to Nehru and a real headache for Dr. Ambedkar, were the different stances about citizenship within the Constituent Assembly, reflecteing the different kind of nationalism each group invoked. A rival conception of citizenship, though less conceptually articulated and deprived of a demarcated constituency within the Constituent Assembly, was nevertheless soundly expressed by P.S.

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[2] The articles 5 to 11 of the Indian Constitution deal with who is entitled to be a citizen. Subsequently, the Citizenship Act of 1955 specified some of these provisions and prescribed others in accordance with the powers conferred by article 11. It identified five types of citizens: by birth, descent, registration, naturalization, and incorporation of territory, plus the subsequent Assam Accord. The Constitution and the Act of 1955 together with subsequent amendments exhaustively circumscribe the boundaries of citizenship in India and they have to be read together.

Deshmukh and Pandit Thakur Das Bhargava who accused Ambedkar of making "Indian citizenship the cheapest on earth" and intended to confer a definite privilege to Hindu and Sikh identities towards common citizenship by emphasizing kinship and cultural identity rather than territorial belonging (CAD, 1949: 352-53). Besides, another conception n, aso-called hard conception of citizenship, advocated for instance by K.T. Shah, intended to rigorously supervise the getting of Indian citizenship not only for persons of foreign origins but especially for those who emigrated to Pakistan on the eve of Partition and generally to make it dear by specifications and qualifications. Yet, by stressing birth and territorial location, plus some ethnic ties for those residing outside India but having Indian parents, the definition of the Indian national citizenship can be said to be all in all secular; the Indian nation would be composed of all those born in the territory of India or whose ancestry lay there in the appreciable past; thereby the basis of the Indian nation was clearly suggested as non-preference to any community and inclusive of all communities.

It is however possible to identify certain pronounced tendencies which over the years tend towards increasingly confining Indian citizenship to people born to Indian citizens or parents of Indian origin and to those who did not opt out of its rights and privileges (Rodrigues, 2009: 164-89). From a relatively inclusive approach to citizenship, India has moved towards an overtly ethnic conception of citizenship where descent from parentage of Indian origin became an overriding consideration. It soon became unfavorable to Muslims with divided families in India and Pakistan. Overall, India attempted to construct a uniform national identity through its intervention in the demarcation of citizens.

Such a national identity was identified with the good polity that India envisaged and citizenship provisions became a tool to construct a pan-Indian identity. An identity that was clearly marked by ethnic and majoritarian ascriptions was becoming the order of the day and the central government authorized to arbitrate on this issue was increasingly conceding the ground towards such an end. The conception of Indian citizenship as legal, secular and inclusive has thus been criticized and it has been suggested that India should rather be considered an exclusionary ethnic democracy defined by an exclusive Hindu meta-ethnicity rooted in an ancient past particularly detrimental to religious minorities, especially when they formed a majority of the population in peripheral border states such as in Kashmir (Muslims), Punjab (Sikhs) and North-Eastern States (Christian), which have all been the sites of prolonged violent struggles between ethnonationalist movements and the Indian state (Singh, 2000: 35-36). "Where non-Hindu minorities have constituted a majority in the federating unit [Kashmir, Punjab, North-East], the operation of hegemonic control has been exercised through the Hindu minority (…) the use of residual powers by the union government; the use of administrative structures (…) and the coercive power of the Indian state" (ibid.: 47-48).

Under the recommendations of the Advisory Committee on Minority Rights, the framers of the Indian Constitution had initially incorporated in the Draft Constitution reserved seats for recognized minorities (Muslims, Scheduled Castes, Sikhs, Anglo-Indians, Indian Christians, Parsees, and Tribals) in various legislatures on the basis of their population to ensure protection of minority rights. But by 1949 the Advisory Committee changed its views as it felt that after partition it was no longer appropriate to reserve seats for Muslims, Sikhs, Christians or any other religious minority in the context of free India. The Indian Constitution thus did not concede any political rights to any minority except those of equality in articles 14 and 15. Minority demands for group rights and provisions for assured share in political decision-making were conveniently dismissed in the name of national unity and integration, and only certain rights relating to education, language and culture, incorporated as articles 29 and 30, were ultimately conceded.

According to Nehru secularism was defined in the Indian context as neutrality of the state to, rather than separation from, religion and as freedom of conscience for all citizens which he believed ought to be sufficient to allay the minorities' fear and to protect their rights. Yet, "In order to prevent the oppression of minorities by the majority, the state must enact legal measures to protect the rights and separate identities of the minorities. The difficulty is that the formal institutions of the state, based on an undifferentiated concept of citizenship cannot allow for the separate representation of minorities. Consequently, the question of who represents the minorities remains problematic and constantly threatens the tenuous identity of nation and state" (Chatterjee, 1999: 112). If Nehru nevertheless refused to concede minority political rights, it is because he saw in such demands, and especially in territorial demands for the creation of states with non-Hindu majorities, the ghost of communalism which represented in his mind the worst threat against India's territorial integrity and national unity. What Nehru failed to understand was that secularism ran the risk of being hijacked by majoritarianism if the majority was itself communal. A fact that Ambedkar had not missed: "They [minorities] have loyally accepted the rule of the majority, which is basically a communal majority and not a political majority. It is for the majority to realize its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority. The moment the majority loses the habit of discriminating against the minority, the minorities have no ground to exist. They will vanish" (CAD, vol. 7, I: 39).

In Pakistan, Muhammad Ali Jinnah had a very similar conception in mind when he declared in his first presidential address to the constituent assembly of Pakistan on August 11, 1947: "Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense because that is the personal faith of each individual, but in the political sense as citizens of the state" (Jinnah, 2004: 29). He also attempted to promote after independence the conception of an inclusive political community in which all Pakistanis would be entitled to equal citizenship: "The new state would be a modern democratic state with sovereignty resting in the people and the members of the new nation having equal rights of citizenship regardless of their religion, caste or creed" (quoted in Munir, 1980: 29).

However, soon after his death in 1948, the members of the constituent assembly rejected this pluralist and secular definition of the Pakistani citizenship by making Islam the central pillar of the definition of the Pakistani national identity in adequacy to the religious nationalism that led to the creation of Pakistan. This principle is clearly enshrined in the Objective Resolution of 1949 which laid the foundations of the Constitution and indicated the broad outlines of its structure. It was strongly criticized by the non-Muslim members of Pakistan's Constituent Assembly who rejected its religious basis (CAP, Vol. V, 1949: 9). They proposed a certain number of amendments meant to alleviate its religious, actually Islamic, character but they were all rejected. Some of them invoked Jinnah's words to their support: "The founder of this dominion most unequivocally said that Pakistan will be a secular state. That great leader of ours never said that the principles of constitution will be based on Islam" (ibid: 48-49). But Prime Minister Liaquat Ali Khan, who moved the Resolution, retorted that "The Father of the Nation, Quaid-I-Azam, gave expression to his feelings on this matter on many an occasion, and his views were endorsed by the nation in unmistakable terms. Pakistan was founded because the Muslims, of this sub-continent wanted to build up their lives in accordance with the teachings and traditions of Islam, because they wanted to demonstrate to the world that Islam provides a panacea to the many diseases which have crept into the life of humanity to-day." (ibid: 2-7). The Resolution was finally passed without any change on March 12, 1949.

In 1950, the committee on the fundamental rights of citizens submitted its report before the Constituent Assembly which was accepted. Both Muslims and non-Muslims were guaranteed a certain number of fundamental rights such as equality of all citizens before the law; equal protection of law to all citizens; no discrimination on grounds of religion, race, caste, sex, or place of birth with regard to access to places of public entertainment, recreation, welfare, or utility; every citizen would be eligible for induction in the services of the state irrespective of religion, race, caste, sex, descent, or place of birth; every citizen was guaranteed freedom of speech, conscience, expression, association, profession, occupation, trade, or business; no community would be prevented from providing religious instruction to the pupils of its own community and the personal law of every community was guaranteed; as well as the right to apply to the Supreme Court for enforcement of their fundamental rights; etc. The Committee on the Fundamental Rights of Citizens' Report was thus rather comprehensive and received favorable comments both inside and outside the Constituent Assembly. Moreover, special safeguards for minorities were suggested by the sub-Committee on matters relating to minorities such as separate electorates for religious minorities as well as "weightage"; protection from the threat of physical persecution; freedom of conscience; the right to run their schools; to practice their language, script, or culture; no discrimination in granting aid to their educational institutions; and a Minister for Minority affairs both at the centre and in the provinces.

However, the emphasis on Islam as the ultimate source of sovereignty in the Constitution inevitably led to the marginalization of the religious minorities as second-class citizens and to the alienation of the ethnic and linguistic groups as antinational (Shaikh, 2009: 68-81). The Pakistani Constitution hence distinguishes between Muslims and non-Muslims though not so much in their rights but in what the state is enjoined to do for them (Rajagopalan, 2004: 46). Enjoined to proactively promote the interests of the Muslims (ensure and create conditions for the teaching and printing of the Quran, the organization of religious taxes, the maintenance of mosques, and the observance of moral standards, etc.), according to the Principles of Policy of the 1973 Constitution the Pakistani state merely has to act as a facilitator (guaranteeing their rights) and a law enforcer (prohibiting forced conversion or religious taxes). Whereas the State shall promote unity among the Muslims, it shall "discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens" (Articles 31 and 33). Moreover, whereas the rights enjoyed by Muslims are individual rights, the rights enjoyed by non-Muslims are group rights and similarly so, in terms of the duties. In Pakistan, the state identifies itself with its Muslim population (Islamic Republic of Pakistan; Head of state must be a Muslim; etc.), hence making Pakistani and Muslim identities interchangeable. Although the 1956 Constitution recognized Bengali as a state language with Urdu and the 1973 Constitution guarantees to any section of the citizenry "having a distinct language, script or culture", "the right to preserve and promote the same and (…) establish institutions for that purpose" (article 28), it appears that the status of religious as well as linguistic minorities is not defined by equality, as Islam and Urdu are considered as dominant identity markers. Actually, for Jinnah provincialism has always been considered as the worst threat against national unity and integration. In his own words, “Pakistan is the embodiment of the unity of the Muslim nation and so it must remain (…) If we begin to think of ourselves as Bengalis, Punjabis, Sindhis, etc., first and Muslim and Pakistanis only incidentally, then Pakistan is bound to disintegrate” (Jinnah, 1962: 104).

The Building of a Federal System by the Constituent Assemblies of India and Pakistan

A cursory reading of India’s and Pakistan’s postcolonial political history could lead one to consider that ‘democratic’ India managed to implement a legitimate sense of national belonging and a resilient federal system whereas ‘authoritarian’ Pakistan failed to do so due to a lack of democratization as proven by the secession of East Pakistan and the creation of Bangladesh. However, a more accurate reading of India’s and Pakistan’s postcolonial histories informs us that their respective national identities have both been several times in conflict with claims of competing communal and ethnic identities. In both countries the state failed to manage and accommodate demands emanating from minority groups driving them to shift from demands for cultural and political autonomy to seek territorial sovereignty and, from constitutional agitation to armed struggle. Moreover, both states have resorted to excessive and often extra-judicial repression against ethno-nationalist movements to quell their secessionist aspirations. In the immediate future the increasing coercive powers of the postcolonial South Asian state appear likely to compensate for its declining legitimacy. Howeverl, it is unlikely that in the absence of social justice, a decentralization of authority and the replacement of a political culture of confrontation with one based on accommodation that circumstances for armed resistance will disappear since the underlying causes of the alienation of significant numbers of citizens have not been addressed (Talbot, 2000: 281-82).

Despite India’s relatively successful democratic transition and the destruction of Pakistan’s democracy during the first decade after independence, both kept in common an overcentralized federal system inherited from the British colonial regime though, this colonial legacy of structural authoritarianism has more overt manifestation in Pakistan than in India (Jalal, 1995). The federal legacy was well entrenched, partially because federalism was perceived as the only possible institutional configuration to rule such a diverse and geographically large country, but also because of the institutional experience of working these constitutional forms (Adeney, 2009). The concession by the colonial regime of a relative degree of provincial autonomy through devolution of some powers from center to provinces was part of its strategy to control the territories conquered. Meeting only with the minimal criterion of a federal system, it gave overriding powers to the Governor-General and provincial governors. While INC and AIML disagreed before independence on the specific form of a federal constitution – INC demanding a federation compatible with a majoritarian form of government and the AIML supporting a more consociational form of federation in order to secure Muslim representation both at the central and the provincial levels – once independence was attained, they both enacted federal constitutions far more majoritarian than what they had claimed during the colonial era. It was particularly striking in the case of the Muslim League as it moved from being the champion of minority rights through consociational mechanisms during the colonial period to an overtly majoritarian conception of federalism after independence and partition. This was partly due to the horrors of partition and the fear of disintegration which had been instilled in the minds of the Indian and Pakistani elites, and to the reduced number of members of religious minorities in both countries.

The centralist bias in India's institutional set-up is clearly expressed in the Article 1 of the Indian Constitution which describes India as a "Union of States" and not as a "Federation of States". This centralist bias that led to the designation of India as a union was consistently adhered to in the process of defining citizenship in India. The Constitution provides for a single citizenship for the whole territory contrary to the U.S. which also recognizes a second state citizenship and implies that Indian citizenship must be relinquished upon becoming the citizen of another country. According to the Sarkaria Commission, which was appointed in 1984 by the Government of India so as to inquire into centre-state relations, the difference relies on the fact that the American federation was the result of an agreement between the pre-existing independent states whereas, before "the formation of the Indian Union, its units did not have the status of sovereign independent States" (Sarkaria, 1988: 9). In India, the Union Constitution Committee and the Union Powers Committee, both presided over by Nehru, were in charge of designing the structure of the state and to distribute the subjects between the centre and the provinces and both recommended a federal structure with strong unitary features, attributing to the centre the major subjects and most of the financial means. It is striking to see how the drafting of federal provisions over the distribution of powers, of Emergency provisions or of revenue has been devoid of major disagreement (Austin, 1966: 1986), except for some dissenting voices opposed to excessive centralization from Muslim and Sikh representatives.

On the contrary, the shape and content of federalism has been an intractable source of contention and delay in the constitution-making process in Pakistan. The need for Pakistan, contrary to India, was to build a central state structure from scratch and the non-contiguity of West and East Pakistan, which also differed completely in respect of the size of their territory, their topographical conditions, their population and their ethnic and cultural composition. These factors partially account for Pakistan's difficulties in building a federal system. Yet, the crux of the matter was that the institutional dominance of a predominantly Punjabi military and federal bureaucracy heightened the sense of alienation on the part of the non-Punjabi provinces and significant linguistic minorities with them. East Pakistan, where the majority of the population was concentrated, demanded that the representation in both houses of legislature should be on the basis of the population whereas West Pakistan, particularly the Punjabi leadership, claimed the representation, at least in the upper house, had to be based on the basis of equality.

The first report of the Basic Principles Committee (BPC) released in 1950 provided for a bicameral legislature with the upper house giving equal representation to all provinces and the lower house elected on the basis of population, both houses having equal powers and conflicts to be referred to a joint session of the parliament. East Bengal's leaders severely rejected the report as it would reduce their majority into a minority and their province into a colony of West Pakistan, hence the report was withdrawn. A second report was released in 1952 which suggested parity between the two wings for representation in both houses, the lower house having more powers. The upper house would be composed of 120 seats and the lower house of 400 seats equally divided between East and West Pakistan, the seats of the latter wing being further divided between its various administrative units. Bengali leaders once again criticized the report for its principle of parity but this time it was the Punjabi leaders who were the most vociferously opposed to the report as they feared that East Bengal could dominate the center if they made an alliance with the smaller provinces of West Pakistan. The report was again withdrawn. It was only in 1953 that a compromise was reached with the so-called Bogra formula. However, the constituent assembly was dissolved by the governor-general in October 1954 before the constitution could be achieved. The second constituent assembly resolved the representation issue by integrating the four provinces and other administrative units of West Pakistan into one single, integrated administrative unit which was given parity with East Pakistan in a unicameral legislature.

Concerning the issue of distribution of powers between the center and provinces, the first BPC report favored the creation of a federation with a strong center and limited autonomy for the provinces, and recommended the adoption of the provisions of the GOI Act, 1935. While the Punjabi-dominated federal institutions supported the report, allegedly because only a strong central government with significant powers could be able to promote national integration, it was severely criticized in most provinces, especially in East Pakistan, where the leaders alleged that it would make Pakistan a unitary state and they advocated the establishment of provincial governments having full autonomy over all subjects except defense, foreign affairs and currency on the basis of the 1940 Lahore Resolution. The recommendations of the report were nonetheless adopted. Two other issues opposed the Punjabi-led central state apparatus and Bengali leaders and derailed the constitution-making process. One, as we shall see later, was the refusal to recognize Bengali, though it was the language spoken by the majority of Pakistan’s population, as a state language besides Urdu, and the other was related to the electoral system. Whereas West Pakistan’s elites wanted to perpetuate separate electorates, this time for Hindus and Christians, the Bengali leadership opposed them as they actually feared that this was a device to split the Bengali community on religious lines and to reduce their numerical majority into a minority.

The Search for Regional Autonomy Through A Linguistic Movement: The Punjabi Suba Movement And The Basha Andolan

Conflict between states and any sections of their citizenry can originate in disputes over identity, distribution of resources, access to participation, and wrongful exercise of power, usually by the state against a group. For identity-based groups in particular, these conflicts are fundamentally negotiations about their allegiance to and their place in the polity as a whole. While the axis on which citizenship is contested varies (ethnicity, religion, region, or race), these conflicts fundamentally express disagreements about identity and political community and about power and legitimacy in the nation-state. Competing visions of political community and of citizenship thus frame the conflict over which institutions are appropriate to structure democratic politics in a multiethnic state. Soon after independence, the Sikh and Bengali community in India and Pakistan began to felt marginalized by their respective central government and started to struggle for regional autonomy. Interestingly, both struggles initially crystallized as linguistic movements: the Punjabi Suba movement in Indian Punjab and the Basha Andolan in Eastern Pakistan. However, due to the persistent refusal of the Indian and Pakistani central governments to accommodate their demands for regional autonomy, these two movements later evolved into armed ethnonationalist movements struggling for independence.

The 3rd June Partition Plan involved the partition of the colonial provinces of Punjab and Bengal between India and Pakistan according to a territorial and religious principle: the West Punjab and East Bengal contiguous areas with a Muslim majority were attributed to Pakistan while the East Punjab and West Bengal contiguous areas with a Hindu and Sikh majority were allocated to India. Just before independence, a section of the Sikh Punjabi and Muslim Bengali leadership, who resented the partition of their provinces, had respectively advocated the creation of united sovereign states of Punjab and Bengal. However, the opposition of the INC and AIML central leadership and the lack of support from Punjabi Muslims and Bengali Hindus made sure that these schemes were stillborn. Despite some erratic claims in favor of an independent Sikh state in the Punjab, the Sikhs finally choose to join India and the Muslim Bengalis, Pakistan.

Nehru recalled that when he asked Master Tara Singh in September 1947 "Whether his community wanted Khalistan, the Sikh leader vehemently protested against any idea of Khalistan and said that the Sikhs, being a very small section of the people of India would not pick any quarrel with them. They wished to remain citizens of India and to live with the Hindus as brothers" (Durgadas, 1969: 268). However, when the Indian CA rejected after independence any idea of a 'special status' for the Sikhs contrary to the INC's repeated promise during the colonial era to the Sikh leadership that the 'Sikhs of Punjab were entitled to special consideration' in independent India so that they could 'also experience the glow of freedom', the Sikh representatives within the CA refused to sign the draft Constitution of India. On January 8, 1950, the SAD Working Committee rejected the Indian Constitution on the grounds that: "It monopolizes most powers for the Centre to the prejudice of the states; reserves enormous authority for the executive and the legislature to the prejudice of the judiciary; makes personal freedom illusory by hedging to many restrictions and limitations; and gives dictatorial powers to the President in times of emergency and does not guarantee anything for the poor and neglected" (Parthasarthy (ed.): 9). At the Sikh convention held in Amritsar on December 16, 1950, Master Tara Singh launched a peaceful movement for the creation of a *Punjabi Suba* (Punjabi-speaking province) by redrawing the boundaries on a linguistic and cultural basis. Discarding any secessionist intentions, Sardar Hukam Singh explained that: "What the Sikhs desire today is only a respectable and dignified citizenship. They expect no favour and they ask for no concession. They want protection from the tyranny of the communal majority, to which they are entitled to as law abiding citizens of the country. The Sikhs believe that they can secure this protection, if a Punjabi-speaking province is conceded to them, where they will have a more effective voice. It must be clearly and definitely understood that the Sikhs do not desire a separate state, nor even necessarily a Sikh majority area (…) If Congress is really honest about its secular ideals, it should not only facilitate the creation of a Punjabi-speaking province, but make it an article of faith" (Sarhadi: 215-16).

This regionalist demand for protection of their cultural identity and for more provincial autonomy was actually consistent both with the INC's pre-independence promises and with the process of state boundaries reorganization according to a linguistic principle initiated by the appointment of a States Reorganization Commission on 22 December 1952 to examine the validity of the various demands for the creation of linguistic states. From the States Commission's report released in October 1955, which rejected the demand for a Punjabi Suba, though it granted others, till the promulgation of the Punjab Reorganization Act on November 1st, 1966, Nehru and his right-hand man, Punjab Chief Minister Kairon, stigmatized the Akalis as communalist, divisive and even worse, separatist and managed to put into jeopardy the Punjabi Suba movement. The price that was paid was the lasting alienation of the Sikh community. The Punjabi Suba movement actually represented the first postcolonial attempt to mobilize the Sikh community around ethno-linguistic symbols and marked the beginning of the subsequent development of identity politics among the Sikhs as "The fundamental issue was not so much a linguistic one as a question of the rights and claims of a minority community (...) Thus, the language controversy became a symptom of a deeper quest for recognition and power by a minority community in a multi-ethnic state (...) The driving force of the Punjabi suba movement was that the Sikh leadership saw a separate political status for the Sikhs as being essential for preserving an independent Sikh entity" (Deol, 2000).

At the time of independence, the Bengali-speaking population constituted the majority of the population of Pakistan (at 56%). However, their leaders' sense of deprivation was particularly acute due to their almost inexistent representation in the federal institutions which were all concentrated in the Western wing and the exploitation of their economic resources exclusively to the benefit of West Pakistan. They hence considered provincial autonomy as the only remedy for this internal colonization. As in the case of the Sikhs, the Bengali resentment first crystallized on the issue of language and the defence of Bengali became the vehicle of their mass struggle for provincial autonomy. Prime Minister Liaquat Ali Khan's rejection in the CA in February 1948 of the motion asking for Bengali as a state language with Urdu on the grounds that "Pakistan has been created because of the demand of a hundred million Muslims in the subcontinent and the language of a hundred million Muslims is Urdu (…) It is necessary for a nation to have one language and that language can only be Urdu and no other language" generated a popular agitation that gathered momentum among all sections of the people of East Pakistan. Jinnah's intervention at Dakha University one month later when he declared: "Make no mistake about it. There can be only one State language, if the component parts of this State are to march forward in unison, and that language, in my opinion, can only be Urdu" (Jinnah, 2004: 158) only worsened the situation and law and order was finally though only temporarily restored through repression.

