Dear Reader,

Welcome to the inaugural edition of the GATE Journal! What started as an idea hatched in the dining hall a year ago as sophomores has come a long way. GATE, short for Global Affairs Theoretical and Empirical, is Arizona State University’s first undergraduate global affairs academic journal. We have many people to thank for their support, constructive criticism, and dedicated work throughout the process. ASU students, faculty, and outside members of the community have all aided us in a multitude of ways. It has taken a team to build this journal from inception and no one deserves more credit than our staff. Without their various contributions GATE would still be nothing more than an idea. Despite a few growing pains, all of these experiences have coalesced into a final product that we are proud to publish.

As GATE’s full name highlights, our hope for this edition and all others is to connect the theory of academia with its real world implications. We aim to do this with a wide array of scholarly articles and feature stories covering topics from across the globe. In this edition we have five peer-reviewed academic articles, including civil war theory applied to the Syrian conflict and China’s role in modernizing Asia, among other topics. Additionally, we include local profiles on ASU’s new Center on the Future of War and spotlights on two ASU student organizations implementing microfinance projects here in Arizona and abroad. We would like to thank all of the authors who submitted works. Their insightful analyses offer new lenses through which to view these subjects of global affairs.

We thank you for reading our first edition. Next year we plan to publish multiple issues, so all members of the ASU community are encouraged to submit any works that fit GATE’s scope. Read, digest, and enjoy!

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*These articles are adapted from honors theses, which can be found at the [ASU Digital Repository](https://asu.digitalrepository.com).*
Local Profiles
Arizona Microcredit Initiative

by Ty Clarke

“A lot of nonprofits lose focus on actually being a nonprofit.”

As Executive Director of the Arizona Microcredit Initiative (AMI), Connor Baskin is set on making sure the same fate does not befall his organization. AMI is a microfinance organization, one that is both an official Arizona State University club and a 501(c)(3) nonprofit. Baskin insists that the group stays focused on helping local people, not increasing the bottom line.

“People see America as relative to the rest of the world. They ignore downtown Phoenix. There’s still a population that needs to be served here,” he said.

Traditionally, the field of microcredit has been limited to developing countries and their economies. AMI has taken many of these practices and implemented them in the middle of Arizona. The organization loans Phoenix-area businesses and entrepreneurs between $1,000 and $5,000, with interest at 10 percent. Potential receivers of these loans must meet revenue hurdles and provide collateral, all pretty standard loaning procedures. Part of what AMI makes unique, however, is that they also require clients attend their cohort class program before they receive any of the money.

These classes are led by a rotation of students who make up AMI’s twenty-two members. The courses educate the clients on economic and financial principles in hopes of ensuring they will be more likely to succeed with their business endeavors. Yet it is not just the clients who benefit from these classes. When asked the most satisfying part of the work, Baskin said it was the “genuine satisfaction when a client learns how to do something they never knew how to do before.”

It seems to be working. Since its inception in 2011, AMI has only had one default. Currently, they have 2 clients with active loans. One of the organization’s largest challenges, according to Baskin, is convincing potential clients that a group of college students have the knowledge and ability to help them succeed. This requires all of the AMI members to be active in recruiting potential clientele.

Baskin mentioned a number of recruiting channels they have pursued, but acknowledged that it was an area for improvement. The organization has talked to local businesses at First Friday and other street markets, talked to owners in their stores, and pursued other means of direct advertising. One less traditional avenue that has proved prosperous for AMI? Talking with Uber drivers. What started as a single conversation with a driver who was selling jewelry out of the trunk now has Baskin encouraging members to talk with drivers whenever possible.
As executive director, Baskin has a number of changes he would like to implement before he graduates in May of 2016. He said he would like to see AMI on the campuses of Northern Arizona University and the University of Arizona, so that more of the state could be served. The organization is planning to raise their 10 percent interest rate for some clients who do not take the cohort classes in hopes of increasing their clientele. Baskin said that he wants the number of AMI clients to increase to 15 or 20 before he graduates.

One final goal is not as quantitative. Baskin hopes that AMI can continue to increase its service to underserved residents of the Phoenix area, particularly for refugees and other groups that may not have many other financial options. The executive director wants to move towards serving groups like these because, as he put it, they are "quite literally the embodiment of an underserved population."

AsU Global Brigades Microfinance

by Adam Silow

When twenty students travel to Central America for two weeks, most people assume they’re off to spring break shenanigans and relaxation on the beach. Yet when Robert Choueiri and his fellow Arizona State University students stepped off the plane in Honduras last summer, they had a mission: collaborate with the rural town of El Jute to build a microfinance system. This is not your typical summer trip.

ASU students meet with El Jute community members to discuss plans for establishing a community banking and microfinance system. Photo courtesy of Robby Choueiri

Robby Choueiri (top left) and Alexi Choueiri (bottom right), founders of the GB Microfinance club at ASU, pose with kids from the town of El Jute. Photo courtesy of Robby Choueiri.

Robby, as he prefers to be called, is the co-founder and former co-president of ASU’s Global Brigades (GB) Microfinance club. Global Brigades, Inc. is an international NGO, which, according to their website, is the “world’s largest student-led global health and sustainable development organization.” Robby, currently a junior studying economics in the W.P. Carey School of Business, started the GB Microfinance chapter at ASU in the fall of 2012 with his twin brother, Alexi, an economics and biochemistry double major. ASU has had a GB Health club since 2007, yet Robby and his brother were interested in microfinance as a means of applying their economics skills and harnessing a “practical approach to addressing serious economic and social issues.”

For the past two summers Robby and his brother led seventeen students on two-week projects in El Jute, Honduras, where they worked with locals to build a community banking and microfinance system. Although they spend the months beforehand preparing and coordinating with in-country GB staff, “we don’t go in there and assume their problems… and we don’t go in unless they want us there,” said Robby. Despite limited time, the team spends the first two days splitting into groups in