By the beginning of 1952, a mass movement in favor of the recognition of Bengali as a state language, called Basha Andolan and gathering Bengali students, politicians, artists and intellectuals, erupted in East Pakistan following the BPC report's recommendation that Urdu should be the only state language. An All-Party Committee of Action led by Maulana Abdul Hamid Khan Bhashani, leader of the National Awami Party, was constituted in order to direct the agitation and Dhaka was soon rocked with strikes, demonstrations and ultimately police-firings. On February 21, 1952, despite the official ban on meetings and demonstrations in Dhaka promulgated by the Government of Pakistan, students of Dhaka University held a meeting at the Medical College hostel at noon while the whole province of East Pakistan was under *hartal*. Police intervened by using teargas but when demonstrators answered by brickbats, the police fired at the crowd, killing four students. A few days later, the army was given full authority to restore law and order and arrested nearly all the students and the political leaders but *Ekushey* (21), as this event is remembered, has since become a symbol of the Bengali's struggle. Bengali protesters erected a "Shaheed Minar" to celebrate the deaths of the martyrs and this day has been since commemorated as "Shaheed (martyrs') day" and observed as a provincial, then national, holiday.

The Indian and Pakistani central governments' persistent refusal to assuage Sikh and Bengali grievances regarding their cultural identity and provincial autonomy and to accommodate their legitimate claims through federal mechanisms has exacerbated the tensions between these communities and their respective central governments. Nehru's and Jinnah's intransigence, mainly due to their conception of Sikh and Bengali regionalisms as respectively communalist and provincialist movements endangering the unity of the nation-state, prevented them from appeasing these communities' fear as they did for others. As a matter of fact, a section of the Sikh and Bengali citizenry soon came to see independence as the only way to secure their survival. As a result, when the Sikh and Bengali demands were finally granted, it was either too late or done in such a manner that it created more problems than it solved.

The Struggle for Independence through an Ethnonationalist Movement: The Khalistan Movement and the Bangladesh Movement

The Sikh political party, Shiromani Akali Dal (SAD) leadership soon realized that getting a Punjabi Suba will not necessarily allow them to protect Sikh cultural identity if provincial autonomy is not secured. A committee constituted at Batala Akali Conference on September 30, 1968, promoted the "reconsideration of State-Central relationship" in the following terms: "The SAD demands that the Constitution of India should be on a correct federal basis and that the states should have greater autonomy. The SAD feels that the Central Government's interference in the internal affairs of the States, and the obstacles it places in the proper functioning of the state machinery, are detrimental to the unity and integrity of the country" (Sarhadi, 1970: 466). This became the core of the famous Anandpur Sahib Resolution adopted in 1973, and expanded in 1978 to include religious, social, cultural and economic interests, which called for "an autonomous region in the North, as an integral part of the Union of India (…) wherein the Sikhs interests are constitutionally recognized as of primary and special importance as the fundamental state policy", with the centre only retaining foreign affairs, defence, currency and communication. Although the ultimate goal was to set up a real federal regime by redefining centre-state relations in the Indian constitutional structure in order to secure Sikhs' cultural identity, the central government dismissed it as secessionist and endangering Indian unity.

Not only had the central government frequently resorted unconstitutionally to President's Rule[3], but it began by 1978 to patronize a new political actor on the forefront of Punjab's political scene, Sikh religious orthodox groups, in order to weaken the moderate Akalis and to restore Congress power in Punjab (Grewal, 2006: 97). While sponsoring Sant Jarnail Singh Bhindranwale, head of Dam Dami Taksal, actually managed to sideline the moderate Akalis, the former also pushed forward his own divisive and violent agenda which resulted in an unprecedented crisis that was to provoke the total breakdown of the democratic regime in Punjab. Bhindranwale initially targeted essentially members of the Sikh heterodox sect of the Sant Nirankaris whose chief, Baba Gurbachan Singh, was killed on April 24, 1980 at Delhi, state officers and both public and random Hindus. Meanwhile the moderate SAD, whic had been marginalized by Bhindranwale's rise, also resorted to appealing to Sikhs' religious sentiments. Following the failure of the consultations based on the Anandpur Sahib Resolution with the central government, the SAD launched a Daram Yuddh Morcha on August 4 1982 which lasted one year. This brought together all the factions of the Akali Dal, the moderates led by Longowal and Badal as well as the radicals led by Talwandi and Tohra, and also the militant groups under the leadership of Bhindranwale who soon eclipsed the moderate and radical Akalis. The militancy then got radicalized by the military operation Blue Star in June 1984 when the Golden Temple complex, in which Bhindranwale and its followers had fortified themselves, was bombed by tanks killing, along with Bhindranwale and a few of his supporters. roughly 1000 pilgrims, who were there to celebrate the martyrdom of Guru Arjun Dev.

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[3] Article 356 of the Indian Constitution allows the central government to dismiss a provincial government and to take over the administration of the province if the President on the request of the Prime Minister is 'satisfied' that the provincial government is unable to fulfill its responsibilities.

Operation Blue Star and the subsequent Operation Woodrose which was intended to flush out the militants from the countryside, only strenghtened Sikhs' sense of alienation and their resolve to fight by all means, the government which had desecrated their holiest shrine. Indira Gandhi was subsequently killed by her two Sikh bodyguards, allegedly to avenge Operation Blue Star, in Delhi on October 31, 1984. Her death sparked the bloodiest pogroms the capital had never witnessed, mobsters associated to the INC killing nearly 3000 Sikhs. Rajiv Gandhi, the new Prime minister, and Sant Longowal, the leader of the moderate Akalis, tried to reach a political solution but to no avail as the central govenrment refused to honor the Accord and Sant Longowal was assassinated by the end of 1985. Finally, from 1986 till the end of 1992, a fullscale insurgency erupted in Punjab which saw a mushrooming of factionalized militant outfits after the release by a five-member Panthic committee of a “Document for the Declaration of Khalistan” on April 29, 1986 from the Akal Takt. The Indian state's counter-insurgency, which resorted to anti-terror legislations, especially the Terrorist and Disruptive Activities (Prevention) Act (1985), and often to extrajudicial means, led to the institutionalization of a state terror regime and culture based on the systematic use of ‘third degree’ methods such as torture, fake encounters and ‘disappearances’ and ended with the nearly complete decimation of the militant outfits by the security agencies (Amnesty International, 1991; Kumar and al., 2003).

Different sets of variables have been put forward to explain the rise of militancy in Punjab by the late seventies. The best way to understand the rise of militancy seems to be to couple the Sikh ethnonationalist thesis with the centralization thesis. In this framework, the increasing centralization of power by Indira Gandhi and the interventionist attitude of the centre in provincial politics, coupled with the factional character of both the Akali Dal and the Punjab Congress, sparked off a large-scale federal crisis between the centre and the state of Punjab (Brass, 1988: 169-213), degenerated into violence following the emergence of a Sikh militant leader, Sant Bhindranwale, who incarnated the preexisting but latent ethnonationalist aspirations based on the distinct historical and cultural identity of the Sikh community.

In Pakistan, despite the repression, the language movement went on in East Pakistan, laying the ground for a complete routing of the Muslim League in the 1954 East Pakistan elections by the United Front of opposition political parties who campaigned for the declaration of Bengali as one of the state languages and for complete regional autonomy. A few months later, the Pakistan government was thus compelled to recognize Bengali as a state language and it was adopted by the Constituent Assembly in the 1956 Constitution. Yet, the central government was not ready to grant the demand for provincial autonomy which it considered as secessionist in spite of United Front’s Chief Minister Fazlul Huq’s declaration that “We are for the autonomy of provinces and not for their independence or for separation. We stand for our election manifesto of leaving only defence, foreign affairs and currency to the centre but nowhere in our election manifesto or speeches have we ever advocated the separation of Eastern and Western Pakistan” (SenGupta, 2007: 198). His ministry was actually unconstitutionally dismissed by the central government a couple of months later.

Nearly at the same time, India was engaged in a process of linguistic reorganization of states' boundaries, Pakistan's central leadership sought on the contrary to merge all the various administrative units of the Western wing into one single administrative unit, namely West Pakistan, which was to be given the same political weightage as East Pakistan, thereby denying the latter its numerical advantage. It justified the reform on the grounds that it would promote unity and harmony among the population by countering the growing provincialism, and it was also projected as a tool for promoting administrative and economic efficiency. While Bengali leaders were opposed to this measure perceived as a device to reduce their numerical majority into a minority, the non-Muslim League political leaders of the NWFP, Sind and Baluchistan also expressed their reservations on the abolition of their provinces and other administrative units of the Western wing and their fear of being overwhelmed by the Punjab.

Unsurprisingly, the Punjabi press and leadership on the contrary strongly supported the One Unit Scheme and asserted that it was the only way to combat provincialism and the fear of the domination of one wing over the other. Resorting to intimidation, coercion, suppression of public opinion and dismissal of ministries, the central government managed to impose the One Unit Scheme in October 1955. This reform not only accentuated the conflict between the Eastern and the Western wings of the country but also exacerbated the tensions within the Western wing as it was dominated by the Punjab. It is generally believe that the smaller the number of units in a federation, the higher the potential for tension and ultimately breakup. The case of Pakistan between 1955 and 1971 clearly illustrates this argument while the larger number of units in India has ensured that a fluctuating coalition of interests exists though conflicts have obviously aroused.

After nine turbulent years, a Constitution was finally promulgated in 1956 but no elections could be organized under its frame as martial law was declared in October 1958, hence depriving East Pakistan's elites of a democratic channel to express their grievances against the central government. The relation between the two wings of the country continued to deteriorate until 1966 when Sheikh Mujibur Rahman, the general secretary of the Awami League, the main opposition party in East Pakistan, proclaimed his six-point program whose essence was a federal constitution giving the central government control over nothing but foreign affairs, defence and currency. It is on the basis of this program that the Awami League fought the first general elections organized in 1970 by which General Yahiya Khan had taken over from then President Ayub Khan in 1969 following a mass agitation against his regime. The Awami League managed to secure 167 out of 169 seats in East Pakistan, hence securing an absolute majority in the National Legislative Assembly, while Zulfikar Ali Bhutto's Pakistan People Party won 81 out of 144 West Pakistani seats, the majority of them from Punjab. General Yahiya Khan and Bhutto refused to acknowledge the electoral results and to negotiate with Mujibur Rahman. On the contrary, they chose to send the Pakistan army to repress any dissent in Dhaka and launched the military operation 'Searchlight' during the night of March 25 and 26, 1971, thus prompting a full-scale civil war with genocidal features in East Pakistan. Thanks to the military intervention by India, East Pakistan finally gained independence and on December 26, 1971, the sovereign State of Bangladesh was proclaimed under the leadership of Sheikh Mujibur Rahman.

One will never know if East Pakistan could have obtained independence without India's military intervention. As a result one could wonder if ultimately the main reason for Pakistan's dismemberment and India's success at preventing it in the case of the Punjab, was not external intervention by a third party. Although it seems true that without India’s intervention the Pakistan army would have probably managed to tame, at least temporarily, the Bengali insurgents, despite the territorial separation which was a serious impeding factor for the military campaign, it is difficult to imagine that Pakistan’s central government could have assuaged Bengali’s fears and grievances in the future. As a matter of fact, despite this “second partition” Pakistan appears to have learnt nothing from history as it continued to be confronted with and, actually to instigate, through its insensitivity towards cultural and regional claims from ethnic minority groups, several ethnonationalist movements among them the Baluchis, Sindhis, and more recently the Muhajirs.

Back to the Future? Unionization and Punjabiyat as the Way Forward

Both in India and Pakistan, the constitutional framework was federal in form but unitary in substance. The centre had all the necessary powers, legislative, administrative and financial, to overwhelm the quantum of autonomy granted to the provinces. Turning on the coercive powers of centralized states has always been an option of ultimate resort, particularly in intractable cases as in both India and Pakistan. However, while in India the Congress’ federal structure and Nehru’s policy of making accommodations with regional party bosses kept the unitarianism of state structures in harness during the first two decades after Independence, in Pakistan the disintegration of the Muslim League further embittered relations between the centre and provinces. The taking over of political power by non-elected institutions, i.e. the army and the bureaucracy, in Pakistan replaces accommodation, as in India, by coercion in the relationship between the centre and the provinces. As a result, despite the common legacy regarding the distribution of power between the centre and provinces, the unitary aspects in its federal configuration were much starker in practice in Pakistan.

More than in India, the Pakistani centre manipulated intra-regional cultural diversities to deprive entire provinces of their political and economic rights. While some Indian states can resent having been marginalized or under-represented in some areas, no single region exercises complete domination over the others. By contrast, the institutional dominance of a predominantly Punjabi military and federal bureaucracy has heightened the sense of alienation on the part of the non-Punjabi provinces and significant linguistic minorities within them. Prolonged suspensions of representative government, the absence of well-organized national parties coupled with the politics of differential patronage have led to recurrent clashes between a centralized administrative structure and a regionally disparate society.

Efforts to invoke a monolithic Islamic national identity to deny provincial aspirations any legitimacy have been a failure. Indian democracy tainted by ethnic and hegemonic features within the state structure has alternated between inclusionary and exclusionary policies to contain fissiparous tendencies. Pakistan militarism for its part sought to co-opt provinces by extending differential state patronage to a fraction of regional and sub-regional elites. While India managed relatively successfully to accommodate demands for greater provincial autonomy expressed through a linguistic repertoire, it has proven unable or rather unwilling to accommodate these claims when they were expressed through a religious register or even demands where linguistic and religious dimensions overlapped such as in the case of the Punjabi Suba movement. When these demands originated from peripheral states located at the border of the union with a non-Hindu majority such as in Kashmir, Punjab and the North-Eastern states, the Indian state has readily resorted to coercion and repression. Pakistan failed to accommodate even linguistic and/or ethnic claims for greater provincial autonomy which often turned, as in the case of East Bengal and Baluchistan, into ethnonationalist movements seeking secession, the former attaining its goal and the second still struggling for it, due to a *punjabization* of the state apparatus.

Ethnonationalist movements seeking self-determination through armed struggle must be understood as singular but still political conflicts over power (Khan, 2005: 24). Their course is strongly related to the degree of state power institutionalization and to the state leadership strategy (Basu, 1997: 391-97). In the case of a well established political system and an accommodating political leadership, such movements would typically follow an inverse "U" curve (Kohli, 1997: 325-44). If this model seems to fit quite well the course of ethnonationalist movements which occurred in South India during the Nehruvian era, such as for instance the case of Tamil nationalism, it appears however to be less the case as far as the secessionist movements which broke out in Punjab and in Kashmir since the late eighties are concerned. Kohli still claims that Sikh nationalism in 1980s Punjab finally followed the paradigmatic inverse "U" curve though "the top of the curve turned out to be prolonged" due to the unaccommodating stand of the political leadership at that time. But the presence of a more accommodating leadership ready to organize provincial elections by the beginning of the nineties would have led to a decline of the movement. Inversely in Pakistan the failure of democratic transition and all-repressive strategies of the Punjabi military-bureaucratic complex which controls the state apparatus since its inception would explain the break-up of the country and the persistence of ethnic movements in a post-1971 Pakistan.

As in India, provincial disaffections in Pakistan are cast in cultural moulds to express feelings of political inefficacy flowing from unmet expectations of job opportunities, better social services and an adequate share of the state's financial resources. Both Sikh and Bengali ethnonationalist movements initially started as linguistic movements seeking cultural and provincial autonomy through constitutional means. It is the Indian and Pakistani central governments' persistent refusal to accommodate these claims and worse, its constant interference in provincial affairs which led to the emergence of armed secessionist movements in Indian Punjab and East Pakistan. It is a safe bet that had these claims been granted when first expressed and had the federal principles been respected by the central governments, these movements would have probably been pre-empted before degenerating several decades later into civil wars. Despite its democratic regime India has been as unresponsive, manipulative and even more efficiently repressive as Pakistan's authoritarian regime towards minority groups. Indeed, "We can't however credit the fading away of these self-determination movements only to the capacity of the state power to accommodate these centrifugal forces through a democratic federal system. In the 1990s, Punjab and Kashmir took up again with the constitutional process only once "order" re-established through military repression" (Jaffrelot, 1997: 25). But once repression has re-established order, it must give way to electoral democracy in order to durably restore normalcy.

In Pakistan, the prolonged hegemony of the army over the political system, centralization of the federal system and ethnicization of the state apparatus continue to fuel centrifugal forces within the provinces and to prevent the central government from coping with them peacefully. In Indian Punjab, after the decline of militancy during the phase of counter-insurgency, the return to electoral democracy since 1992 allowed citizens to express their disaffection from with and identity politics. Successive parliamentary and assembly elections continuously reflect since 1997 a shift in the SAD's electoral politics in the sense that politico-economic issues (development, roads, bridges, octroi, free power and water, traders' demands, water for Punjab farmers, fiscal governance, institutionalised corruption) replaced ethno-religious issues like Anandpur Sahib resolution, transfer of Chandigarh to Punjab, anti-Sikh riots or fake encounters, as was the case with the 1992 elections.

The electoral alliance between the SAD and the Hindu nationalist party (BJP), which was initiated in 1997 and which has been maintained till now, managed to bring the two parties to the helm of power in Punjab in the 1997 and 2007 provincial legislative assembly elections. The high electoral complementarities of the two political parties, the BJP's main constituency being the urban Hindus and the SAD's the rural Sikhs, added to the fact that they are increasingly fielding candidates of each other faith, seems to raise the prospects of further electoral success, though the traditionally strong incumbency factor in the state led to the victory of the Punjab Congress in the 2002 provincial legislative elections. This electoral combine should also contribute to sustain inter-communal harmony as each party would be able to play the role of a counter-weight in case the other tends to indulge in identity politics as happened when the BJP threatened its partner to leave the government if it did not act quickly and unequivocally to stop the violence following the Dera Sacha Sauda controversy (Baixas: 2007: 4059-64). The Akali-BJP alliance is initiating a process that could tentatively be labelled 'unionization' as it seems to be able to serve the same aggregative role that the Punjab Unionist party played during the colonial era (Talbot, 1996).

Sikh identity is also being replaced by a new emphasis on regional identity, Punjabiyat, in the SAD's political discourse as expressed in the common minimum programs it adopted in alliance with the BJP since 1997. East Punjab is witnessing since a few years an increasing process of regionalization of identity and politics and a concomitant shift from a politics of ethnic confrontation to Hindu-Sikh peace and unity. The emphasis of the SAD's discourse on Punjabiyat – Punjabi identity – and on Punjabi Ekta – Punjabi unity – is a clear example of that move. "The process of the transformation of Akali Dal from a Sikh party to a regional Punjabi party seems to be at last beginning to take place" (Singh, 2007: 406-7). For the first time in their history, the SAD has put up a substantial number of Hindus as its candidates and the BJP has selected also Jat Sikhs as its candidates in some constituencies. Eventually, the SAD is engaged in a process of broadening of its electoral basis by inclusion of all sections of the Punjabi population irrespective of their religion or caste (Jodhka, 2005). Such a paradigmatic shift in the political agenda of SAD actually represents the yearning of the people in today's post-militancy Punjab for a break from identity politics and a hope for governance. As the memories of militancy are slowly but surely fading away and a new generation of youth born after militancy become voters, secular criteria such as governance and economic policies have taken precedence over identity politics.

Lastly, a shift from an anti-centre stand to cooperative federalism is also clearly discernable. To be understood fully this evolution must be placed in the general context of the mutations of Indian politics since the beginning of the nineties. In other words, the strenghtening of regionalist parties, their increasing influence on national politics and the subsequent devolution of political decision-making from the centre to the states which constitute now an effective arena of political mobilization and competition at the national level (Shastri, Suri & Yadav, 2009). Such interrelated trends converge towards the thickening of the Indian federal system and the relaxing of its inherited centralization. India would be shifting from a nation-state to a state-nation that is a "political-institutional approach that respects and protects multiple but complementary socio-cultural identities (…) recognizes the legitimate public and even political expression of active socio-cultural cleavages, and they evolve mechanisms to accommodate competing or conflicting claims made on behalf of those divisions without privileging or imposing any one claim (…) In democratic societies, the institutional safeguards constitutive of "state nation" policies most likely take the form of federalism, and often specifically *asymmetrical* federalism, and/or consociational practices" (Linz, Stepan & Yadav, 2007: Chap. 3).

Such a model would suit Pakistan's multiethnic set-up. It could also sustain the recent democratic transition initiated by the February 2008 general elections when the unprecedented, though fragile coalition govenrment between the PPP and PML-N both at the central government level and at the Punjab provincial government level, (PPP being the senior partner and the PML-N the junior partner at the central level and vice-versa at the Punjab level), seems to suggest. A renewed emphasis on Punjabiyat in West Punjab would appear to be a positive development. The price to be paid for the punjabization of the Pakistani state was the reverse process of *pakistanization* of the Punjab, by far the most powerful province in the country. Furthermore, such a process could also promote Punjab-Punjab cooperation, across the border, which could in turn contribute towards improving the general conditions for regional cooperation in South Asia and the relations between India and Pakistan in particular (Maini, 2007).

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SECTION III:

MANAGING DIVERSITY:

LEGAL AND INSTITUTIONAL ARRANGEMENTS.

Diversity and Minority Rights: Two Models

Ayelet Banai [1]

Keywords: minorities, cultural rights, identity, multiculturalism, Minority Treaties, Constitution of India.

ABSTRACT:

Representation of minorities in liberal-democracies is a vexing task. Equality before the law – a sacrosanct principle of a free, liberal polity – seems to run in direct contradiction to political representation according to cultural, religious, ethnic or national lines. At the same time, where liberal-democracies emerge and thrive, political and public representation of diversities – religious, national and linguistic among others – are manifest.[2] *Something, it appears, cannot be right: if individuals are entitled to equal protection by the law regardless of their religion, ethnicity or cultural identity, how can they be represented in law-making institutions according to these very categories that the law is meant to disregard? In this article, I provide a critical assessment of the prevailing answers to this question in contemporary political theory, and then go on to suggest an alternative.*

I.

The prevailing answers, which I shall call *the cultural approaches*, include: liberal multiculturalism, liberal nationalism and the politics of difference and recognition (e.g. Kymlicka 1996, 1995, 1989; Tully, 1995; Miller 1995, Taylor 1994; Young 1989). This group of positions, which disagree with one another on many issues, has been developed in political and legal theory over the last 20 years. Multiculturalism, difference and recognition theories are often portrayed as opponents of liberal nationalism: while the former group of theories seeks legal, institutional and public recognition of the "culturally diverse character of the political communities within the modern state" (Owen and Laden 2007:1), theorists of liberal nationalism highlight the commonalities that all members of a liberal state should share. Nonetheless, the various theories included in the cultural approach hold a common view about the relationship between cultural identities and political communities. Namely, that common 'culture' is the appropriate and desirable foundation for a political community (be it a majority or a minority). Thus, the debate about representation of minorities has turned on the value and importance of culture. Proponents of the cultural approaches evoke the importance and value of culture to justify minority rights – e.g. differentiated political representation, linguistic protection, autonomy in education and exemption from some laws and regulations.

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[2] C.f. Mann (2005).

Important critiques of the cultural approaches have casted doubt on the claim that cultures are indeed so valuable and important. After all, oppression is often carried out in the name of ‘culture’ (Benhabib 2002, Okin 1999) and it would be clearly wrong for a liberal polity to give license to some of its citizens to oppress others. Furthermore, many people want to be publicly represented and active according to their political, professional or civic affiliations and interests rather than according to the ‘culture’ into which they happened to have been born or have chosen to endorse. In critical reflections on multiculturalism, Amartya Sen (2006) writes in the essay ‘The Uses and Abuses of Multiculturalism: Chili and Liberty’:

> One of the central issues concerns how human beings are seen. Should they be categorized in terms of inherited traditions…of the community in which they happen to have been born, taking that unchosen identity to have automatic priority over other affiliations involving politics, profession, class, gender, language, literature, social involvements, and many other connections? Or should they be understood as persons with many affiliations and associations, whose relative priorities they must themselves choose…?

In view of these well-taken criticisms of the cultural approaches, I propose an alternative way of thinking about minority rights and diversity. I shall call this alternative the *political approach*, because it draws on a distinction between cultural identities and political communities. Instead of making claims about the value of cultures or any of their specific practices, the political approach focuses on the question, (complicated in its own right), which rights for minorities are needed in a liberal polity to safeguard legal equality and the freedom of individuals to pursue those cultural and religious beliefs that *they* deem important. The political approach presented and defended here does not rely solely upon *a-priori* philosophical reflection. Rather, it takes its cue from two important legal documents, in which the rights of minorities were enshrined in a deliberate attempt to safeguard equality, diversity and political unity. The documents are: the Minority Treaties in interwar Europe (1919-1939), which constituted a part of the Versailles settlement at the end of the First World War;, and the much longer-lived document, the Indian Constitution passed by India’s Constituent Assembly in 1949.

The article proceeds as follows: section II provides a more detailed assessment and critique of the cultural approaches to diversity and minority rights. It sets out to identify their main strengths, in order to keep these within an alternative approach, and their main weakness in order to propose a reform to those. In section III, I flesh out the principles of a political approach, through discussion of the two aforementioned legal documents. Section IV concludes, with a summary of the advantages that political approaches offer over the cultural alternatives. It also draws attention to further questions for future consideration.

II.

Proponents of multiculturalism and the politics of recognition mean well and have marked important achievements. In Europe their initial drive, when appeared during the 1970s and 1980s, was towards more pluralism (Kenny 2004: Ch. 1, Talshir 2002: 149-69) – indeed a worthy aspiration for a number of the overly homogenized Western European societies at the time. For example, in 1980s Germany, a campaign of the Green party for allowing immigrants with Greek, Turkish, Iranian or Kurdish sounding names, looks and customs to become Germans was the outmost radicalism.[3] Short twenty years later, the citizenship law had been reformed so that, in principle, "citizenship for foreigners is no longer the exception, but the rule" (Joppke 2004: 204). During the world cup in football of 2010, the country celebrated a national team in which a third of the players had family-origins abroad.[4]

Such remarkable successes, helped by proponents of multiculturalism have been achieved with a price: the price of categorizing individuals by their cultures – as if food, dress or folklore is who they are, their interests, what they think and what they wish for. As if religion, or native language or country of origin were a political position. In Sen's metaphor, multiculturalism and the politics of difference allowed for Chili to take priority over liberty. According to Kenan Malik, the implicit price was even higher and culminated in abandoning the ideals of universalism, Enlightenment and the pursuit of emancipation (Malik 2005), the very ideas that underpinned the quest for pluralism to begin with. How so? Theories in the cultural approaches have emphasized the value of culture and the importance of preserving cultural otherness. Their challenge was to find justifications for why, in a liberal-democracy, some people – e.g. members of linguistic, religious or national minorities – are to be granted a 'privileged' legal status, in addition to the individual civil, political and social rights available to all citizens. In regard to immigrants, the challenge was to convince skeptical public opinion that public funding for education, cultural and religious associations of immigrants may well be required and that in some cases changes in the legal status quo may be appropriate, to accommodate newcomers.[5] At the theoretical level it needed to be explained why the very particularities that the principle of equality before the law requires to ignore should become legally and politically institutionalized for the purpose of political representation and public policy.[6]

To meet these challenges, proponents of the cultural approaches have argued two things: first they have argued that cultural affiliations constitute the relevant *political* communities for individuals; that political institutions are the public expression of cultures and that common cultures are the appropriate foundations of polities or of political communities and groups within them (e.g. Tully 1995: 1-7, 53-7 Kymlicka 1996: 76-9).[7] Second they have argued that the preservation of their culture is of utmost importance for its members; their well-being and autonomy, among other things, depend on this (e.g. Taylor 1994; Kymlicka 1989: 165, 1996: 84-94; Margalit and Raz 1990).[8] Let me illustrate.

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[3] For the Green party's positions, see Die Grünen im Bundestag (1990a, 1990b). To grasp the change, it is insightful to compare these position in favour of naturalization of immigrant to the 1977 naturalization rules, passed by Social Democrats, which "… in principle, refused to make foreigners citizensimmigrants", (Joppke 2004: 201).

[4] A report in the Frankfurter Allgemeine Zeitung counted 11 of 23 members of the national team as having "immigration background", including the "sons of Aussiedlern" (Ashelm 2010).

[5] Kymlicka, it should be noted makes a clear distinction between position of migrants and of minorities that preceded the polity. I think this distinction is entirely sound, but cannot go into exploring it implications here.

[6] Barry (2001) provides a comprehensive articulation of this theoretical challenge to multiculturalism. For overview on the debate see Kymlicka (2008: chs. 3 & 4).

[7] See also discussion in Vincent (2002) and Moore (2001: chs. 2 & 3).

Will Kymlicka's influential theory of minority rights connects cultural affiliations to individual autonomy by arguing that the former is a precondition of for the latter. "For meaningful individual choices to be possible," he writes, "individuals need not only access to information, the capacity to reflectively evaluate it, and freedom of expression and association. They also need access to a societal culture. Group differentiated measures that secure and promote this access may, therefore, have a legitimate role to play in a liberal theory of justice" (Kymlicka 1996: 84). To this claim as such, I shall raise no objections.[9] The theory, however, becomes part of the cultural approaches because it insists that the culture to which access is required needs to be *one's own* culture – being the culture of a person's origin, namely in which they had been born. Thus, in this theory, the memberships in cultural communities and the cultural identities of individuals are predetermined, even if the specific content of each culture may be redefined by its members (Kymlicka 1996: 91-3). It is in virtue of such pre-determined memberships that cultural communities are entitled to their differentiated rights and to political representation as groups.

Note that Kymlicka distances his position from the Communitarian claim that people *ought* to belong to their cultures of birth and perpetuate them. Nor does the theory deny that passage of individuals from one cultural community to another could happen, though with great effort (Kymlicka 1989: 176, 1996: 90). Nevertheless, the *justification for minority rights* in this theory depends on theorizing cultural memberships and identities as predetermined. Without the assumption of predetermined cultural memberships and identities, the justification for minority rights does not succeed; without this assumption integration into the 'culture' of the majority becomes a theoretically possible way for fulfilling the value of cultural membership and access to a culture. Once integrated the individuals in question would have full access to *a* societal culture – there is no reason (other than the assumption that membership is predetermined) for it to be any particular culture at that. It is, thus, the theory itself that directs us towards classifying individuals for the purpose of political representation and differentiated rights according to their culture of birth, in the very way that Sen has warned from.[10]

James Tully (1995), in his theory of constitutionalism as intercultural dialogue, introduces a far stronger connection between predetermined cultural affiliations and political self-determination. The theory sets out to address the question "what is the critical attitude or *spirit* in which justice can be rendered to demands for cultural recognition?" (Tully 1995:1). Before providing an answer to the question, the theory takes the crucial step of conceptualizing the challenge and the problem that give rise to the question itself and generate the need for a theoretical response. The challenge, according to Tully, emerges from a host of political struggles, including those of feminism, of Aboriginal peoples, of nationalist movements and of ethnic and linguistic minorities (1995:2-4). The crucial conceptual move in the theory consists in classifying these political struggles as struggles for the recognition of *cultural diversity* (Tully 1995:1).

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[8] For critique of the relationship between autonomy and cultural membership in Kymlicka, see Forst (1997).

[9] Furthermore, Kymlicka makes sure to clarify that "Cultures are valuable, not in and of themselves, but because it is only through having access to a societal culture that people have access to a range of meaningful options" (Kymlicka 1996: 83)

[10] In liberal nationalism, the very same argument is employed in order to explain why is it that states should protect the common cultural features of their citizens For a detailed discussion of the cultural argument in Liberal Nationalism see Margaret Moore (2001: Ch. 3). Moore write that the cultural argument is "probably the most common argument to justify both state protection of national cultures and national self-determination. The latter follows because rights to self-determination are it is argued, the best way to protect national cultures" (2001: 52).

This conceptual move is crucial because it implies a two-step claim: first that different political aspirations are culturally predetermined – namely that being a native speaker of certain languages *means* aspiring for differentiated education for one's children; or that being a member of a nation culturally (say, by daily-life habits, family history or language) *means* aspiring for a nation-state; second that ascriptive features – sex, ethnicity, native language or birth – predetermine the affiliation of individuals to the different culturo-political groups. Thus, for example, the "demands of feminist movements for recognition" are conceptualized as claims for constitutional change "in order to recognize and accommodate women's culturally distinctive ways of speaking and acting" (Tully 1995: 3). Generally, demands for self rule or self-government are described as aspiration for recognition of "culturally diverse ways of thinking speaking and acting" (Tully 1995: 4), which vary according to one's ethnicity, gender, native language and birth.

To be sure, one of the theory's explicit aims is to *challenge* "an older, essentialist view" about culture, which has taken cultures to be internally homogeneous and mutually exclusive units of individuals' identification (Tully 1995: 13). The notion of interculturalism is proposed as an alternative that recognizes the internal diversity of cultures and the complexity of processes of identification of individuals with them (Tully 1995: 13-4, 53-7). But the conceptualization of political struggles as culturally pre-determined, to the extent of subsuming law and politics under 'culture' achieves the opposite. Interculturalism breaks down 'culture' into smaller units – for example, instead of Canadian culture, interculturalism identifies a host of smaller scale cultures, e.g. Québécois, French-language civil-law culture, Anglo-Canadian women culture, Aboriginal Canadian women cultures (specific for each of the different Aboriginal peoples of Canada). However, each of these smaller cultural entities is conceived as highly deterministic: not only are individuals associated with these cultures primarily through their ascriptive features, but it is left to the 'culture' to dominate and pre-determine the political aspirations of these individuals.

Having thus conceptualized the problem, the approach of intercultural constitutional dialogue recommended in response indeed reinforces the assumption that political self-determination is predetermined by culture which is predetermined by ascriptive features:

> …a contemporary constitution can recognize cultural diversity if it is conceived as a form of accommodation of cultural diversity. It should be seen as an activity, *an intercultural dialogue* in which culturally diverse sovereign citizens of contemporary societies negotiate agreements on their ways of association over time in accord with conventions of mutual recognition consent and continuity." (Tully 1995: 184, emphasis added)[11]

In this intercultural constitutional dialogue, individuals are represented solely through cultural groups, to which they belong by virtue of sex, ethnicity or other ascriptive features. That these citizens, as suggested by Sen, may well have a host of affiliations, commitments and aspirations, not pre-determined by their ascriptive characteristics and far more relevant for the purpose of constitutional dialogue – namely for the political self-determination of these citizens – is not a possibility in Tully's theory of intercultural constitutionalism.

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[11] See also, Tully (1995: 30).

There was more to it than an unfortunate coincidence that parts of the conservative and far right in Europe were quick to mobilize arguments of the cultural approaches *against* diversity and equality (Taguieff 1994; Griffin 2000: 166-70, Salzborn and Schiedel 2003). If, the argument goes, political identities and values are so closely related to ascriptive identities and inherited cultures, then majority indigenous cultures in Europe should also be protected, by excluding those (e.g. immigrants from Asia and Africa and their descendents) originating from 'other cultures' and, hence, unsuited to the culturo-political institutions of their European countries of residence. In the 1990s, electorally successful parties of the far right in Europe, including the French National Front and the Austrian Freedom Party made just this ideological move, presenting their hostility to immigrants in terms of differences in values and cultures (e.g. FPÖ 1997; Front National 2001).

III.

What is the alternative? I would like to propose here a political approach as an alternative. The political approach opposes to the assumption of predetermined identities which lies at the heart of the cultural approaches. It defends, mainly through legal provisions, a broad realm of freedom for individuals and groups in society to practice their particular identities and affiliations (i.e. religious, cultural and linguistic). At the same time it stipulates legal equality among individual citizens, by excluding political and public representation based on ascriptive identities alone. As mentioned above, this approach takes its cues from two cases, the Minority Treaties and the Indian Constitution. In these cases, diversity was not primarily the result of recent migration, but rather it pre-dated newly founded state institutions. Thus, for some of present-day European debates, regarding immigration and integration, it would require further discussion to draw implications from the model presented here.

However, it is insightful to learn from the former context to the latter for two reasons. First, the legal documents examined here represent moments in which polities are being founded: moments of drawing up social contracts. In contemporary liberal political theory the social contract moments are highly important, because they serve as conceptual tools to assess and review political institutions, structures and practices. According to John Rawls (1999: 6-19), in order to examine the fairness and rightness of the principles that govern politics and society, we need to ask whether we would accept these arrangements in a hypothetical social contract, in view of certain philosophical conditions. Second, the documents examined here help placing present-day controversies in historical perspective. Not only is it always helpful for a theory to expand its outlook and see that the problems it deals with are nothing new, but also it enables us to distinguish between contingencies of current events and long-term theoretical problems.

III. A. Legal Equality and Minority Rights in the Minorities Treaties

The Minority Treaties of the interwar period in Europe (1919-39) were a landmark enterprise in politics, diplomacy and international relations. Their aim was to protect the legal equality of national minorities in the newly independent nation-states in

Europe. The peace treaties signed at the end of the First World War stipulated the independence and determined new borders to a number of European countries – including Poland, Yugoslavia, Czechoslovakia, Hungary and the Baltic states – that seceded from the defeated Austro-Hungarian, Russian and German Empires. In most cases, the population of these newly independent nation-states was multi-national. Thus, they were required to sign treaties for the protection of the minorities in their territories.

Conceptually speaking, at the end of the First World War, national self-determination within Europe was meant to be achieved: instead of the defeated Empires, self-determining peoples were to gain independence and freely govern themselves. The President of the United States at the time, Woodrow Wilson, was a prominent advocate of this transformation (Halperin, Scheffer and Small 1992: Ch. 3; Cassese 1995), which has thus become one of the official conditions of peace for the Allies (Scott 1921). But it soon turned out that there were competing and contradicting views of what it meant to be self-determining. For Wilson, government by consent and government of each national-cultural group by and for itself were intimately interconnected if not interchangeable, a misconception which he reportedly admitted in retrospect (Alcock 2000: 40, Cassese 1995: 22). The Minority Treaties, on the other hand, set out first and foremost to guarantee stability and peace, but followed the assumption that stability required equality and free development for minorities within their new nation-states.

Culture-based approaches, then and now, involve the position that, all things being equal, it is *preferable* that each cultural group will have its own polity, because it considers political institutions the public expression of a culture. This includes certain interpretation of the republicanism, according to which common institutions for common cultures mean *self*-rule, while political institutions that are not ‘authentic’ to ‘one’s own culture’ are foreign and hence an infringement on freedom.[12] Minorities, from these perspectives, constitute a challenge or an inconvenient compromise. In contrast to this understating of the relationship between cultures and polities as automatic and pre-determined, the Minority Treaties presumed “that there is nothing anomalous in the existence of minorities”, and that self-determination does not mean national-cultural determinism but rather gives priority to “feelings of political loyalties” (Macartney 1934: 278).

The idea that government by consent means government according to common nationality was expressed in a number of Wilson’s speeches and declarations on this issue. For example, the Fourteen Points speech (January 1918) affirms: “…An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they are strong or weak (Wilson 1918a: 239).” This meant, as the speech made clear, a polity for each cultural-national group. In Italy (point IX) the implication was readjustment of the frontiers along “clearly recognizable lines of nationality”. The boundaries of polities in the in the Balkan were to be ‘determined by friendly counsel along historically established lines of allegiance and nationality’ (Point XI). The independent Polish state (proclaimed in point XIII) was to “include the territories inhabited by indisputably Polish populations…” (Wilson 1918a: 237-8).[13]

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[12] Tully (1995), discussed above in section II, is a prominent example.

[13] The idea repeated in other speeches. For example: “National aspirations must be respected; peoples may now be dominated and governed by their own consent. Self-determination is not a mere phrase, it is an imperative principle of action which statesmen will henceforth ignore at their peril” (Wilson 1918b: 268). “No peace can last, or ought to last, which does not

In the process of making this position operative during the drafting of the peace treaties, the dominant understanding of the idea of self-determination, among negotiators and representatives of the parties, was that political communities were culturally predetermined. The boundaries of polities were, thus, to be drawn according to ‘objective’ criteria of nationality (Raitz von Frentz 1999: 48, Hill 1945: 115-6). Proponents of multiculturalism and the politics of difference and recognition today have set out to advance a radical alternative to the system of one culture, one polity. This is all the more reason for them not to resuscitate the assumptions on which the theory of one culture, one polity was founded in the first place – namely the predetermined cultural nature of political communities.

During the drafting of the peace treaties, it soon became clear that the aim of separate polities to separate cultural-national communities was not going to be reached. Sometimes due to strategic consideration, in other cases due to the truly multi-national and multicultural character of parts of Europe at the time, the newly independent states were not going to be culturally homogenous. Thus, the Minorities Treaties were created, drawing on an alternative model of the state, in which political unity and cultural pluralism were the objectives. This did not mean that the states needed to foreclose the particularities of the groups which they included, and become a ‘neutral’ space with no particular symbols or traditions. Rather, the idea was that it was possible to be a full member in a polity that does not strictly correspond to a person’s cultural identity.

The Treaties included the three following elements: legal equality “without distinction as to race language or religion” (Macartney 1934: 503);[14] a definition of nationality as citizenship – namely in political and geographical terms; and protection of religious, cultural and linguistic pluralism also in the public sphere. For example, provisions in the treaty with Poland included:[15] equal protection of life and liberty of all the inhabitants ‘without distinction of birth, nationality, language, race or religion’ (Art. 2); equality and prohibition of discrimination due to ‘religion, creed or confession’ in ‘matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries’ (Art. 7). Regarding citizenship and nationality, the treaty stipulated: *ipso facto* Polish nationality ‘…without the requirement of any formality’ for ‘German, Austrian, Hungarian or Russian nationals habitually resident in territory which is or may be recognized as forming part of Poland…’ (Art. 3); *Ipso facto* Polish nationality to all persons born in Polish territory ‘who are not born nationals of another State (Art. 6).

Finally, in the interest of free development and non-oppression of citizens speaking minority languages or practicing minority religions, the treaty provided the following protections: freedom of religion (Art. 2)[16]; no restriction on any language

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recognize and accept the principle that government derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property. I take it for granted, for instance, if I may venture upon a single example, that statesmen everywhere are agreed that there should be a united, independent, and autonomous Poland…” (Wilson 1917: 52)

[14] Race is probably best translated into present-day vocabulary as ethnicity.

[15] The Minorities Treaties were drafted and signed separately with the newly independent states, but were similar to the first treaty signed with Poland in June 1919. The full text of the Polish Treaty is available in Macartney (1934: 502-6).

[16] As such “freedom of religion” without further specification could be understood both in terms of the cultural and the political approaches. The debates on secularism in India are an important case in point, but I cannot address this issue here. See, e.g. Bajpai (2002).

in ‘private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings’ (Art. 7); the establishment of an official language notwithstanding, ‘adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing before the courts’ (Art. 7); Polish nationals who belonged to ‘racial, religious or linguistic minorities’, were to have ‘an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein (Art. 8); Facilities for public education in minority languages was required in primary schools in ‘towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are resident’ (Art. 9).

Czechoslovakia, which also gained independence in the peace treaties, took Switzerland as its model for its own multinational population. It promised: universal suffrage and proportional representation; State-funded schools for all nationalities, public offices open to all nationalities, with equal standing to Czech and German languages in them; mixed languages in courts; local administration in the language of the local majority; Czech as official language, with German to retain its status on equal footing (Macartney 1934: 241).

These provisions provide, at least in principle, a rather thick protection of minorities – including the use and recognition of minority languages in public institutions and in schools, and autonomy in communal affairs – similar to what many proponents of liberal multiculturalism wish for today. Yet, the authors of the treaties and their proponents were opposed to thinking about the minorities as politically distinctive groups or as separate culture- or religion-based political communities. Indeed, the language of equal freedom was sufficient to justify the protection of minority languages, religions, social and educational institutions. The idea that legal equality and citizenship rights *did not* necessarily entail cultural assimilation into one homogenous body politic was only possible in view of a distinction between cultural and political communities and identities (de Azcarate 1945: 17-25, 60-6; Macartney 1934: 277-9; Adatchi 1929). This is the very distinction that present-day proponents of the cultural approaches explicitly deny or implicitly undermine when they apply the idea of culturally pre-determined political identities to justify minority rights and pluralism.

Before proceeding, a word is due about the ‘history lesson’ from the failure of the Minorities Treaties. After all, Czechoslovakia and Yugoslavia disintegrated along national-cultural lines and Poland today is remarkably homogenous country, in terms of religions, languages and ethnicities. No doubt, the legacies of the interwar period merit much more attention than they have today for any proponent of pluralism and for anyone advocating international protection of minority rights and rights in general. However, I will not take up this task here. Instead, I would like to point out that the political and cultural approaches to diversity are liable to the same objections from the historical point of view. Namely, if the conclusion from interwar failure were that states must be homogenous in order to keep an even minimal level of political stability, then the cultural approach does not propose any better answer than does the political approach. The political approach at least has the advantage of taking the challenge of political unity seriously when thinking about modes of diversity.

III. B. Representation of Minorities in the Indian Constitution

Some twenty five years later – after the Minority Treaties as well as the Versailles settlement had collapsed with the outbreak of the Second World War, – the authors of the Constitution of India deliberated on the status of minorities in their now independent country. The Indian case is highly instructive in all matters related to pluralism, diversity and rights of minorities in a liberal-democratic polity. Many of the issues related to diversity that students of Europe and North America seem to encounter nowadays for the first time have been on the legal and political agenda in India for more than sixty years.[17] "Can a modern constitution recognize and accommodate cultural diversity?" asks James Tully (1995:1) in the opening of his influential book *Strange Multiplicity: Constitutionalism in the Age of Diversity*; the Constitution of India is an obvious place for exploring a positive answer to this question.[18]

The Constituent Assembly of India began its deliberations in December 1946 and passed the Constitution in November 1949. The Indian National Congress was the largest party in the Assembly, holding a clear majority.[19] Other parties represented included the Muslim League, the Akali Sikhs, the Communists and the Scheduled Castes Federation (Austin 1966: 9-10).[20] The balance sought during the making of the Constitution was between political unity among all parts of the newly independent nation and the claims by speakers for the minorities to be recognized, safeguarded and not disadvantaged by the new legal order. In important aspects, the vision of the drafters of the Minority Treaties, discussed above, was similar; they too aimed to enable the integration and flourishing of different religions, cultures and sometimes languages in one nation-state. A crucial conceptual difference was that notions of national unity, as expressed in the constitutional debates in India, often enough did not imply the kind of homogeneity (cultural, linguistic, religious and other) that national movements in interwar Europe often endorsed in their conceptions of the nation.[21] Within the vocabulary of Indian national unity in and of itself were both space and the legitimacy for diversity of religions, languages and cultures (Bajpai 2002; Parekh 2008: 45-7).

What were, then, the constitutional foundations of the 'unity in diversity'? The basic idea consists in a distinction between a political sphere, in which citizens are recognized individuals in status of legal equality, and other social and cultural spheres in which the citizens as groups or individuals practice and preserve their distinct beliefs, customs and identities through various institutions – including religious and educational.[22] That such a distinction is desirable or at all possible is precisely what cultural approaches deny, when – as explained in section II above – they consider political institutions by definition the public expression of a single 'culture'; they take culture to be the pertinent foundation of the political community, and thus recommend, in response to cultural diversity, the institution of a number of culture-based political communities. However, as we have began to see in the discussion of the Minority Treaties above, it is this very distinction that makes diversity within a single polity conceivable – not as a compromise of the 'to each culture its political community' ideal, but rather as an entirely normal and possibly appealing component of the human condition. This distinction by no means implies that in the public-political spheres all citizens should be the same (c.f. Audard 1999: 117-28); nor does it mean that this political sphere is neutral in the sense of being free of particularities (c.f. Brighouse 1996; c.f. Chakrabarty 1998: 106-7).

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[17] See Bhargava (2008) for a discussion of the regrettable lack of attention to the India in theories of multiculturalism and secularism.

[18] Tully indeed mentions federalism in India as a case of recognition of diversity (1995: 142). By taking the text of the Constitution as material for philosophical reflection, I do not suggest that the political system founded upon this constitution has been free of identity related conflict and strife or that the constitution proved a panacea for all political and social challenge. I will provide here no assessment of the successes and failures of this constitutional model in practice.

[19] Austin (1966: 8-9) calculates that the Congress held 69% of the seats in the Assembly before the partition and 82% after the partition.

[20] The Muslim League officially boycotted the Assembly, but its representatives joined the assembly after the partition, see Bajpai (2008: 365 no. 8); Austin (1966: 8ff).

[21] As briefly mentioned above, in the European context, the Czech programme of national unity proposed a more pluralist view, as well as many of the national movements in Europe of the mid-nineteenth century. For an overview of competing conceptions of the nation, see Baycroft and Hewitson (2006) (eds.), What is a Nation? Europe 1789-1914; see also Kraus (2004).

The Constitution and the debates leading to its text expressed this distinction in a number of ways. First was the opposition to the idea that the religious and other communities are the primary locus of political participation of their members. Instead, citizens as individuals and regardless of their communal affiliations are recognized by the Constitution as bearers of the fundamental rights, as well as in the institution of legal equality, prohibition on discrimination "on the grounds of religion, race, caste, sex or place of birth" (Art. 16), and the introduction of universal suffrage. To understand the significance of these provisions, it helps recalling the extent of transformation they constituted. The Constituent Assembly inherited from the Colonial state a system of group representation, which gave preference to religious minorities through reserved seats in legislatures, separate electorates and quotas in government employment (Bajpai 2008: 355, 2000: 1837). Keeping separate electorates or quotas in legislatives according to size of the group in the population was indeed deemed by the majority in the Constituent Assembly as undemocratic (Bajpai 2000: 1839). Democratic representation instead meant that while the inclusion of diversity of opinions and groups in legislatures was welcomed and desirable – from a democratic point of view – it was not to be achieved by pre-determined representation for ascriptive identities. Rather, an electoral system of proportional representation gained support as a preferred mechanism for representing the positions of minorities without violating legal and democratic quality. In an instructive analysis of the Constituent Assembly's debates, Rochana Bajpai (2008: 372-3) writes:

"Minority representation was defended not on the grounds that distinct social groups had a right to be represented in the legislature, as had been the case in arguments for separate electorates, but rather on democratic grounds, with democracy construed here in liberal terms, as characterized by equal individual rights."

The arguments for proportional representation, unlike those for separate electorate,

[D]id not assume that… the political choices of individuals derived from their religious group membership… or that constituencies had to be defined along lines of religion. While desirable, the legislative representation of religious and other ascriptive minorities was to be achieved by focusing not so much on the social identity of the representatives but the procedure for electing them... (Bajpai 2008: 373-4).[23]

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[22] For a broader theoretical context, in the analysis of the Indian Constitution as a model of citizenship see Mitra (2008)

Crucially, this approach to representation of minorities not only allowed for but also legitimized the introduction of a far-reaching system of 'compensatory discrimination'.[24] It was evident that if the legal equality granted in the Constitution was to be meaningful, disadvantaged social groups – e.g. the Scheduled Castes and Scheduled Tribes – required special provisions, which were granted in the form of reserved seats in legislatures and quotas in government employment (Hargrave 1993: 63-4; Bajpai 2008: 376-9). The system has evolved since the 1950s and I cannot do justice to its complexities here, nor to provide an assessment of its success, nor full discussion of its normative foundations.[25] I only mention this element here in passing because it seems to address the problems that some advocates of multiculturalism worried about in regard to aboriginal peoples, as well as to make the point that equality based approaches can also make space for special provisions, without falling into the culturalist trap of enforcing identities on people, or of enforcing political and social roles and positions on individuals because of their identities.

In addition to the rights to equality and individual freedom, the fundamental rights in the Indian Constitution also protect minorities and diverse identities by defining a realm for their pursuit and free development. Freedom of religion includes – beyond the right of individuals to "profess, practise and propagate religion" (Art. 25) – the right of religious denominations to "manage their religious affairs" (Art. 26). Religious minorities as well as any group distinct in "language, script or culture" are granted by the Constitution the freedom to establish and administer their educational institutions (Art. 29-30), while the State, in granting aid to educational institutions is prohibited from discriminating against "any educational institution on the ground that it is under the management of a minority" (Art. 30 (2)). The framework that emerge from this list of fundamental right is one in which the state is committed to the legal equality of its citizens, while keeping the broadest freedom possible for these citizens to live according to their diverse beliefs.

For proponents of multiculturalism in the European context, these provisions may seem as falling short of addressing some of the most urgent challenges. It remains open within such a constitutional framework to figure out what exactly can be pursued and practiced in the name of one's culture or religion. Indeed, the ongoing controversy in India regarding Personal Law may well be a case in point (Mitra and Fischer 2002). Where religious and state law are in conflict on such matters as marriage and divorce, which should prevail? Is it included in one's right to practice their religion to live under religious family law; or is it rather a matter of legal equality that the same rights and duties will apply to all citizens in cases of marriage and divorce, and that, further, the state should enforce family law that does not discriminate against women, in the way religious laws often do? While the constitutional framework is inconclusive, it can nevertheless be construed as providing two guidelines for adjudication. First, the constitution includes rather strict limitations on what was to be permitted, under the auspice of law of the state, to be practiced and enforced in the name of the traditions and religions of the majority.

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[23] There is also much to say about drawing constituency lines without discriminating against minorities, see for and overview of some the central problems involved, Kymlicka (1998). On federalism in India as a mechanism of managing diversity, see Hardgrave (1993: 55-63).

[24] A.k.a affirmative action

[25] For a comprehensive introduction and discussion see Galanter 1984.

Untouchablity was banned and discrimination on the basis of caste was outlawed.[26] It doesn't seem that there is a reason not to hold minorities, *if* they wish to enjoy official legal standings, to similar standards. Second, to the extent that the concern with cultural determinism is present, the political debate would need to pay much more attention to mechanisms of representation of identity-groups and affiliations to them. Namely, for many of the conflicts associated with diversity and multiculturalism, the political challenge would not be one of defending or dismantling specific practices. Instead, the focus would move to finding forms of association and representation which do not impose identities on individuals, nor roles and positions on identity-bearers.

IV.

In this article, I outlined the distinction between cultural and political approaches to the rights of minorities – i.e. religious, linguistic, national, – in liberal democracies. I have argued that the political approaches succeed where the cultural approaches have failed: although the cultural arguments for minority rights have been developed and advanced for the purpose of advancing pluralism and equality, they have relied upon the assumption the political communities are culturally pre-determined. This assumption, I have argued, undermines pluralism and imposes identities as well as social and political roles and positions on individuals. The political approaches, on the other hand, make a distinction between cultural identities and political communities. This distinction makes it possible to conceive a political-legal space of legal equality and political unity among citizens, regardless of their religious, linguistic or cultural affiliations. The rights of minorities are then understood as protection of the freedom of these citizens to pursue their identities and live in light of their beliefs.

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[26] The constitutional change, of course, does not mean that social practices match the standard of legal equality, but change of official legal standard is nevertheless an important step.

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Affirmative Action in Developing Countries: The Federal Character Principle and diversity management policies in Nigeria

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Keywords: affirmative action, federalism, India, Nigeria.

ABSTRACT:

Most countries of the world are composed of heterogeneous societies either in terms of ethnic composition or religious affiliation, cultural and historical heritage, etc. The heterogeneous nature of societies in the developing countries is further accentuated by apparent and profound disparities in terms of socio-economic status. Various developed and developing countries alike, in their bid to overcome their perceived group inequalities, have adopted affirmative action policies. Otherwise known as positive discrimination these aim at putting the various segments of their societies on an equal footing for access to collective national benefit. Nigeria and India are countries that have had to cope with vast ethnic, religious and social differences and hence form the object of study in this paper.

INTRODUCTION

Nigeria and India are countries affected by deep ethnic, religious and social diversities. Products of the British colonial administration, both are made up of numerous societies that have evolved in different ways and are quite heterogeneous even within each one of their composing societies. Since its independence, the various governments of Nigeria have undertaken some policies aimed at rectifying perceived discrepancies between the various regions and States of the Federation. In 1947, India introduced its affirmative action in favour of the *Scheduled Castes (Dalits)* and *Other Backward Classes (OBC)*, while Nigeria introduced the *Federal Character Principle* into its constitution by 1979. In both federations, mechanisms have been put in place to ensure the effective application of both constitutional policies. The Indian *Ministry of Social Justice and Empowerment* is in charge in India, while the *Federal Character Commission* was assigned the task in Nigeria.

The aim of my research is to provide a comparative approach to understanding various policies of the Indian and Nigerian governments aimed at achieving a relatively equal opportunity of participation and social development of all sections in the two societies. The policies under study could be generally grouped under the principle of Affirmative Action, though there are some major differences in terms of theoretical conceptions and applications of the various policies adopted by the countries under study. The basic point of departure is that whereas the Reservation policy adopted in India is based on caste and religion, the various strategies adopted in Nigeria are hinged on ethnic differences, though that has been replaced by States.

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For the sake of convenience and precaution, this paper focuses on the case of Nigeria for the simple reasons that I have been able to do a one-month preliminary research internship in May 2009, at the Federal Character Commission, whereas I have not yet conducted any fieldwork on/in India.[2] Therefore, I felt that it would be better to deal more with the information at my disposal concerning Nigeria. Nevertheless, I hope to draw some points of comparison between the facts from Nigeria and the facts from India based on the limited information available to me at the time of writing this paper.

First of all, a brief presentation of the entity called Nigeria and its ethno-political composition is made. This will be followed by a look at the various manifestations of Nigeria's social inequalities with geographical correlation, as well the possible causes of these imbalances. This will bring us to the remedial strategies that have been adopted by Nigeria in this regard. Subsequently, the various issues arising from the application of Nigeria's remedial policies will be examined. At this point, an attempt will be made to relate the issues arising from the case of Nigeria with those of India.

THE NIGERIAN POLITY

Nigeria is a country with an estimated population of about 148 million inhabitants. It is composed of a minimum of 250 ethnic groups spread out over the 36 States and the Federal Capital Territory, Abuja. It is an icon of cultural diversity in the Sub-African region. For administrative purposes, the 36 States were further regrouped into 6 geopolitical zones comprising the North – East, North-West, North-Central, South-East, South-West and South-South. One major feature of this administrative and political configuration is that these grouping are underpinned by ethnic cleavages. Relatively positive reports on the country's economy and socio-political status have recently been issued, such as report by the World Bank and the International Monetary Fund on the country's GDP for the year 2008, and secondly on the issue of good governance and Human development by the Mo Ibrahim Foundation Index on Good Governance published on the 5th of October, 2009. However, one cannot help but notice the deplorable condition of public infrastructure, the low levels of productivity both in the public and private sector of the Nigerian economy, the high rate of insecurity, a high level of poverty and latent political and ethnic tension among others.

Over the years, it has been proved that the major source of tension is the economic disparity between the composing ethnic groups as well as ethno-religious cleavage *inter alia,* which has been translated into a major issue of political concern as well as instruments of mobilisation for political interest by and for the elites. These factors have so poisoned the socio-political relationship that every move made by any of the composing groups is very likely to be greeted with suspicion and counter-mobilisation, no matter the good intention that might have motivated such move. This is mostly so among the *wa-zo-bia*, i.e. the three major ethnic groups (Yoruba, Hausa-Fulani, & Igbo). The power struggle between these three hegemonic ethnic groups since the colonial era has shaped the country as it is today.

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[2] Further field researches have been scheduled to take off in Nigeria by February, 2010, and in India by 2011.

The social inequalities within Nigeria are manifested mostly in the economic, educational, bureaucratic, and political sectors of its national life. It has also been proved that there exists a correlation between the state of origin of an individual and the form of inequality, up to the point of marginalization, undergone by citizens. With a high level of dependence of the states on the federal government revenue allocation and an acute shortage of social resources, the competition for available resources becomes extreme among the various segments of the nation. This is further accentuated by the fact that the requisite capacity in terms of economic and educational empowerment that could improve the chance for equal opportunity and equitable competition are not evenly distributed among the states.

THE MANIFESTATION OF IMBALANCES

In the area of education, the Northern part of the Federation seems be lagging behind in this area. According to statistics, whereas the Southern part of Nigeria had 67 pupils in 10 secondary schools in the year 1912, the North did not have any. Few years after the independence, the North was still far behind the South though its enrolment had started picking up (Figure 2). The picture seems to be the same when we take into consideration the rate of registration of primary school pupils in 2005 and 2006 (Figure 3). This disparity is more alarming as we can observe that the North has a higher population compared to the South. The same trend can also be noticed when it comes to admission into Nigerian Universities (Figure 4) under the Joint Admission and Matriculation Board (JAMB).

Figure 1: SECONDARY SCHOOL OUTPUT IN NIGERIA 1912 - 1965[3]

	NORTHERN NIGERIA		SOUTHERN NIGERIA	
YEAR	N° of Schools	N° of Pupils	N° of Schools	N° of Pupils
1912	0	0	10	67
1926	0	0	18	518
1937	1	65	26	4,285
1947	3	251	43	9,657
1957	18	3,643	176	28,205
1965	77	15,276	1,305	180,907

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[3] Source: National Bureau of Statistics, Federal Republic of Nigeria, 2006

Figure 2: Population of Geopolitical zones in 2006 and rate of Primary school registration in 2005[4]

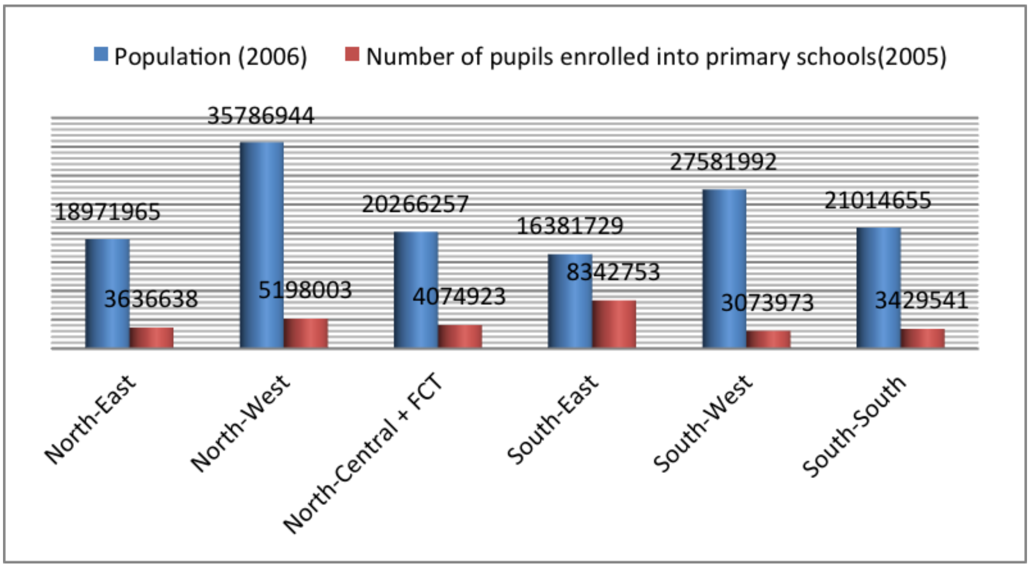
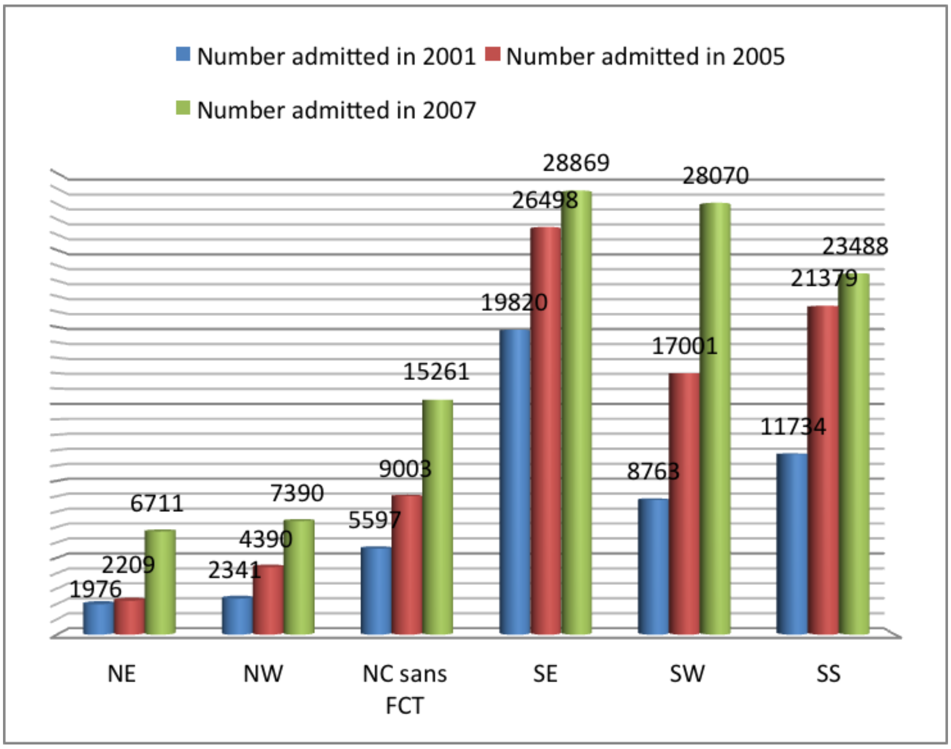


Figure 3: Number of Students admitted into Nigerian Universities in 2001, 2005 & 2007[5]



In the area of economic output, the configuration seems to be the same. According to the former Governor of the Central Bank of Nigeria, Prof. Charles Soludo, in 2006, the 10 states with the highest incidence of poverty are all from the North, whereas the 10 states with the least incidence of poverty are all from the

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[4] Sources: OFFICIAL GAZATTE, Federal Republic of Nigeria (FGP 71/52007/2,500(OL24) 2006 ; and "Annual Abstract of Statistics 2006", National Bureau of Statistics, 2006

[5] Source: Joint Admission and Matriculation Board (JAMB), www.jambng.com, 2009

South. This assertion has been confirmed by the National Bureau of Statistics of Nigeria that looked at the spread and trend of poverty level across the 6 geopolitical zones from 1980 to 2004 (Figure 5). All these point to the fact that Nigerians from the Northern States have a reduced capacity to engage those from the South in competition on an equal footing in view of rare resources that are generally controlled by the Federal Government.

Figure 4: Spread and trend of Poverty level across the 6 Geopolitical Zones (1980 - 2004)[6]

ZONE	1980	1985	1992	1996	2004
South- South	13.2	45.7	40.8	58.2	35.1
South East	12.9	30.4	41.0	53.5	26.7
South West	13.4	38.6	43.1	60.9	43.0
North Central	32.2	50.8	46.0	64.7	67.0
North East	35.6	54.9	54.0	70.1	72.2
North West	37.7	52.1	36.5	77.2	71.2

POSSIBLE CAUSES OF THE IMBALANCES

There are various reasons for these inequalities. Some could be traced back to the colonial policies adopted by the British colonial administration in that they decided, even after the amalgamation of 1914, to administer the North and the South separately. More importantly, they prevented the entrance of Christian missionaries and western education into the northern territory so as to maintain the pre-existing socio-political structure of the Islamic region. This provoked a discrepancy in terms of academic and bureaucratic achievement of the South to the detriment of the North. However, the North was able to transform its demographic strength into a political strength (a formidable weapon imbedded in the Nigerian political configuration till date) and has been able to push forward policies aimed at balancing the configuration (Mustapha 2007: 7). Consequently, various policies have been adopted and implemented, the latest being the Federal Character Principle.

In addition to the relatively separate policies adopted by the Britis administration, there was also the issue of 'Indirect Rule'. The major impact of the Indierct Rule system was that it created what Atul Kohli has termed the 'minimal state' in the sense that when Nigeria attained self-governance, its institutional capacity to steer development mechanisms of the new political entity was quite limited (Kohli 20114: 292). In addition to that, the system encouraged the reinforcement of the elite's stronghold along the pre-existing factions on the line of ethnicity, thereby paving the way for a quasi-institutionalised neopatrimonial system that has consistently eroded the effectiveness of the Nigerian State. The combined effect of the dual *separate and indirect rule* was to lead towards Federalism with components of unequal capacity and opportunity.

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[6] Source : National Bureau of Statistics, FRN, 2006

REMEDIAL STRATEGIES

Having noted the above mentioned imbalances of the Federation, the successive governments of Nigeria adopted various policies aimed at bridging the gap between the Regions/States.

a. Proportional political representation:

The first step in 1958 was a political move that guaranteed the Northerners of adequate representation in Federal Politics in proportion to their population. This first plan recognised and consolidated the hegemony of the three major ethnic groups and gave them a legislative representation in the ratio of 30:22:22 (Ejobowah 2001: 64). In this configuration, the Northern region benefitted from an inbuilt political protection engraved in the subsequent constitutions of Nigeria. This constituted a formidable arm for the North against the southern bureaucratic and economic dominance (Mustapha *supra*; Kohli *2004:* 336-337)

b. Quota in the Army and the Administrative machinery:

The next strategy was the adoption of a quota system into bureaucratic positions and in the army. This started a little before independence, during the era of the 'Nigerianisation' of the administrative machinery of the colony. The negative impact of the quota system was felt more in the army during the first republic that lasted from 1960 to 1966 because it created insubordination within the ranks and the rapid promotion of the indigenes of certain areas over and above their seniors from other parts. The resultant dissatisfaction is one of the issues that led to the Nigerian-Biafran civil war that lasted from 1967 -1970.

c. Quota system in the educational sector:

The 3rd strategy was in the area of education, especially as it related to tertiary education. The first step in this direction was the nationalisation of regional universities, followed by the establishment of agencies aimed at homogenising universities' affairs and admission. It was in this context that the National University Commission (NUC) and the Joint Admission and Matriculation Board (JAMB) were introduced in the late 70s. The collateral quota system for admission into federal secondary schools and universities was also put in place.

But this very strategy, after about 30 years of existence, does not seem to have achieved the desired result. Instead, it created dissatisfaction among those that felt they were unduly screened out of admission exercises into federal institutions. This scenario led to an explosion of State-owned universities mainly in the southern states, a phenomenon that has extended to the point of creating private universities to run parallel to the Federal and State Universities.

But as demonstrated in the table above, there is still a gap in the rate of admission for the indigenes of the so-called 'less educationally developed states' of Northern Nigeria. A number of reasons could be advanced to understand the reason for the stagnation of educational progress in the North.

i. *Unavailability of Adequate and Sufficient Manpower:* One of the numerous hindrances to the bridging of the educational gap is the availability of adequate and sufficient manpower to tackle technical issues associated with formal western education. As can be deduced from the tables above, there are very few capable hands to cater for the educational needs of the teeming number of children and youths that need access to education in the North. The situation is made more difficult by the transfer of a majority of the qualified and competent staff that the Northern States can count on to the federal level in order to fill up their national quota (Okoye 1987: 162). Those that are left behind in the primary and secondary schools as well as the administrative levels of the Northern States are either not qualified or are overwhelmed by the magnitude of the population they have to cater for. The resultant effect is that the needs of the local population are sacrificed at the altar of the national quota at the federal level. This causes a negative chain reaction as enunciated by Okoye. With low quality and insufficient manpower in the schools, there are graduates of low quality; which leads to further marginalisation in the national labour market.

ii. *Indigeneity policy:* The direct and indirect application of the indigeneity policy has done more harm than good to the States of the Federation that have decided to apply it. With the creation of new States came the disengagement of several workers that are supposedly foreigners from other States. This makes it quite difficult to have manpower mobility between the States that have an excess of it and those that are running a shortage (Bach 1988: 15). To circumvent this impasse, it has been suggested that the States of the Federation can engage in bilateral agreements amongst themselves to ‘lend’ technical assistance to States that lack it (Aderinto 1987: 178). This is based on the diplomatic practice of bilateral agreementd on technical assistance between Sovereign States within the International community. Yet, there is a doubt whether any of the States has had recourse to such an arrangement to support its population. But first, the States concerned have to recognise that they have staffing needs in the schools, and that those needs could be met by indigenes of some other States.

iii. *Lack of adequate use of youth corpers:* Akin to the preceding point is that it appears that the Northern States are not fully utilizing the opportunity offered by the National Youth Service Corp programme (NYSE). The programme is a mandatory one-year national service for every university graduate below the age of 30 as at the time of graduation (whether home or abroad). The ‘*corpers’* are sent to States other than their States of origin, and preferably, other than the State where they did their university education. This ensures a regular dispatch of adequate manpower to each State of the federation. They are attached to their ‘places of primary assignment’, which most often brings them in touch with the local population in various sectors where their knowledge is needed, especially in the secondary schools. However, it is unfortunate that majority of the corpers complain of lack of adequate care, and sometimes open hostility[1], by their host communities. Most of the corpers are quick to run home immediately after their service because there are no incentives for them to stay back. It is hoped that States will actively tap from the energy that is regularly at their doorstep *via* the NYSC programme.

iv. *Resistance to western education?:* Another issue that could be affecting the quality of education in the Northern States is resistance to western education. Azare pointed out that there seems to be a clash of educational values in the Northern part of Nigeria. This is due to the fact that the globalisation trend (with western education as its engine) is sometimes perceived as a machinery of domination (Azare 2008: 74). This therefore is a point of conflict between the Northern Nigeria educational system that is rooted in Islamic culture and the western educational mostly used in the south and in the nation’s administration. Some may doubt the veracity of this assertion but a recent confrontation between Nigerian forces and some Islamic sects in Bauchi State (North-East) and its environs (July 2009 & January 2010), claimed a lot of life and could lend credence to Azare's view. However, all hope is not lost on the resolution of a clash of values as several *Integrated Islamic Schools* are springing up in the Northern States[1]. This arrangement is based on an improved curriculum that integrates Islamic educational requirements with the western requirements to avoid the production of '*deluded hybrids'* accused of leaving their Islamic faith for western domination.

We can thus see that a lot has yet to be done if a minimum level of regional balancing is to be achieved. This can be attempted through effective articulation and utilisation of available national policies such as the NYSC programme. Of course, it should be emphasised that there is no harm in calling upon people from other parts of the Federation to assist in developing local manpower in the States that need them. However, this also brings us to the issue of State partition as a means of handling inequalities among various groups.

d. State creation:

Another major strategy deployed by the Nigerian government was the multiplication of States within the federation. From three regions at Independence, Nigeria now has thirty six States plus the FCT. The first creation of States dates back to 1966 at the collapse of the 1st Republic. Though this strategy helped to hold Nigeria together during the Civil war, it subsequently manifested same divisive tendencies in the long run. It has been noted that the logic behind the multiplication of states, apart from assuaging the feelings of marginalisation of the minority groups, is closely tied to the local ideology of sharing the 'National Cake'. Local elites with the ulterior motive of having a faster access to national resources mobilise minorities of their constituencies on the ground that they are being marginalised from their due share of the oil revenue. With a high dependence on oil revenue and the Federal revenue allocation, the temptation to divide states for better access is higher. This has led to a number of issues such as:

i. Consolidation of the political base of regional élites and clientilism: By pushing for new state creation, the local elites are merely seeking to consolidate their political base. This has the attendant consequence of reinforcing the patronage syndrome using the federal revenue as bait.

ii. Economic Non-viability of new states: It has been noted that the demand for state creation most often fails to take into consideration the economic viability of the proposed states. The consequence is that there is always an explosion of government expenditure in the running the new administrative apparatus and infrastructure of the new States without the guarantee of the states being able to finance their activities adequately in the years to come (Bach 1988: 7).

iii. Hardening of ethnic cleavage (Indigeniety): The most disturbing is that the incessant demand for states has contributed to hardening the ethnic cleavage and has resulted in a more devastating effect generally referred to as 'indigeniety'. This implies that individuals are identified based on their biological origin and not by their place of residence (*jus sanguinis < jus solis)*, which can be proved by their certificate of origin. The implication is that there is an increasing divide between 'sons-of-the-soil' and the non-indigenes even if the later has been residing in that particular state all his life; and as such the non-indigenes are not entitled to the same status and rights accruing to indigenes of their state of residence. This has been a source of major concern in some states, especially in Plateau State, which has been experiencing some civil unrest related to the issue of indigeniety. In May 2009, the

Governor of Plateau state had the ridiculous idea of '*repatriating'* some Fulani nomads from his State. Here, we see a direct conflict between this notion and the constitutional principle of non-discrimination and the right to the freedom of movement and residence within Nigeria in favour of every Nigerian citizen. This divide fails to take into consideration the fact that some of the so called non-indigenes have so imbibed the culture, social and academic values of the places of their residence that it would be utterly inequitable to deny them of any privilege that the so called indigenes are entitled to.

From the foregoing, it is apparent that the creation of New States, though it has succeeded in holding the country together and assuaging the feelings of the various groups, it has failed as an all-purpose panacea. In fact, it has ended up creating more problems than it had solved. Yet, the Nigerian government has decided to restructure its national integration policy on the backdrops of States' identity under the Federal Character Principle.

e. The Federal Character Principle:

The latest, and by no means the least, of this series of strategies is the Federal Character Principle. *Section 14 (3) & (4) of the 1999 Constitution of the Federal Republic of Nigeria*, which serves as the basis for the subsequent specific provision of the constitution which provides that:

> *"The composition of the Government of the Federation, the States and the Local Government Councils or any of their agencies and the conduct of their affairs are to be carried out in such a manner as to reflect the federal character of Nigeria [*and of the various States*] , to promote national unity, and also to command national loyalty, thereby ensuring that there is no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government or in any of its agencies."*

The main objective of this policy is to achieve a uniform level of integration of the various States, Geopolitical zones, Local Government Councils, and Senatorial Districts in the affairs of the Nation, thereby, creating a sense of belonging and uniform development. This was first introduced by the 1979 Constitution, but it was not until 1996 that the Military Regime under Late General Sani Abacha established the Federal Character Commission to oversee the implementation of the policy under two mandates: the equitable distribution of posts and equitable distribution of social amenities.

So far, the efforts of the commission seem to be concentrated on their first mandate, i.e. the equitable distribution of posts in federal or state offices among the component states or local governments as the case may be. This has led to a situation that Dr. Dan Aighewe and some others referred to as '*Equitocracy'* (Aighewi 2004: 51). So far, little or no attention has been paid to the second mandate of the commission. Since its establishment, the commission has not succeeded in finalizing and getting the approval of the federal government for its formula on social amenities distribution. It appears that this has been repeatedly swept under the carpet by the government under Obasanjo and the incumbent president, Yar'Adua. In an interview, the Dg of the FCC said that they have been concentrating on their first mandate because that is where people feel they are easily marginalized (Okoli 2008: 18). But they seem to forget that without even development of infrastructure, economic, educational and health systems of the various States and Local

Government Areas (LGAs), there is no guarantee that these States or LGAs can produce the right quality of candidates to fill their quota.

To facilitate its activities, the commission developed its 'Guiding principle' in 1996 wherein it proposed a formula for the staffing of federal and state Ministries, Departments and Agencies (MDA). According to the formula, each state is entitled to 2.5% - 3% for its indigenes. In the event of a state not being able to produce a candidate for its quota, the option is open to states within its geopolitical zone. If there are a lesser number of posts, they will be shared on the basis of geopolitical zones. And finally, if there are only two posts, they will be shared between the north and the south. The formula is about the same in the States except that they are based on Local Government Areas and the Senatorial Districts of each state.

On the issue of indigeniety, the FCP adopted a broader interpretation compared to the constitutional interpretation in that an individual can lay claim to the certificate of origin of a local government area different from his biological identity, provided that no individual can lay claim to 2 localities. Besides that, married women are only entitled to their premarital place of origin for the purposes of the FCP. Despite the broader interpretation of indigeniety under the Guiding principles of the FCP, one cannot help but note that it provides some undesirable restrictions more especially as it applies to married women.

So far, some progress has been recorded in balancing the States' composition of the various MDAs of the Central government and the Federating States. There has been a slight improvement in the staffing of the MDAs though statistics show that indigenes from southern states still dominate the federal bureaucracy. The FCC has noted that it is easier to observe the principle at the point of recruitment than observing it *vis-à-vis* people that are already engaged because it would be inadmissible to sack people arbitrarily all in the name of balancing the composition of the federal bureaucracy. In line with this line of thought, the FCC has developed mechanisms for the monitoring and sanctioning of recruitment processes by the MDAs. They also have the authority to institute criminal actions against non-compliant bodies. But the commission seldom uses the court of law. In fact, so far, there has been no conviction before any court of law for the infringement of the provisions of the FCC Act and none of the cases has ever been decided on its merit.

Furthermore, some lapses can still be noticed in the area of economic and academic capacity of indigenes of the Northern States. This is partly due to the non enforcement of the second mandate, which ought to serve as a launching pad for equitable actualization of the first mandate. As far back as 1991, Ademolekun *et al.* wrote that the main objective of the FCP will remain a mirage so far as there is a lack of political will and technical competence to implement universal primary education and the rehabilitation of secondary and tertiary institutions in terms of human and material resources. Also in the economic sector, a concerted effort has to be made to empower citizens via the private sector in order to reduce the overdependence of the citizenry on the government; and by so doing, avoid the instrumentalisation of the FCP by various sections of the society.

CONSEQUENCES OF NIGERIA'S REMEDIAL POLICIES

The empirical information enunciated above raises a number of normative issues with respect to these policies. At this point, an attempt will be made to draw a parallel with issues in India as far as practicable.

- *Indigeneity:* In Nigeria, it has been noted that there is a contradictory constitutional provision that creates hardship for citizens given the apparent contradictory effects of the principle of non-discrimination, right to freedom of movement and residence on one hand, and on the other hand the condition of indigeniety as provided in the Nigerian constitution.

Though the basis of the Indian reservation policy is on religious categorization, there has been a shift to geographical criteria in recent times. In August 2009, the Supreme Court of India ruled that Dalits and members of the Other Backward Classes (OBC) are not entitled to quota in job or educational institutions if they relocate to a new State within the Union of India. But the decision does not affect jobs or educational institutions run by the central government. In both cases of India and Nigeria, the duration of residence and the level of cultural integration of the potential beneficiaries are not taken into account.

There is therefore a need to review both systems to ensure that there is no contradiction in the constitutions of the two countries. This will go a long way in facilitating physical and social mobility, while guaranteeing the fundamental human rights of citizens in every State of both countries.

- *State creation as an ad hoc solution:* The Nigerian governments have used the creation of new States as a means of calming ethnic tension that could eventually lead to the disintegration of Nigeria. However, this strategy is inadequate to cater for the yearnings of the local populations of the old and new States as only a few well-placed politicians corner the whole system. They use the system as bait to consolidate their network of clientelism. Nigeria has failed to evolve and implement specific, efficient and effective social policies in favour of the masses. State creation, like some other policies adopted so far, appears to be an *ad hoc* measure that has failed to address the fundamental issues perpetuating the social reproduction of negative traits.

In India, recourse has been had to the reorganisation of the territories of the Union to reconcile the boundaries with ethno-linguistic frontiers as was done in 1956 under the *States Reorganisation Act 1956*. Up till now (i.e. January 2010), there are still agitations for the creation of new States in India, causing a whole lot of political ripples within the entity. It is not surprising that India, with diverse ethno-religious identities like Nigeria, has been using State creation as an *ad hoc* political arrangement for national integration.

Note that in both countries, the economic viability of the intended new States was of less consideration. Moreover, the power-sharing formulae between the two centres and the States governments are yet to be fine-tuned. In Nigeria, the constitutional partition of legislative powers between the Federal Government (FG) and the States are found in the "*Exclusive Legislative List"* for the FG; *"Concurrent Legislative List"* for the FG and the States, in which the FG has priority; and the "*Residual List",* which leaves every other issue not included in the two previous lists within the exclusive powers of the States. In the New arrangement, most of the legislative issues are within the *Exclusive Legislative list.* Likewise, in the area of fiscal management, the formula is largely in favour of the FG, which takes about 53% of the national revenue (Eliagwu 2007: 251). The question that arises from this arrangement is on the actual powers and capacities of the various States to initiate and execute social and developmental projects for their territories in consonance with their actual needs and circumstances.

This point of power-sharing between the governments and administrative efficiency favouring local populations has also been raised in the case of India. India has a similar partition of legislative powers into the *Exclusive, Concurrent and Residual legislative lists* as provided for by the *Seventh Schedule of the Indian Constitution*. The partition however leans in favour of the central government. There has been a call to have a consensus on the issues of power-sharing, autonomy and an agreeable objective basis of State-creation, with good governance as the ultimate objective (Mehra 2010).

- *Centre & Peripheries power and resource sharing – precondition for social policy effectiveness:* In both the countries under consideration, the extent of political and financial power and autonomy plays a direct role in the national integration process. In the case of Nigeria, if we go further in this perspective, the *modus operandi* of these policies seems to cast doubt on the foundation and desirability of the Nigerian federalism. For India, the nature and extent of power and autonomy available to the States and the local governments are yet to be fully ascertained by this author.

On the issue of the Nigerian federal structure, Daniel Bach has pointed out that the choice of federalism was not a natural flow from the free will of the composing Regions during the independence, but was the fruit of a colonial imposition (Bach 1988). Consequently, the desire to live together and the formation of a national sense of belonging seem to be absent from the minds of the various groups of the federation. Elsewhere, he maintains that the Federal system of Nigeria has the four characteristics that could qualify it for a *'Consociational'* system as was developed by Lijphart, i.e.: (1) a government that associates all the segments of the society; (2) a mechanism for the protection of the minorities; (3) an arrangement for proportional political representation, recruitment, and distribution of public fond; and (4) a high degree of autonomy for each of the segments in the management of its internal affairs (Bach 2006: 71). From what we have seen above, the rating of Nigeria on each of these points varies. They are low especially in the area of adequate autonomy and proportionality. This mode of functioning in terms of consociationalism seems to have a direct impact on the issue of power and resource sharing for effective and efficient policy formulation and implementation for the citizens.

As earlier noted, the reinforcement of the central legislative capacity also entails centralisation of development policies, which do not necessarily take into account the specific context and needs of the various localities. In India, the capacities of the States to set their own development agendas are reduced because there is centralised planning in matters of development (Höning 2009: 4).

- *Possible formation of National sentiment and values?:* The strategies that we have considered so far in Nigeria and in India leave more to be desired in the area of transcending barriers to the formation of a national sentiment and values. Bearing in mind that their primary objective is national integration and balanced development, one may begin to wonder if these policies do not constitute a hindrance to the state-building process in the Nigerian polity since they tend to reinforce ethno-religious cleavages.

- *Adequate Political will and administrative capacity:* Last but not least, in view of the characteristic bureaucratic delays and diversion of public resources for personal benefit, one may doubt the true capacity of the Nigerian government to formulate and implement policies without such policies being diverted for the selfish interest of a few individuals. As for India, limited information on this issue is available at the point of this writing. However, for a better understanding of this very issue, further research has to be made about the decision-making process and the technical competence of the Indian and Nigerian administrations.

CONCLUSION

From the discussion so far, one may say that Nigeria and India have been able to propose some original policies aimed at managing cultural and religious diversities. Though not an obvious success-story looking at the evolution of these policies so far and considering the distance from the final objective of national integration, one cannot help but acknowledge that some level of progress has been made. Nevertheless, more is expected to be done in fine tuning these policies and the mechanisms for their implementation.

In view of the issues raised, it is obvious that there is a need to have a proper articulation and lubrication of the power and resource sharing formulae between the Central and State governments both in India and in Nigeria. A truly decentralised governance of the Indian and Nigerian territories and the effective legislative and financial empowerment of the States and local governments are major keys to achieving well integrated societies in both countries. Furthermore, there is a need to reconsider the citizenship and social criteria adopted in determining who benefits from what, when and how in the social development policies of both countries. The governments of India and Nigeria should be careful not to further divide the nations in the process of implementing social integration strategies *via* discriminatory techniques that reinforce identity politics and conflict.

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SECTION IV.

EXPORTING INSTITUTIONS: DEMOCRACY PROMOTION & REGIONAL INTEGRATION.

European Democracy Promotion in Difficult Environments: The Case of Central Asia

Vera Axyonova [1]

Keywords: External Democratization, Democracy Promotion, European Union, Central Asia, Conditionality, Normative Suasion.

ABSTRACT:

In June 2007, the European Council adopted the Strategy for a New Partnership with Central Asia, which aimed at increasing the EU's political role in the region and declared promotion of human rights, rule of law, good governance, and democratization as the key priorities of EU-Central Asia relations. However, the Strategy is a very generally formulated and vague document, and as the first results of its implementation have demonstrated, the EU's ability to influence democratization processes in the region remains limited. Hence, the current contribution examines the existing European democratization policy instruments and assesses, whether the EU has developed the right tool-kit for promoting democracy in Central Asia. Taking into account preconditions for successful external democratization, the paper further explores internal and external impediments to the European Union's ability to promote its normative interests in the region. The Union's potential for external democracy promotion is analyzed on the basis of conceptualising the EU as a normative power linked to the rationalist-constructivist debate on democratization through conditionality and normative suasion.

INTRODUCTION

It is commonly stated that the European Union (EU) is a community of values (e.g. European Commission 1995; Jünemann and Knodt 2007; Manners 2002). At the core of this identification lie the principles of democracy, liberty, respect for human rights and fundamental freedoms as well as the rule of law.[2] These values and principles have developed as a reference point for both EU's internal and external governance, which has found reflection in numerous foreign policy statements and documents. Thus, in the bilateral Partnership and Cooperation Agreements (PCAs) between the Union and the five Central Asian republics (Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan, and Tajikistan) respect for democracy and human rights is regarded as an essential element of partnership (Art. 2). The EU's 2007 Strategy for a New Partnership with Central Asia goes even further and declares promotion of human rights, rule of law, good governance and democratization as one of the EU's priorities in its relations with the Central Asian states. However, as the results of implementing the PCAs and the Strategy have demonstrated within the last years, the EU's ability to influence democratization processes in Central Asia remains questionable.

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[2] The principles and values of the EU are stated *inter alia* in the *Treaty on European Union*, Art. 6 (European Union 2006) and in the *Charter of Fundamental Rights of the European Union* (European Union 2000).

Therefore, this paper scrutinizes the existing European democratization policy instruments, and tries to find an answer to the question, whether the EU has developed the right tool-kit for promoting democracy in Central Asia. Taking into account preconditions for successful external democratization and EU instruments available in the region, the paper further explores internal and external obstacles to the European Union's ability to promote its democratic principles and values in the region.

The Union's potential for external democracy promotion is analyzed on the basis of the concept of the EU as a normative power (Manners 2002) linked to the rationalist-constructivist debate on democratization through strategic calculation (conditionality), on the one hand, and normative suasion, on the other (Cf. Schimmelfennig 2005 and Warkotsch 2008a).

Hence, the paper unfolds as follows. After this introduction, the second section examines the analogy between the EU's democratic self-image and its normative orientation in international affairs with a focus on the EU's commitments to external democracy promotion. The third section exemplifies the theoretical debate on the mechanisms of international socialization, including external democratization, and provides an overview of possible EU democracy promotion instruments. Next, the preconditions for successful external democratization are accounted for. The fifth section, based on empirical observations, examines European democracy promotion in practice, including democratization instruments available to the EU in the Central Asian context, and potential impediments to their effectiveness arising from both the EU's approach and from the local politico-socio-cultural specifics of Central Asia. Finally, the conclusion summarizes the results of the analysis and addresses their generalizability.

DEMOCRATIC SELF-IMAGE OF THE EU AND ITS NORMATIVE ORIENTATION IN EXTERNAL AFFAIRS

Although democratic orientation was not the focus of the Treaty of Paris or the Treaties of Rome, even the early European Community (EC) defined itself as a democratic value-based entity (European Commission 1995: 5). The democratic conception of the EC was stated in official declarations, such as the final declaration of the Paris Summit of October 1972, which expressed the will of the Member States *"to base their Community's development on democracy, freedom of opinion, free movement of men and ideas and participation by the people through their freely elected representatives"* (European Community 1972). The legal basis for the EU's joint commitment to democratic principles was later established with the Maastricht Treaty (Art. 6), as amended by the Treaty of Amsterdam and Nice. After the Lisbon Treaty entered into force in December 2009, the Charter of Fundamental Rights of the EU has also become legally binding. While mainly focusing on human rights protection, the Charter includes several provisions on elements of democracy, emphasizing that: *"[...] the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law"* (European Union 2000: Preamble).

Historically, these values and principles have developed as a reference point for both the EU's internal and external governance. Thus, Member States expressed their will to represent the Community values and principles in international relations already at the Paris Summit of October 1972. The connection between the democratic self-image of the EC and its normative orientation in external affairs (or aspiration to export its model to the third countries) was further explicitly articulated in the document on 'European Identity' authored by the EC-Foreign Ministers in 1973 (cited in Jünemann and Knodt 2007: 13). Later on, the promotion of democracy and human rights has become a stated priority of the EU foreign and development policies. Thus, the European Council Resolution of November 1991 on 'Human Rights, Democracy and Development' established the promotion of human rights and democracy both as an objective and a condition of development cooperation with the third states. Such aims have been repeatedly re-affirmed in EU Treaties and statements, including the 1992 Maastricht Treaty (Art. 11 and Art. 177/2), the 2000 Nice Treaty (Art. 181), the European Commission's Communication of May 2001 on 'The EU's Role in Promoting Human Rights and Democratization in Third Countries', the European Consensus on Development, adopted by the Council, the European Parliament and the Commission in November 2005, and most recently the Council Conclusions on Democracy Support in the EU's External Relations, adopted in November 2009.

The European Security Strategy of 2003 has also stated that the best protection for European security *"is a world of well-governed democratic states"* (European Council 2003: 10). The high profile of these objectives has led to attempts to mainstream democracy and human rights within EU external policy, i.e. to *"integrat[e] human rights and democratization issues into all aspects of EU policy decision-making and implementation",* including all country and regional strategy papers (European Commission 2006: 1, cited in Crawford 2008: 173). This is also reflected in the Partnership and Cooperation Agreements (PCAs) between the Union and the five Central Asian republics, and in the new EU-Central Asia Strategy of 2007, which emphasizes good governance, the rule of law, human rights and democratization as 'key areas' for support (European Council 2007: 1).

Thus, the European Union sees itself as a *normative power* (to use the terminology of Ian Manners), which is able to shape conceptions of 'normal' and transfer common norms, values and principles to the other states in its international affairs (Manners 2002). If normative orientation and democracy mainstreaming are assumed to be among the central concepts in the EU's external relations, what then are the democratization instruments available to the EU and what are the mechanisms that allow the Union to act as a normative power and promote its democratic values in third countries?

EU TOOLS FOR EXTERNAL DEMOCRACY PROMOTION

Within the academic debate on international socialization, which also incorporates external democratization, the authors commonly distinguish the two main mechanisms for projection of liberal democratic norms and principles to third states: *strategic calculation* and *normative suasion*. The adherents of the rationalist approach argue that states (or political elites governing the states) are driven by pragmatic self-interests and strategic calculation of costs and benefits when considering political change (e.g. Schimmelfennig 2005). According to this logic of argument, if rewards promised by socializers are perceived to be greater than the costs of compliance (e.g. potential losses of power, resulting from political liberalization) by target actors, the possibility of their successful socialization increases (Checkel 2005: 809). The same effect can be achieved, if socializees see sanctions and loss of benefits provided by the normative actors as more costly or dangerous for themselves than political reforms. The willingness of the target states (or governing elites) to comply with the requirements of socializers can, thus, be reinforced through conditionality, i.e. through linking of certain incentives (such as development aid, closer economic and political cooperation, possibility of accession, etc.) to the fulfilment of economic, social and/or political conditions by this state.

Rationalists see conditionality as a far more effective mechanism (especially if linked to membership perspective) than normative suasion, which is based on persuasion by the ‘power of the better argument’ and ‘appropriateness of behaviour’. However, this view is doubted by constructivists, who argue that strategic calculation of costs and benefits is rather associated with behavioural adaptation of the target actors and causes only short- to medium-term results. As Warkotsch (2008a: 64) states it, *“[...] behaviour can be re-changed, once incentive structures change and rewards are paid.”* Socialization through normative suasion works differently. It supposes equal engagement of both normative and target actors in a dialogue, in which the latter ones are persuaded in the legitimacy of norms and values promoted by the socializers. Thus, socializees do not adapt, but rather *“truly internalize new values”,* which in the end leads to deep-rooted long-term political change (Cf. Warkotsch 2008a: 64 and Checkel 2005: 813).

Although the rationalist-constructivist theoretical debate emphasizes distinction (and sometimes even contradiction) between the two mechanisms and their effects, this differentiation appears to be less empirical, but analytical. In practice, strategic calculation and normative suasion are usually interlinked and need to be regarded not as contradicting, or mutually excluding, but rather as complimentary (Cf. Börzel and Risse 2000: 74-75 and Kelley 2004: 426).

Pursuant to the rationalist logic, external democracy promotion instruments are often divided into two symbolic groups, ‘positive’ and ‘negative’ (Jünemann and Knodt 2007: 17). ‘Positive’ instruments involve providing certain benefits to the target states (such as prospective membership, closer cooperation links, financial incentives, grant aid, technical assistance, establishment of political dialogue, capacity building, advocacy, monitoring, etc.), whereas ‘negative’ instruments are usually associated with sanctions or pressure on the state elites (e.g. by supporting oppositional civil society organizations or limiting the previously offered benefits) if they fail to comply with the requirements of the normative actors. This categorization is again rather symbolic than empirical and serves the purpose of analytical simplification.

The main instrument for external democratization, as seen by constructivists, is dialogue in its various forms and at different levels, from exchange of diplomatic statements and summits of highly ranked government officials to inter-parliamentary cooperation and civil society meetings.

All of the above instruments are available to the European Union, as this supranational entity has both rewards (including accession, cooperation perspective, financial benefits, etc.) and platforms for dialogue to offer and sanctioning mechanisms to employ. However, is the EU always able to effectively apply its external democracy promotion tools? In order to answer this question, a closer look must be taken (1) at preconditions for successful external democracy promotion, and (2) at the availability and practical application of the EU democratization instruments in such a region as Central Asia, which is considered to be a difficult environment for external democratization (Warkotsch 2007b).

PRECONDITIONS FOR SUCCESSFUL EXTERNAL DEMOCRATIZATION

In order for the EU democracy promotion tools to work, several objective preconditions need to be fulfilled. Thus, the policies of conditionality can be quite effective, if the socializees want the benefits on offer or fear losing them (Smith 2005: 24). Successful implementation of these policies critically depends on the value attached to the potential benefits by the states (and groups within the states). As target actors are assumed to be power oriented, utility maximizers within the rationalist framework, they will conform to the norms of socializers, only if compliance increases their political utility and if the costs of norm adaptation are smaller than external rewards or the costs of external sanctions (Warkotsch 2009: 252). Here, the perception of socializers by socializees is crucial. If a normative actor is not perceived by a target government as a strong political (and economic) power able to provide real benefits or impose punishment, the possibility to apply conditionality will be drastically diminished.

The strongest incentive the European Union can put on the negotiating table is, of course, the prospect of EU membership, but other forms of partnership with the EU can also be an attractive option for the target states. As Coppieters et al. (2004: 12) argue, *"progressive inclusion in EU common policies such as the single market or justice and home affairs, without formal institutional insertion into EU structures, can also act as a strong inducement."* In this context, the key factors are (1) the extent to which various domestic players are committed to the external benefits provider (the EU) and (2) the existence of alternative offers from the third actors, who are ready to provide comparable benefits without insisting on compliance with their norms and standards. Availability of such alternative options to the target states brings the potential success of the EU's conditionality policies close to zero.

Apart from that, effective use of conditionality implies a consistent way of its application, which provides for credibility of the normative actor. Thus, if a socializer fails to pursue a coherent and responsive conditionality strategy or is perceived by domestic actors as favouring one particular group (e.g. oppositional parties vs. government elites or one of the states within the same region) to the detriment of the other, the possibility of socializing all groups of actors equally will be lessened (Coppieters, et al. 2004: 36).

Regarding socialization through normative suasion, the constitutive European norms and values (e.g. economic, social and political norms, standards of democratic governance, human rights and the rule of law) play an important role by offering a point of reference to all external players, who seek closer involvement with the European structures (Coppieters, et al. 2004: 14). Yet, as normative suasion is a long-term process based on interaction, the success of socialization will depend to a large extent on the density and the time frame of institutional ties and contacts between the European Union and the target states.

Another critical factor for the effectiveness of the normative suasion mechanism is the legitimacy of European norms and policies as perceived by the socializees (Schimmelfennig, Engert, and Knobel 2002). It is likely that the EU's propositions and demands will not be considered equally legitimate by all domestic groups and political formations. Thus, in authoritarian regimes, European democratization initiatives are commonly rejected by the governments, but accepted as legitimate and welcome by the opposition members and civil society representatives. Here again, "*[t]he consistency of the messages conveyed by the different institutional structures of the EU will [...] affect the credibility of the EU's line, and how favorably it is received by local players"* (Coppieters, et al. 2004: 14). A broader acceptance of the EU's values and principles among the domestic groups also supposes not lecturing and demanding on the part of the EU, but rather following those principles in practice and engaging in a deliberative argument with the socializees in less politicized and more in-camera, peer-to-peer settings (Cf. Checkel 2005: 813 and Warkotsch 2009: 253).

Furthermore, the legitimacy of a normative actor as perceived by a socializee depends not only on the consistency of its messages and the way they are delivered, but – perhaps even to a larger extent – on the proximity (or compatibility) of values. Thus, socialization through normative suasion is more likely to be successful, if a target society has few prior, ingrained beliefs, which are incompatible with those of a socializer (Checkel 2005: 813).

There is one more important aspect to consider within the analysis of preconditions for successful external democratization. The possibility to apply the described mechanisms effectively supposes the political leaders of all the parties involved in the socialization process to demonstrate political will and ability to provide leadership. Unfortunately, this is not always the case, especially in authoritarian environments which do not have historical preconditions for democratic development. The governments experiencing pressure from outside are not always able to respond adequately, and the inconsistent way of applying conditionality may diminish its effectiveness and put at risk the success of normative suasion. Thus, the democratization mechanisms may remain inefficient or cause unintended effects.

EU ENGAGEMENT IN CENTRAL ASIA: EXTERNAL DEMOCRATIZATION AT WORK

Instruments Availabile

For the purposes of democracy promotion through both normative suasion and conditionality, the EU can, first of all, draw upon bilateral Partnership and Cooperation Agreements (PCAs), which constitute the legal basis for the relations between the Union and the Central Asian states.[3] The EU has signed PCAs with all five Central Asian republics already in the 1990s. With Kazakhstan, Kyrgyzstan, and Uzbekistan the agreements were signed in 1995 and entered into force in 1999. Due to the civil war in Tajikistan, the PCA with this country was signed only in 2004 and finally ratified in September 2009. Though the Commission signed a PCA with Turkmenistan in 1998, the nature of the political regime and human rights violations in this country have prevented ratification by some EU member states until present[4]. Interestingly, the texts of the agreements are almost identical and include respect for democracy and human rights as their 'essential element' (Art. 2)[5], theoretically enabling the EU to make their implementation conditional on compliance with democratic and human rights standards.

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[3] Full texts of the PCAs can be found at: http://europa.eu.int/comm/external_relations/ceeca/pca/index.htm (accessed 15 July 2009).

Furthermore, the EU has provided considerable bilateral and regional assistance to the Central Asian states through the Technical Assistance Programme to the Commonwealth of Independent States (TACIS) during 1991-2006. Now the Union continues providing financial assistance through the Development Cooperation Instrument (DCI), which replaced the TACIS in 2007. The DCI was introduced in the context of a broader review of the EU assistance instruments with the aim to establish a closer connection with the Millennium Development Goals (MDGs). Accordingly, *"emphasis shifted slightly from the TACIS approach of assisting the former Soviet republics to become full-fledged market economies and democracies – in line with the Copenhagen criteria for EU applicants – to a DCI approach towards poverty reduction and sustainable development, while not ignoring democracy, good governance, rule of law, and human rights"* (Boonstra and Hale 2010: 5). Previously agreed and started TACIS projects have been running since 2007 in parallel with the DCI ones. However, by now most of the TACIS initiatives have been completed.

Financial assistance delivered to Central Asia through the DCI is shaped by the European Commission documents drafted by the Directorate General for External Relations (RELEX) and is implemented through the EuropeAid Cooperation Office (AIDCO), the EU Delegation in Kazakhstan and EU Offices in Kyrgyzstan and Tajikistan.[6] Regional Strategy Papers (RSPs) are the main documents, regulating budget allocation and distribution of these financial sources. The current RSP for Assistance to Central Asia for the period 2007-2013 divides the available assistance into three priority objectives: promotion of Central Asian regional cooperation and good neighborly relations (approximately 30-35 percent of the total assistance); poverty reduction and improving living standards (40-45 percent); and support for economic reform and good governance, including human rights and democratization issues (20-25 percent) – totaling an amount of 719 million Euros over seven years (European Commission 2007a: 3).

According to the Commission's stated intent to mainstream *"human rights and democratization issues into all aspects of EU policy decision-making and implementation, including external assistance"* (European Commission 2007d: 13), the Regional Strategy Papers should include an assessment of the situation regarding human rights and democratic development. The later one should, in turn, inform the assistance strategy aimed at achieving improvements in terms of democratization. Thus, the financial and technical support provided by the EU to the Central Asian states can be made conditional on their democratic progress.

Apart from the mainstream assistance, the European Union can also rely on its key financing tool in the sphere of external democracy promotion, the *European Instrument for Democracy and Human Rights (EIDHR)*, also available to the EU in Central Asia. What distinguishes the EIDHR, are the following three characteristics:

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[4] Currently, only France and UK have not yet ratified the PCA with Turkmenistan.

[5] See e.g. The European Union and the Republic of Kazakhstan: Partnership and Cooperation Agreement (signed in 1995), Art. 2, at: http://trade.ec.europa.eu/doclib/docs/2004/april/tradoc_116738.pdf (accessed 10 August 2009).

[6] For assistance to Uzbekistan and Turkmenistan AIDCO in Brussels currently acts as the 'delegation'.

1) it provides funding mainly to non-governmental and intergovernmental organizations;

2) it draws on an independent budget, and therefore, is complimentary to the mainstream programmes of financial and technical cooperation;

3) as it aims at democracy assistance through non-governmental sector, EIDHR is supposed to operate independently, without the need for consent from the governments of the target countries.

Due to these features, the EIDHR is commonly regarded as the EU's most efficient tool in applying the bottom-up strategy of external democracy promotion through support of the non-governmental civil society organizations.

The EIDHR annual global budget is around 120 million Euros, excluding financing of election observation missions (Boonstra and Hale 2010: 6). It is, however, difficult to estimate the actual amount of assistance provided through this budget line to each Central Asian republic and to the whole region in each given year, because the EIDHR structure includes thematic action fields applicable globally in addition to regional priorities and country-based support schemes. Thus, the EIDHR funds are allocated to five objectives, of which three are global: (1) support to the implementation of EU guidelines on human rights issues, (2) strategic support of international instruments for the protection of human rights, the rule of law, and the promotion of democracy, and (3) enhancing the reliability and transparency of electoral processes (European Commission 2007b: 2). The two other objectives – enhancing respect for human rights and fundamental freedoms in countries and regions, where they are most at risk, and strengthening the role of civil society – that do allocate funds to regions regard Central Asia as part of Asia as a whole, not as a separate region and do not provide fixed figures for individual countries (European Commission 2007b: 14-16).

For the period 2005-2011, the EIDHR has allocated about 9 million Euros of grants to Central Asia in a total of 54 projects (Emerson, et. al. 2010: 98). Distribution of this amount among the Central Asian states varies considerably though. Currently, EIDHR is active mainly in Kazakhstan, Kyrgyzstan and Tajikistan; projects in Uzbekistan and Turkmenistan are practically absent. The recent EIDHR projects conducted in Central Asia by international and local NGOs and supported by the European presence on the ground have included those under the country-based support schemes as well as region-wide thematic projects, such as a two-year regional project on combating torture[7] (Boonstra and Hale 2010: 5).

The EU's normative suasion tool-kit in Central Asia relies mainly on interregional and bilateral political dialogue. Until recently, the platform for this dialogue was provided only through the Partnership and Cooperation Agreements, which stipulated the terms for annual meetings at ministerial level in the Cooperation Council and at senior civil servant level in a Cooperation Committee. Apart from these annual meetings, the PCAs also provide for permanent contacts between the European Commission and the signatory states. However, so far the Commission has a fully fledged Delegation only in Kazakhstan with local offices in Kyrgyzstan and Tajikistan, which are currently being upgraded to acquire the status and capacities of full missions. In Turkmenistan and Uzbekistan the Commission is represented only indirectly through so called ‘Europa Houses’, which have neither diplomatic status nor political responsibilities (Emerson, et. al. 2010: 59).

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[7] Project implemented by Freedom House and its partner organizations, see http://www.freedomhouse.hu/index.php?option=com_content&view=article&id=233:torture-in-central-asia&catid=37&Itemid=125 (accessed 23 March 2009).

In July 2005, a new post of European Union Special Representative (EUSR) for Central Asia was established, which was supposed to bring in a regional component in addition to the bilateral political dialogues. The duties of the EUSR include *inter alia* development of *“appropriate contacts and cooperation with the main interested actors in the region”* (Council of the European Union 2005a). Hence, the establishment of this post has significantly enhanced the EU’s capacity for dialogue not only with the governments of the Central Asian republics but also with other local players.

A further important step towards intensification and deepening of the political dialogue was made with adoption of the EU’s Strategy for a New Partnership with Central Asia in June 2007. This document calls for both ‘regular’ regional political dialogue at foreign minister level with the EU Troika and a bilateral human rights dialogue with each of the Central Asian republics (European Council 2007: 3). The later one is particularly designed to *“discuss questions of mutual interest and enhance cooperation on human rights, inter alia in multilateral arena such as the United Nations and the OSCE,”* as well as to *“raise the concerns felt by the EU on human rights in the countries concerned, gather information and launch initiatives to improve the relevant human rights situation”* (European Commission 2009: 1).

The structured human rights dialogue includes annual formal meetings of the human rights officials of the European Commission and the Council Presidency and Secretariat with the representatives of relevant departments (such as ministries of the interior and justice) of the Central Asian republics. In between the official dialogue sessions, the Commission organizes civil society seminars, at which local human rights activists and NGO members meet with the EU representatives to discuss the current situation and prepare detailed recommendations for the official dialogue. Bilateral human rights dialogues and civil society seminars are planned to be held annually with all five Central Asian countries. So far, there have been two official rounds of dialogue and one of the civil society seminars (European Commission 2009: 1-2). There has been no civil society seminar in Turkmenistan though, as there is no independent civil society in this country, and organizing such seminar with representatives of GONGOs (government organized NGOs) is not considered worthwhile by the EU officials.[8]

To summarize the above, the available instruments generally allow the European Union to exercise its normative approach in relations with Central Asia. However, they appear very limited, if one accounts the above preconditions for successful external democratization. Apart from that, there are certain factors, arising from both the EU’s internal structures and policy implementation, as well as from the local politico-socio-cultural specifics of the Central Asian environment, which apparently hinder external democracy promotion. These factors are analyzed in the following sections.

EU Internal Impediments for External Democracy Promotion

Considering the above mentioned prerequisites for successful external democracy promotion and availability of democratization instruments to the EU in Central Asia, it is hardly possible to talk about the effectiveness of the European democratization strategy in the region. First of all, the EU has never been perceived as a strong political actor in the Central Asian states due to its geographical remoteness and failure to pursue clear and coherent policies towards the region in the 1990s. Although the European Union had already signed cooperation agreements with most of the Central Asian states in the mid-1990s, it was only in 2007 that it adopted the Strategy for Partnership with Central Asia, which provided the general framework for bilateral and inter-regional cooperation and stated the EU's key priorities in the region. And even after adoption of the Strategy, the perception of the Union's weak political role in Central Asia has hardly changed.[9] This perception is backed up by the internal discrepancies of interests within the EU itself. With its multi-level system of governance, complex decision-making procedures, and plurality of policy priorities among various institutions and Member States, the EU has never managed to speak with one voice to the Central Asian partners. This has found its reflection in uneasy relations between the European Commission's delegation and some member-state missions in Central Asia.[10] The different positions of the European governments towards political developments and democracy promotion in the region (with Germany, France and Italy as the strongest adherents of *Realpolitik*, and Great Britain, Sweden and the Netherlands as the 'guardians' of the EU's normative approach) create confusion among local actors, resulting in the unattractive image of the Union as a feeble political player in the Central Asian arena.[11]

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[8] Interview with an European Commission official on 21 April 2010, Brussels.

Second, unlike in the Eastern European context, the EU can offer neither prospective membership nor the closer cooperation within the European Neighbourhood Policy to the target states in Central Asia. Thus, the Union cannot use its strongest inducement in the region, according to the rationalist perspective, and has to rely on less effective tools for democracy promotion (e.g. offering cooperation in energy and security sectors, grant aid, technical assistance, establishment of political dialogue, and capacity building). Although these instruments also have value in themselves, one needs to consider how interested the Central Asian actors really are in the limited European incentives given the alternative offers from the other external players, such as Russia and China, which are (1) geographically and politically closer to the region, and (2) do not impose political preconditions for economic and technical cooperation.

Third, the European Union tends to apply the available democratization instruments to a limited degree and in a rather incoherent way.[12] Thus, the EU has failed to mainstream human rights and democracy assistance in regional and bilateral programmes in Central Asia, despite the instruction to do so in the European Commission communication of May 2001. Although the Union has provided substantial bilateral and regional assistance to the Central Asian countries (including the TACIS programme, macro-financial support and humanitarian aid) during 1991-2001, democracy and human rights issues were not linked to this assistance (Crawford 2008: 179-180). This tendency continued even after adoption of the Regional Strategy Paper (RSP) for Central Asia for the period 2002-2006. Thus, the statement in this strategy that fostering *"respect for democratic principles and human rights are overarching objectives"* of the EU (European Commission 2002: 4) has been practically disregarded.

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[9] This statement has been confirmed within the interviews with European and Central Asian experts conducted by the author in June-August 2009.

[10] Interview with an EU official on 26 August 2009, Almaty.

[11] Interview with Eugeniy Zhovtis, political and legal expert, Kazakhstan International Bureau for Human Rights and the Rule of Law, 25 August 2009, Almaty.

[12] For an analysis of the EU's inconsistent approach to democracy and human rights promotion in Central Asia see also Crawford 2008.

With the introduction of the Development Cooperation Instrument in 2007 and adoption of the current RSP for Central Asia (2007-2013), the situation has hardly been improved. As it has been indicated in the previous section, the current RSP does include promotion of democracy, human rights and good governance among its objectives (European Commission 2007a: 27). However, the strategy's primary focus is on enhancing regional cooperation, poverty reduction, and economic development (European Commission 2007a: 3). The DCI assistance provided under the RSP for the economic development or security related projects, which are of particular interest for the Central Asian governments, is not made conditional on their compliance with democratic or human rights standards.[13] This, again, reflects internal contradiction of priorities within the European Union and discredits credibility of its conditionality policy.

Application of the European Instrument for Democracy and Human Rights has also faced certain irregularities in Central Asia. Although it is the key tool available to the EU for external democracy assistance, the Central Asian republics received very little funding from EIDHR within 1994-2004 due to their non-inclusion as eligible countries. It is only since 2005 that the Central Asian states have become more regular recipients of EIDHR funds.[14] And even after that the funding for the region has remained low.[15] In addition, the relatively small amounts of funds available for democracy and human rights projects in Central Asia (less than €6.5 million over 2005-2006 and hardly anything before) contrast with the substantial funds allocated first through the TACIS and later through the DCI budget for the other sectoral areas, such as energy and transport, amounting to almost €1.4 billion from 1991 to 2006 (Crawford 2008: 186). It also must be noted that in the case of Central Asia, the EIDHR funds cannot be regarded as complimentary to those provided under the Regional Strategy Papers for 2002-2006 and 2007-2013, because the EU has failed to mainstream human rights and democracy assistance in the development cooperation programmes. Apart from that, the distribution of the EIDHR assistance among the Central Asian countries varies considerably. As it has been mentioned in the previous section, Tajikistan, Kyrgyzstan and Kazakhstan are the main recipients of the allocated funds. The EIDHR supported projects are practically absent in Uzbekistan and Turkmenistan, the countries with the most repressive regimes in Central Asia and with no independent civil society organizations. These facts question (1) the notion that promotion of democracy, human rights and good governance is a 'principal objective' of the EU assistance to Central Asia, and (2) that the EIDHR can operate independently, without the need for consent from the governments of the target countries.

Finally, the above mentioned Partnership and Cooperation Agreements between the EU and the five Central Asian republics, include respect for democracy and human rights as 'an essential element' (Art. 2), thus enabling the EU to suspend the agreements in the event of an alleged breach. However, after brutal suppression of an uprising in Uzbek Andijan in 2005, which was officially condemned by the EU, only limited 'smart sanctions' were taken (i.e. arms embargo and visa ban for some senior Uzbek officials involved in the massacre of 2005). This was certainly not the response, one would expect from a normative actor in case of severe human rights violations by a target government. Nevertheless, even these limited sanctions had the following effects. On the one hand, they resulted in a decline of EU political dialogue with Uzbekistan, which theoretically diminished the Union's potential for normative suasion in relations with this country. On the other, the sanctions gave an opportunity for the EU to exercise its conditionality, as the Uzbek political elites were interested in further cooperation with the European partners at least in certain areas. However, this opportunity was missed by the European Union, as the Council of the EU suspended the visa ban already in October 2007 and lifted it completely in October 2008. The arms embargo was also removed one year later in October 2009 (Schmitz 2009). The decision to withdraw the sanctions, pushed by Germany, was made in spite of the fact that human rights violations remain a common practice in Uzbekistan and despite the opinion of some EU officials that the sanctions (particularly the visa ban) were effective.[16] Still, the Council justified the withdrawal of sanctions by the utility of a political dialogue with Uzbekistan and the significance of good relations with Tashkent in terms of building the EU engagement in Central Asia (Council of the European Union 2009). This has once again demonstrated the ineffectiveness of EU human rights conditionality in the region.

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[13] Interview with an EU official on 26 August 2009, Almaty.

[14] This was connected with the overall process of restructuring of the EIDHR, which resulted in the increase of its geographical scope from 29 focus countries in 2002 to 68 target states in 2006 (European Commission 2007b, Annex III).

[15] Thus, the EIDHR assistance provided to whole Central Asia constituted only 2.2% of its total expenditure in 2005-2006 (see European Commission 2007c). The current numbers are not yet available.

Central Asia as a Difficult Environment for External Democracy Promotion

Beside the impediments to external democracy promotion arising from the EU's approach itself, one also needs to consider the local politico-socio-cultural peculiarities of the Central Asian countries and their hindering potential for democratization of the states. These local specifics are particularly relevant for socialization through normative suasion, which critically depends on the proximity (or compatibility) of values and norms of socializers and those of socializees.

In this regard, it first must be mentioned that none of the Central Asian states had historical democratic experience, being part of the Russian Empire before the socialist revolution of 1917 and of the Soviet Union afterwards. After obtaining independence in 1991, the governments of the Central Asian republics initiated certain reforms, aiming at political liberalization. However, already in the mid-1990s most of the reforms were ceased, followed by establishment of authoritarian regimes (though with a various degree of political openness) in all five 'stans'.[17] Such rapid democratic step-backs and return to personal rule are explained by some scholars by the fact that authoritarianism is not merely a political value in Central Asia, but an ensconced social norm. Gleason (2001) and Warkotsch (2008a), for example, illustrate this argument through the notion of *'hurmat'* (the idea of 'deference' and 'obedience') mostly typical for Uzbekistan, but also present in the other Central Asian countries. The origins of 'hurmat' are found in the family relations, characterized by strict hierarchy, great respect and loyalty to older family members, and the dominance of male heads of households. As *"public political values are difficult to distinguish from family values"* in the Central Asian societies (Gleason 2001), authoritarian hierarchies of political life are regarded as *"a natural extension of corresponding structures of the family"* (Warkotsch 2008a: 66-67).

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[16] Interview with an EU official on 26 August 2009, Almaty.

[17] For further details on political changes in the Central Asian states in the 1990s see e.g. Zhovtis 2008.

Another relevant feature of the Central Asian social and political structures is *personalism* strongly connected with patrimonialism.[18] In Central Asia, power is often vested in the person, not the post. Local political elite members create personality-based patron-client networks that consolidate power through providing political and material incentives to followers. Although this may be perceived as a form of corruption, to those involved in such structures in practice, they serve the needs of their community.

Similar patrimonial-authoritarian features can be found in the informal *clan* structures, comprising a network of individuals linked by kin-based bonds. This form of networks is particularly typical for the formerly nomadic countries of Kazakhstan, Kyrgyzstan and Turkmenistan. Clan hierarchy commonly distinguishes between elite (patriarchs and elders, governing their clans through informal councils) and non-elite members (poorer relatives and kinsmen, close friends, women, etc.). The relationship between elite and non-elite members is the one of reciprocal dependency: Elites need support of their networks to maintain their status and gain further political and economic power; non-elites, in their turn, need clan patrons to assist them in improving their social status, e.g. through accessing education, finding a job, getting loans, etc. (Collins 2004: 231).

As Warkotsch (2008a) fairly points out, these politico-socio-cultural specifics of the Central Asian countries have severe implications for the EU's democratization efforts. Without even focusing on the incompatibility of perceptions of certain social and political values by the European and Central Asian actors, two factors need to be mentioned here. First, the existence of informal networks impedes the EU-promoted aim of contestation through elections (one of the basic elements of democracy), as political leaders in Central Asia mobilize their voters not through broad election campaigns and political programmes, but through hierarchical networks of clan elites. Second, clan structures diminish the constitutional separation of powers and undermine independence of the legislature. Thus, lower clan members in the parliament support high-ranking members of government, regardless of their party affiliation, in order to win benefits in exchange (Collins 2004: 249). Similarly, court independence is affected, as judges are often manipulated by their kinsmen to make decisions in favour of their clan members. Thus, the power of a clan is preserved or even extended (Warkotsch 2008a: 67-68).

Probably the most vivid example of the importance of clan structures within the political processes in Central Asia is the way of regime change in Kyrgyzstan in March 2005. This political event is commonly described as one in the series of the so called 'color revolutions' in the post-soviet space aimed at democratization of the state. However, the regime change in Kyrgyzstan is distinguished through the role of contradictions between the 'Northern' and 'Southern' clan networks in the country. As Warkotsch (2008a: 68) characterizes it, the Kyrgyz *"president Bakiev did not try to mobilize support among party or parliament members. Instead, he largely relied on his southern clan affiliation and set out a convoy of buses carrying his kinsmen from the southern region of Osh to Bishkek to successfully push for a changeover of power"*. Moreover, the antagonism between different clans became one of the reasons for the later Kyrgyz revolution of April 2010 and riots in the south of Kyrgyzstan in June 2010.

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[18] The concept of the 'patrimonial authority' originates from Max Weber's political sociology and describes a form of despotism based on the "sanctity of age-old rules and powers" (Weber 1978: 226).

This illustrates the importance of informal societal structures and their distinct system of values for political life in the Central Asian states. These structures and values are hardly compatible with those officially promoted by the European Union, which makes Central Asia a difficult environment for external democratization, especially through normative suasion.

CONCLUSION

This paper has examined democracy promotion tools available to the European Union and presented some preliminary thoughts on the impediments to external democratization in Central Asia. As the analysis suggests, the EU has developed a certain tool-kit that allows it to exercise its normative approach in relations with the Central Asian republics. This tool-kit appears, however, very limited against the background of preconditions for successful external democratization. Furthermore, the analysis has revealed the factors, arising from both the EU's internal structures and policy inconsistencies, as well as from the local politico-socio-cultural specifics of the Central Asian environment, which obviously hinder external democracy promotion in the region. Remarkably, these factors do not constitute a phenomenon peculiar to the EU's engagement exclusively in the Central Asian context. Similar trends may be observed in the EU political involvement in the countries of South East Asia (e.g. East Timor), Africa (e.g. within the Africa-EU Strategic Partnership), and even in the closer European neighbourhood (e.g. in the Balkan states). This suggests possible applicability of the above findings to the research of the European democratization policy implementation in the other regions.

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Building the Mercosur Parliament: integration on European patterns?

Clarissa Dri [1]

Keywords: Mercosur, institutional mimesis, regionalism, integration.

ABSTRACT:

The presidents of Mercosur member states signed in December 2005 the Constitutive Protocol of the Mercosur Parliament (Parlasur). The new assembly was officially installed in December 2006 and began its work sessions in May 2007. Although the Parliament's functions and competences are not large in comparison to national chambers, it will be formed through directly elected representatives, its composition relatively proportional to the population of each member state and the organization of the parliamentary work should rely on political groups rather than on nationality. Where do these features come from? How should one interpret the creation of a parliamentary assembly within an organization that aims to constitute no more than a common market? This paper underlines the role of European regionalism in the rise of the Mercosur Parliament. Considering the frequent and close contacts established between parliamentarians from European Union (EU) and Mercosur, it is analyzed how the EU worked as a model to Parlasur builders.

This argument is based on the ideational approach to political analysis proposed by Goldstein and Keohane (1993). Although it presents some risks and limits, neglecting the role of ideas in political actions would miss an important component of the political world (Hall, 1989:362). In moments of institutional change, the availability of certain ideas may be crucial to the final political outcome. Ideas seem also to have a particular significance in mimetic mechanisms, for they include not only exportation but also importation policies. If the process of reproducing political institutions requires both an active promotion by the model producers and a demand from the importers, its understanding may require the combination of interests and institutional adaptation with received or incrusted ideas.

The article proceeds as follows. The first section provides the theoretical bases for the analysis through a brief literature review regarding the role of ideas in politics. The second section applies these criteria to the historical development of Parlasur, trying to identify moments and features which define the influence of the European ideal. It is based mainly on newspaper reports and public minutes of meetings containing relevant political declarations of the actors involved in the Parlasur project. The last section presents some reflections on the use of the European model in Mercosur. Does it fit the needs of this particular region? The analysis of the role of Parlasur in the last political crises which Mercosur has gone through provides insightful elements in this regard.

THE ROLE OF IDEAS IN POLITICAL MIMESIS

Institutional mimicry can be defined as a form of social engineering distinguished by the importation of external institutional technologies which are rebuilt by exporters and importers and constantly reinterpreted through competing political strategies

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(Darbon, 1993 : 119-120). Three main elements emerge from this conception. First, institutional mimesis is almost always an affair of elites, who have material possibilities to get in touch with foreign practices. These exchanges are facilitated by informal networks of experts, scholars and policy-makers from different continents who share similar references and values (Mény, 1993 : 20-22). Second, the envisaged model is often an ideal one, engendered by the representation held by importers. The difficulties and limitations of the institution in its original environment are frequently neglected (Darbon, 1993 : 120). Finally, the mechanism of mimesis implies transformation and adjustment to the new context. Local needs and previous experiences will define the process of institutional appropriation and reinvention (Mény, 1993 : 10). "Like a graft, the imported technology is progressively rejected or assimilated by the organism. If there is no reaction regarding the strange body, it becomes ineffective after a process of deviation or escapism" (Darbon, 1993 : 120).

This notion comes from the fact that every political system tends to search for inspiration in existent models. If institutions rise and change in a world already full of them, the conditioning by previous frameworks is inevitable (Hall and Taylor, 1997 : 490). Institutional mimesis can thus occur among systems either with similar or different political standards and levels of industrialization. The latter was verified, for instance, during the processes of decolonization: in general, ex-colonies fashioned their new regimes with the features of colonizer countries. This context of unequal rapports revealed antagonisms between modernity and "lack of civilization", cultural refinement and "uncultivated" usages. Institutional mimicry allowed the construction of legitimizing ideologies which opposed dominant models and imperfect copies (Darbon, 1993 : 114). Contemporary, in spite of the proclaimed respect to cultural diversity, the occidental state still claims a universalistic vocation which produces cultural dependency and defines the current "international order" (Badie, 1992).

The classical work of Dimaggio and Powell (1983) identify the mechanisms through which institutional isomorphic change occurs. *Coercitive isomorphism* results from both formal and informal pressures exerted on organizations by other organizations upon which they are dependent and by cultural expectations in the society within which organizations function. *Mimetic isomorphism* takes place when organizational technologies are poorly understood, when goals are ambiguous or when the environment creates symbolic uncertainty. In these cases, organizations may model themselves on other organizations. *Normative isomorphism* is related to professionalization, understood as the collective struggle of members of an occupation to define the conditions and methods of their work, to control the production of producers and to establish a cognitive base and legitimation for their occupational autonomy. According to them, institutional mimesis is thus a response to uncertainty. However, it is argued here that the reproduction of a model may also result from the causes that engender coercitive and normative isomorphisms. When this is the case, the role of ideas is determinant. External pressures or professionalization can lead an organization to copy another one, if there is a well-known model that allows the economy of human action and represents a clear solution.

Several researches conducted mainly from the nineties on (Goldstein, 1988; Hall, 1989; Sikkink, 1991; Risse-Kappen, 1994; Vennesson, 2004; Madrid, 2005; Thomas, 2005) show that ideas, defined as beliefs shared by individuals, have an influence over policy-making (Goldstein and Keohane, 1993 : 3). When studying the European integration, authors point out, for instance, the role of the "united Europe" ideal in the communitarian construction (Garrett and Weingast, 1993 : 205); the significance of political leaders' beliefs about macroeconomic strategy in the evolution of the monetary cooperation (McNamarra, 1998); the weight of the "democratic ideology" in the progressive reinforcement of European Parliaments' powers (Costa and Magnette, 2003) and, more specifically, the use of ideas by European deputies during the European Convention debates (Costa, 2008). These recent studies reconsider the ideational approach in the analysis of institutional change, where it had been neglected to some extent. Indeed, the three traditionally recognized new institutionalisms in political science – rational, historical and sociological (Hall and Taylor, 1997) do not leave much space for ideas. They consist of a vague concept, difficult to measure and to be proved, which is therefore often considered to be surpassed by interests, path dependency and other explaining factors. But as it happens, some political outcomes cannot be sufficiently explained by these traditional elements: they have actually shown to be more efficient at explaining continuity than change (Schmidt, 2010 : 2). It is true that ideas often become politically efficacious when in conjunction with other changes, either in material interests or in power relationships (Goldstein and Keohane, 1993 : 25), or, to put it in a different way, when there is a policy window (Costa, 2008 : 38). If they are there at the right moment, they may have a decisive weight in political decisions, for they lay behind, as normative orientations, of many strategies employed by actors.

Goldstein and Keohane consider three types of beliefs: world views, principled beliefs and causal beliefs (1993 : 8-11). As *world views*, ideas correspond to broad cultural or political options and define the universe of possibilities for action, having their broadest impact on human action. *Principled beliefs* consist of normative ideas that specify criteria for distinguishing right from wrong and just from unjust. *Causal beliefs* determine cause-effect relationships which derive authority from the shared consensus of recognized elites and thus provide guides for individuals on how to achieve their objectives. In practice, these three aspects of ideas are linked: "causal beliefs imply strategies for the attainment of goals, themselves valued because of shared principled beliefs, and understandable only within the context of broader world views" (Goldstein and Keohane, 1993 : 10). Also, changes in causal beliefs happen more often and faster than changes in principled beliefs and world views. Besides establishing which kind of ideas matter, the authors point out their possible links with political outcomes (Goldstein and Keohane, 1993 : 11-24). First, ideas may serve as r*oad maps*: causal ideas help determine which of many means will be used to reach desired goals and therefore help to provide actors with strategies with which to further their objectives; embodied in institutions, they shape the solution for problems. As *focal points*, ideas help to alleviate coordination problems arising from the absence of unique solutions, which may happen when actors must choose between sets of outcomes without having objective criteria on to base their choice. Lastly, ideas can also influence policy-making when they *become institutionalized*. Once ideas have influenced institutional design, their impact may be prolonged for a long time. In this case, it is interesting to understand how one set of ideas rather than another comes to be institutionalized.

This paper assumes that ideas constitute active ingredients in the organization of experience and in the interplay of political positions and are thus closely implicated in political argument, understanding and action (Foley, 1994 : 1). It argues therefore that the European ideal is among the factors that explain the creation of Parlasur, the so-called parliament of Mercosur. Because of a special conjuncture, this idea came to be "performative", as a shared belief that ended up provoking a particular outcome. The objective here is not to over-determine the role of ideas; on the contrary, it is asserted that the conditions that allow the play of ideas are highly dependent on an array of enabling circumstances related to issues of power, institutional arrangements, place, timing, history, economics and culture (Risse-Kappen, 1994 : 187; Ikenberry, 1993 : 85; Garrett, 1993 : 203; Hall, 1989 : 362; Weir, 1989 : 56-59). The following section tries to establish the positioning of ideas within the special scenario that allowed the rise of a parliament in Mercosur.

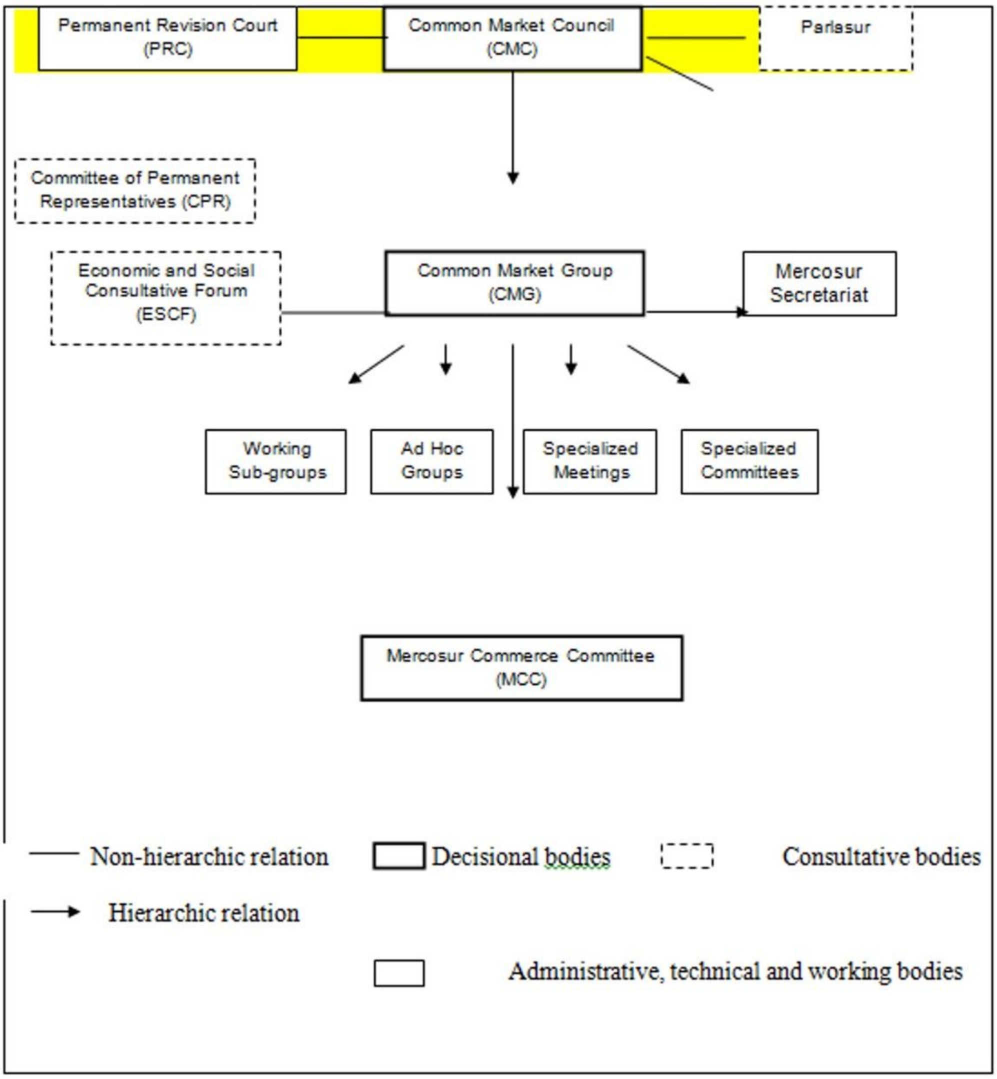
THE EUROPEAN IDEAL BEHIND THE CONSTRUCTION OF PARLASUR

Since the 1960s, its constructors and theoreticians started to consider European integration as a model with a potential for being exported to other continents. Paradoxically, the critique of the ambiguities and the debilities of the European example of integration has always been accompanied by a strong optimism about its potential virtues to other regions of the world (Costa and Foret, 2005 : 507-508). Therefore, Community institutions progressively developed an exportation policy of their conceptions and mechanisms, due to technical and financial support from the states desiring to embark on the regional venture. Fostering regional cooperation was thus one of the first initiatives of the European Community in the international field (Smith, 2008 : 76). In South America, after the Andean experience European delegates turned themselves to Mercosur, which is a product of commercial negotiations carried out by Latin American Integration Association (LAIA) members. LAIA was created in 1980 with the general objective to promote trade liberalization among Latin American countries. Its relatively complex institutional design and stable Secretariat contributed to increased connections among its members. The Asunción Treaty, constitutive of Mercosur, was signed in this context in March 1991.

Links with Europe were developed since these very initial moments: a month after its creation, ministers of foreign affairs of Mercosur countries visited the European Commission to express their interest for closer relations with the European Community. In 1992, during the Portuguese presidency, the first informal ministerial meeting took place between the Community and Mercosur. In the same year, the Inter-Institutional Agreement between the EC and Mercosur was signed, as well as more detailed bilateral cooperation agreements between EC and the four members of Mercosur. These events are related to a renewal in Community policies towards Latin America, stimulated by the implementation of the common market in Europe and by the bilateral arrangements resulting from the World Trade Organization’s Uruguay Round (Ventura, 2003 : 381). The commercial cooperation was expanded to broad economic and political issues, a fact that was made clear in the Interregional Framework Cooperation Agreement between EU and Mercosur, reached in December 1995 during the Spanish presidency. It covered three main areas: politics, cooperation and economics, including technical assistance and inter-institutional aid to foster integration in the new bloc and a formalized political dialogue between the parties. Negotiations concerning the creation of an interregional free trade area were launched in 1999, as part of the project for an association agreement. This series of events contributed to introduce the regionalism built in Europe as a sort of world view among Mercosur political elite. Other mechanisms to deal with the globalized economy arose, but the European way softly made itself visible and inter-twined with conceptions held by some actors of South American integration.

Originally, Mercosur builders searched for a soft and agile structure and expressly avoided a complex institutional design, opting for WTO’s patterns rather than those of the EU (Ventura, 2003 : 104). However, the reinforced relations of the following years have eventually conducted to a relatively successful mimetic process of some instruments of European integration (Medeiros, 2000 : 343-8). This combination resulted in the current institutional structure:

Figure 1. Simplified Institutional Structure of Mercosur[2]


Permanent Revision Court (PRC)
Common Market Council (CMC)
Parlasur
Committee of Permanent Representatives (CPR)
Economic and Social Consultative Forum (ESCF)
Common Market Group (CMG)
Mercosur Secretariat
Working Sub-groups
Ad Hoc Groups
Specialized Meetings
Specialized Committees
Mercosur Commerce Committee (MCC)
Non-hierarchic relation
Decisional bodies
Consultative bodies
Hierarchic relation
Administrative, technical and working bodies

The CMC is responsible for the main political decisions and is constituted by the ministers of foreign affairs and economy of the member states. CMG and MCC are the executive branches, formed by diplomats and officials from ministries and central banks. The latter assists the former in policy-making regarding commercial issues. CMG's structure includes a large number of thematic committees and workgroups. The ESCF represents the economic and social sectors of Mercosur. It is formed by an equal number of representatives of each member state, usually from labor unions, business syndicates and productive sector associations. It can present recommendations to CMG. The CPR, meanwhile, is an organ led by a political personality who may follow the integration process and offer advice to Mercosur authorities. The Permanent Revision Court seats in Asunción. It is made up of five arbitrators who can be requested at any time to review Ad Hoc Court judgments or directly decide on conflicts among member states. The Mercosur Secretariat, placed in Montevideo, is the organ of the CMG's structure that accomplishes the main administrative and technical responsibilities.

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[2] *Source:* Adapted by the authors from Malamud, 2003: 55.

The Mercosur Parliament replaced from 2007 on, the Joint Parliamentary Committee (JPC), which represented national parliaments and had consultative functions. It was formed by sixteen deputies from each national congress who used to meet twice a year. One of its statutory attributions was to develop the required actions to the installation of the Mercosur Parliament. JPC inherited the format of the parliamentary committee created by the Treaty for Cooperation, Development and Integration signed by Brazil and Argentina in 1988. Its purpose was to allow the following of negotiations by a delegation of parliamentarians that would afterwards supposedly facilitate the ratification of the agreements in national chambers. In a moment of democratization after decades of authoritarian regimes in Mercosur countries, new governments could not keep ignoring the role of parliaments.

The fact that the objective of creating a regional parliament dates back to the birth of Mercosur has made both projects suffer from similar difficulties and benefits. By the end of the 1990's, the creation of the Free Trade Area of the Americas (FTAA) was considered a sort of threat to Mercosur. The negotiations with the United States were progressing and were frequently mentioned in national debates related to Mercosur. The Brazilian government's sympathy to the idea was well-known, as well as the incompatibility of FTAA with a stronger Mercosur or with the agreement Mercosur-EU[3]. Additionally, popular mobilization in Brazil was substantial: social movements and left-wing parties have organized periodic demonstrations and even an informal national plebiscite which rejected the agreement with the United States. But to some politicians, the only way to reverse the tendency was a new government. It happened in 2002 with the election of Luiz Inácio Lula da Silva (Partido dos Trabalhadores). At the same time, historical opposition forces arrived at the government in Argentina and Uruguay, respectively with Néstor Kirchner (Partido Justicialista) in 2003 and Tabaré Vázquez (Frente Amplio) in 2004. These governments were considered "convergent in the promotion of social questions, like the fight against hungriness, poverty and inequality. They do not think only about economic growth, but also in distributing resources"[4].

Among the team in charge of the foreign policy of his government, Lula has nominated diplomats and politicians who have supported the non-participation of Brazil in FTAA and who have kept close contacts with other left-wing South American parties. In an open meeting organized in the Chamber of Deputies in 2001, the current secretary-general of the Ministry of Foreign Affairs compared the FTAA and UE models and concluded Mercosur would be the best option if it envisages economic union, free movement of workers, structural funds, supranational institutions and other European features. In other new governments of the region, Mercosur also became a priority[5]. In 2005, during the forth Summit of the Americas, the bloc decided to suspend negotiations for the Free Trade Area of the Americas, refusing to conclude a deal that did not include limitations to US subsidies to agricultural industry. The acceptance of Venezuela to Mercosur after the reelection of Hugo Chávez (Movimiento V República/Partido Socialista Unido da Venezuela) in 2006 and the election of Fernando Lugo (Alianza Patriótica para el Cambio) in Paraguay in 2008 have contributed to enlarge the distance of the bloc from the FTAA.

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[3] Samuel Pinheiro Guimarães and José Botafogo Gonçalves (diplomats) and Confucio Moura (deputy - Partido do Movimento Democrático Brasileiro), open meeting about FTAA and Mercosur, Brasília, September 9th 2001; Dr. Rosinha (Partido dos Trabalhadores), Cartilha *Mercosul – um ABC*, 2007.

[4] Luiz Inácio Lula da Silva, "Tengo mi conciencia tranquila", *El País*, Montevideo, October 1st 2006.

[5] Néstor Kirchner, "Kirchner assume e faz duro discurso", *Época*, Rio de Janeiro, May 26th 2003; "Gobierno electo y partidos acuerdan la política exterior", *El País*, Montevideo, February 4th 2005; "Canciller afirma que Uruguay priorizará el Mercosur y la Comunidad Sudamericana", *La República*, March 1st 2005; Dr. Rosinha (deputy - Partido dos

Meanwhile, parliamentary relations between Europe and Mercosur were going strong. Since its beginning, JPC searched for closer relations with the European Parliament (EP), which actively corresponded to the contacts. From 1991 to 2006, more than 30 meetings between parliamentarians from Mercosur and from the EU were organized (Dri, 2010), resulting in declarations on cooperation and on the creation of a parliamentary assembly in Mercosur. No other international or national assembly developed such systematic and rigorous contacts with the South American bloc. The EP was not a major actor in the EU's foreign policy field, but its competences have been increasing due to strong mobilization of its members. By using parliamentary diplomacy means and alternative powers, such as deliberative, accountability and budgetary, the EP has progressively made itself more listened by the Commission and the Council in international relations matters (Costa and Dri, 2010). The international legislative network (Slaughter 2004 : 104) formed by EP and JPC representatives influenced Commission's policies towards the support for Mercosur institutionalization and allowed JPC's members to apprehend the history, the functions and the daily activities of the European Parliament. The parliamentary dimension of the European Union was thus known by the actors of the Mercosur Parliamentary Committee since its early moments. In this context, the approximation with the European Union appeared as an alternative to the North American influence through the reinforcement of integration (Santander, 2008 : 138-139; Telò, 2005 : 185). Mercosur governments seem to have concurred to the causal belief according to which following European Union's steps and reaching a bi-regional agreement "had a strategic importance to the project of strengthening Mercosur"[6]. This idea was thus used as a road map by actors willing to reinforce Mercosur in order to face FTAA: a Parliament was missing in Mercosur, it would represent an important symbolic institutional achievement and did not directly imply hard concessions as the sharing of sovereignty. Regional integration may be driven by the convergence of interests (Malamud and Schmitter, 2007 : 9), but in this case a particular belief pointed out where to aim for.

The year of 2003 was decisive in the conformation of Parlasur. It was when deputies rejected the proposal of a "merely decorative Parliament"[7] and "presidents said" a more ambitious idea was possible[8]. But the consolidation of the project was

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Trabalhadores), ordinary meeting of the Brazilian section of JPC, Brasília, April 28th 2005; Tabaré Vazquez, "Presidente uruguayo invita a países árabes a aumentar su comercio con la región", *La República*, Montevideo, May 11th 2005; Tabaré Vazquez, "Presidente de Uruguay pide mayor voz para su país y Paraguay en el Mercosur", *El País*, Montevideo, May 13th 2005; Marco Aurélio Garcia (special assistant of the Brazilian presidency for foreign affairs), "Asesor del presidente brasileño reconoce reclamos del Uruguay por asimetrías", *La República*, Montevideo, March 2nd 2007.

[6] Danilo Astori (Uruguayan minister of economy), "Uruguay propuso que el Mercosur instrumente armonización tributaria", *El País*, Montevideo, June 19th 2005.

[7] Roberto Conde (Uruguayan senator – Frente Amplia), "Nace el Parlamento del Mercosur: 'Estamos ante a un cambio de época'", *La República*, Montevideo, May 6th 2007.

[8] Alfredo Atanasof (Argentinean deputy – Partido Justicialista), verbatim report of the III Plenary Session of Parlasur, Montevideo, June 25th 2007.

postponed to 2005, when, besides Lula and Kirchner, Tabaré was in the presidency. Here the similar broad ideological perspective shared by these governments was framed by their geopolitical and economic interests. If a deeper regional integration process was always desired by Paraguay and Uruguay, the smaller and less industrialized countries of Mercosur, Argentina and Brazil had been more reluctant. Their weight in the international arena had been increasing, as well as the possibilities to see their demands listened in bilateral or multilateral commercial negotiations. They wanted Mercosur insofar as they can at times put it aside to protect their economy or to maximize their individual international pretensions. For instance, at the time of Parlasur's creation, Brazil was sending troops to Haiti to coordinate the humanitarian mission of United Nations and fostering the debate about a permanent seat in the Security Council, which raised assumptions about its leadership intentions in South America. Argentina had publicly disapproved the Uruguayan government's decision to install cellulose industries close to the Uruguay River, and border Argentinean citizens started to block bridges linking both countries in order to obstruct the way of people and goods into Uruguay. Among other bilateral arrangements, Brazil and Argentina signed, out of the Mercosur ambit, the Mechanism for Competitive Adaptation, which allows the taxation of certain commodities if national productive sectors are in risk. This behavior was clearly disliked by Paraguay and Uruguay, which entailed negotiations for bilateral free trade agreements with the United States showing the same disregard for Mercosur treaties as the bigger partners. In this conflictive scenario, the plan concerning the Parliament rose as a focal point, an option that reached the assent of all parts despite their different motivations. Indeed, Brazil and Argentina found in the idea a way to demonstrate they were still interested in Mercosur without deepening the economic integration[9]; Uruguay and Paraguay expected the assembly to be able to compel their neighbors to invest more in the regional project (Caetano, 2006). A first achievement for the smaller countries was the creation of structural funds in the same year the Parlasur Protocol was signed, which was an ancient demand of smaller countries to balance economic asymmetries in the bloc.

In a different register, the example of the European Parliament motivated civil servants and deputies who had been involved for years in the parliamentary dimension of Mercosur. Officials from JPC or national parliaments working with integration issues had an interest in the reinforcement of their positions. The general knowledge about the European Parliament's role in pushing forward the European integration, in controlling the executive organs and in calling the attention of citizens supported a belief about a cause-effect relationship between the Mercosur Parliament and the strengthening of the bloc as a whole[10]. This causal belief stimulated the use of the EP model as a road map which offered a strategy to guide the action. For some Mercosur deputies, investing in integration with a political prospect consisted of a more desirable alternative than constituting a simple free trade zone. This ideologically-orientated reasoning flourished once left-wing forces arrived to elect a considerable number of representatives together with the new governments. In this case, the European ideal worked as well as a principled belief: European regionalism offered parameters judged as better than the North American ones.

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[9] Régis Arslanian (Brazilian embassador to ALADI and Mercosur), "Banco del Sur podría ser el primer paso para una moneda común en el Mercosur", *La República*, Montevideo, May 28th 2007; Samuel Pinheiro Guimarães (secretary-general of the Brazilian ministry of foreign affairs), Opinión – "¿Cómo se define el Mercosur actual?", El País, Montevideo, December 10th 2007; Sérgio Abreu (ex-minister of foreign affairs of Uruguay), Opinión – "¿Cómo se define el Mercosur actual?", *El País*, Montevideo, December 10th 2007.

[10] Oscar Casal (former secretary of JPC), "Parlamento del Mercosur: sin levantar vuelo", *Mercosur ABC*, Buenos Aires, May 9th 2008.

Therefore, the influence of the EU over the institutional development of Mercosur is also felt in the case of the Parliament. EU may shadow other examples because it is certainly the most significant and far-reaching attempt at regionalism (Malamud and Schmitter, 2007 : 4). In fact, “European integration” is an off-cited term of political discourse in occidental countries. “States, governments, political leaders, parties and private agents have had to determine their attitude towards European integration and the development of the European Community as an economic space and a political arena” (Laffan, 1994 : 111). Consequently, the European model has always been more or less present in the imaginary of elites who conduct Mercosur. Ideas related to this single experience were thus available at the moment of conceiving a parliament (Weir, 1989 : 54). This explains why models from Andean Community, Central American integration, Africa or Asia were not used: they were simply not presented to Parlasur builders. The European Parliament example was not chosen, it was perceived as unavoidable in this field.

The shared belief regarding European integration has led Mercosur towards a process of reproducing the institutional framework of the European Union regarding parliamentary issues. This isomorphism was stimulated as a response to uncertainty, as new governments were facing conflictive situations and looking for means to promote Mercosur instead of the FTAA. Institutional convergence can contribute efficiently and in a cheap manner to the achievement of results similar to the ones of the model (Mény, 1993 : 17-18). Additionally, the dependence on the support from a single institution and the reduced number of available institutional models may also explain isomorphism in this case (DiMaggio and Powell, 1983 : 155). The fact that the EU had been an important financial and technical supplier to JPC since its beginning is closely related to this institutional mimesis (Dri, 2010). But the choices made in decisive moments relied exclusively on Mercosur institutions and actors, which limits the weight of EU’s particular transfer policies and support the ideational approach proposed by this paper. The activities carried out by the European Commission and the European Parliament contributed to progressively give substance to the general knowledge on the European Union detained by Mercosur actors, which was then processed and used in a policy window as a productive idea.

POLITICAL CRISES IN MERCOSUR: IS EUROPE THE GOOD MODEL?

In spite of the influence of the European model in the construction of Parlasur, the South American assembly does not display the same characteristics in terms of organization, actors and powers of its European counterpart. The example of the European Parliament served as a motivation for Parlasur builders, and both assemblies do have similarities concerning elections, proportional composition and ideological organization, which represent important innovations in the Mercosur context. Nonetheless, most of its operational details were defined according to national parliamentary experience, which does not pled for strong legislatures if one considers the presidential systems in which they are immersed. In addition, the current functioning of the assembly is framed by the logic of Mercosur, which is an intergovernmental organization. As governments chose not to transfer sovereignty to the regional level, there is no sectorial supranationality and all decisions are taken by consensus. Regional law does not take primacy over national rules nor can be applied to individuals or states without internalization in the national juridical systems, for which its binding character is precarious. As a product of these broad structure, Parlasur was born with no legislative or accountability powers, and is constantly constrained by Executive’s actions in the national or regional ambits. In order to infer to what extent a more rigorous application of the European parliamentary experience would be useful in the case of Mercosur, the paper analyzes two conflictive situations that properly reflect the scenario of political struggle in the region.

The first case is related to the construction of two cellulose-processing plants next to the Uruguay River. The Uruguayan government, interested in enriching the economy, authorized in 2005 the installation of the industries without consulting Argentina, and, therefore, infringing the Uruguay River Statute signed by both countries in 1975. Some Argentinean politicians, considering the episode as an electoral opportunity, stimulated a public debate based on the fear of the potential environmental damages caused by the industries. By the end of 2005, massive protests raged along the Uruguayan-Argentine border. Bridges linking frontier cities were blocked, adding a trade variable to an environmental conflict. During 2006, several means within different regulatory arrangements were adopted by both countries in order to solve the dispute. After the insufficiency of diplomatic negotiations, Uruguay required the manifestation of the Organization of American States to assure the freedom of movement over the obstructed bridges. Argentina decided thus to refer the case to the International Court of Justice, alleging the disrespect of the rules concerning the Uruguay River and the potential contamination of the water. Meanwhile, within the Mercosur dispute settlement system, the ad hoc court decided that Argentina should adopt measures in order to prevent particular actions that could damage other states, which was not accomplished by Argentinean authorities.

In 2007, when the King of Spain was called in to mediate the conflict, the issue was raised in the Mercosur Parliament. By this time, judicial decisions had not been of much help and both countries turned back to bilateral diplomatic efforts. Since the beginning of the conflict, Uruguay tried to deal with it in the Mercosur political ambit. Argentina has never agreed with this position and has successfully avoided the discussion by using its right of veto in the agenda-making of the bloc, besides counting on Brazil's omissive support (Ventura, 2006). In the end of the 4th Plenary Session (August 7 2007), a Uruguayan deputy managed to include this point on the agenda. Some deputies considered that "the Parlasur is the best institution to deal with, to debate, to analyze and mainly to try to minimize the effects of this conflict"[11], considering that "this Parliament has representatives from four states which have sufficient independence from the Executives"[12]. But the majority of Argentinean, Uruguayan and Brazilian parliamentarians argued "this issue is being considered in another ambit that counts on all the pertinent studies, with the participation of Executives. It is not competence of this Parliament to analyze the question"[13]. A Brazilian senator left things even more explicit by asking "why are we going to complicate ourselves in an issue we cannot solve?", considering "internal problems" should not be discussed in the Parlasur since representatives are not supposed to defend there their party's interests[14].

Combined with a long procedural discussion on the newly approved Rules of Procedure, the *papeleras* conflict was once more raised during the 5th Plenary Session (September 3 2007). Again, the debate was polarized. On the one side, a group of parliamentarians affirmed "the Parlasur, with representatives from four member states, cannot continue to pretend there is no conflict between Argentina and Uruguay, […] cannot continue to ignore the violation of the freedom of movement stated by the first article of the Asunción Treaty. Why have we created this supranational parliament? To improve the commercial and cultural relationship, but also to solve conflicts between member states. Otherwise, there is no reason for this Parliament to exist"[15]. They required a parliamentary dialogue arguing "the ministries have failed, ministerial diplomacy has failed, the task was not well performed"[16]. Pro-government parliamentarians, on the other side, reiterated negotiations were developing between the Executives[17]. The Uruguayan ministry of foreign affairs came to the Parliament this day in order to present the planning of the Mercosur temporary presidency and did not mention the dispute, neither received any questions from the members of the Parliament. By this time, the factories had opened and protests continued in a less troubling degree.

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[11] Germán Cardoso, Partido Colorado, Uruguay. Extracts from the minutes of the meetings.

[12] Gustavo Borsari, Partido Nacional, Uruguay.

[13] Graciela Bar, Partido Justicialista, Argentina.

[14] Pedro Simon, Partido do Movimento Democrático Brasileiro, Brazil.

If debate was avoided in the cellulose plants case, the same behavior was not observed in another conflict situation, this time involving Brazil and Paraguay: the Itaipu Binacional. The hydroelectric power plant was constructed during the seventies in the Paraná River, which divides both countries. In 1973 Brazil and Paraguay signed the Itaipu Treaty to regulate the exploitation of the plant, which belongs equally to both countries and supplies nowadays 90% of the energy needs of Paraguay and 20% of Brazil. According to the document, 50% of the produced energy belongs to each of the partners, which can sell to each other the non-used amount: that is the case of Paraguay. Paraguayan authorities have been advocating, with more emphasis during the presidential campaign of 2007, a revision of the Treaty. They argue the conditions are not fair to the country, considering that it was signed during the dictatorship period. The main requests are more transparency over the financial administration, the co-management, the beginning of the supplementary works established by the Treaty, an increase on the tariffs of the energy sold to Brazil, an audit on the Paraguayan debt related to the construction of the plant and the possibility to trade energy with other countries.

This issue has been raised in the Parlasur by the Paraguayan delegation since its very beginning. Differently from the cellulose plants case, in this one the subject came up in almost every plenary session and deputies did not refuse discussing it. By the end of 2007, two parliamentarians from Brazil and Paraguay presented a formal request of an open meeting to discuss the hydroelectric plant. In the same period all the members of the committee of infrastructure and energy sources of Parlasur visited the plant. In mid-2008, the recently elected Paraguayan delegation submitted to the Parliament a project of declaration on Itaipu, which has not yet been appreciated by the plenary. By this time, the Brazilian Executive agreed to constitute a negotiation committee. The Parlasur decided thus to establish a working group to follow negotiations, with three representatives from Brazil and three from Paraguay. A few months later the open meeting was celebrated in Montevideo, with the participation of the directors of the plant and Mercosur parliamentarians. In May 2009, president Fernando Lugo visited his Brazilian homologue but they did not reach an agreement. Finally, in July 2009, during the Mercosur summit in Asunción, both governments signed a joint declaration that establishes an increase on the price Brazil pays for the Paraguayan energy and allows Paraguay to sell the supplementary energy in the Brazilian free-market and, from 2023 on, to commercialize the energy with other countries. More Brazilian investments in the neighbor state are also part of the deal.

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[15] Gustavo Borsari, Partido Nacional, Uruguay.

[16] Adriana Peña, Partido Nacional, Uruguay.

[17] Alfredo Atanasof, Partido Justicialista, Argentina.

During the Parlasur open meeting, there was a consensus on the importance of the parliamentary debate in the Mercosur ambit. “I have not heard here voices saying this is a bilateral problem; I have found a positive and open attitude from both countries. […] Problems of Mercosur member states are not only related to the single countries involved, but consist on problems for the whole bloc” . In comparison to the papeleras case, in this one parliamentarians have shown a desire to organize their own ways to deal with the conflict. Another important difference is that in the Itaipu conflict members of the Mercosur Parliament had a prominent actuation in the national ambit. For they are constantly in touch with regional issues and with their Paraguayan colleagues in Montevideo, Brazilian deputies in Parlasur understood that reaching a agreement regarding Itaipu would be crucial to regional integration. Consequently, they acted in order to diffuse this message to their national counterparts, receiving Paraguayan diplomats and deputies to discuss the revision of the Treaty and also voting a favorable report on the bill that establish the increase of the tariffs Brazil pays to Paraguay . But the autonomy from national governments was once more limited, considering the positions of deputies were coincident with the perspective of their respective Executives. In the words of a Brazilian deputy, “the Parliament was very important in the Itaipu issue. Our ambassador to Mercosur used to pass us Brazil’s positions in order us to have the counter argumentation when Paraguayan deputies would argue. So, it functions as well as a tension absorber” .

The comparison of both situations reveals that a stronger model of parliament could have been useful in the first case, while the current configuration of Parlasur efficiently contributed to an easier solution to the second one. In the cellulose plants case, the Parliament assumed a retiring position, opting, despite a few contrary voices, not to interfere in an important regional conflict whose effects are still felt in diplomatic relations between Argentina and Uruguay. Here the adoption of European Parliament’s guidelines would have served a more emphatic role of Parlasur, especially in what comes to majority voting in the agenda-setting process and binding decisions. In the Itaipu case, the Parliament chose to be involved in the debate even it did not have any guarantees of the effect of its actions. As it happened, the parliamentary debate on the regional sphere contributed to smooth the way for an agreement between Brazil and Paraguay on the power plant issue. Nevertheless, if Parlasur had more important accountability powers over the Mercosur structure, it could have contributed to socially enlarge the debate and democratically organize political, social and economic interests converging on the case. Here the European model was perhaps not crucial, but could have contributed to enhancing social legitimacy of regional integration.

However, the reproduction of the EP’s characteristics in Mercosur is not only hardly feasible but also relatively desirable. As the consociational approach reveals, the European integration is characterized by multiple layers of conflicting interests and a great variety of actors which implies its reproduction involves more than institutional engineering and cooperation among elites (Costa and Foret, 2005 : 502-503). In fact, it would require similar historical and cultural conditions which underpinned the project of a unified Europe. Additionally, the lack of relations between the two regions since the World War II produced a sort of idealization of the European example. A segment of the political elite within Mercosur, willing to neutralize North American influence, turned to Europe’s “humane governance model” as an alternative to the US dominant paradigm (Grugel, 2004). But the European supranational political system still presents relevant limitations that rely on the gap between “the failing model of the nation state - which it cannot duplicate -

and a logic of international organization which lacks any real popular legitimacy" (Costa and Foret, 2005 : 513).

CONCLUSION

"The Mercosur Parliament gets up on the wrong side of the bed". These are the words used by the Uruguayan newspaper *El Observador* to refer to the first plenary session of the new assembly[18]. The headline is due to the position of political sectors in Uruguay which petitioned the Supreme Court regarding the unconstitutionality of Parlasur. They argued that direct elections for this organ are against the Uruguayan Constitution, underlining that a political association with bigger countries do not correspond to the interests of Uruguay. But more than a legal conflict, the situation issued from a political dissonance between the left-winged majority and the opposition parties. In the same report, the former president Luis Lacalle (Partido Nacional) affirmed the conformation of this organ as related to circumstantial political motivations, in an explicit reference to ideological affinities existent among Mercosur governments in mid-2000s. As this paper has shown, this point of view reflects a clear-sighted appraisal of the political struggle in the region, but it is not sufficient to understand the rise of Parlasur for the place of ideas in this process of institutional change is non-negligible. It has been argued that the European ideal of integration affected the rise of Parlasur, which was enabled by a series of historical, political and institutional elements. Further research is required to evaluate more in depth the relations between EP and Parlasur and to identify additional external and internal factors that converged to the building of the latter. This article has offered indications of how certain beliefs derived from the European integration became concrete in the development of the parliamentary dimension of Mercosur.

The paper also addressed the consequences of this mimetic process. As the European model is hardly exportable, the transplant of single institutions born in the European Union into Mercosur encloses at least a double risk. First, copying an institution out of its context will probably produce effects different from the ones verified in the original case. Second, the expected effects may derive from an idealization of the model due to the ignorance of its real conditions. It may be the case of Parlasur, where procedural asymmetries regarding the EP do not tend to produce similar political effects. The organization of both assemblies and the behavior of the members are slightly different, which is occasioned by historical, economic and political differnces between European Union and Mercosur. In spite of a general inspiration in the rules of procedure of the European Parliament, the organization of Parlasur committees is closer to national parliaments than to the EP; during plenary sessions, deputies sit according to nationality, not according ideological affinity; transnational political groups still do not have much influence; bureaucratic work in the secretariat is marked by national differences; the bureau changes every six months, according to the temporal presidency of Mercosur; and parliamentary powers are not being explored.

The European Parliament remains for now more an abstract model rather than a daily source of inspiration. It influenced the creation of Parlasur, but so far the process of its institutionalization has corresponded with Mercosur practices (national divisions) combined with national chambers traditions (legislative power as secondary). Nevertheless the European experience could at least provide insightful guidelines on how to reinforce the parliamentary dimension of South American regionalism.

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[18] "El Parlamento nació con el pié izquierdo", *El Observador*, Montevideo, May 7th 2007. Available in www.observa.com.uy.

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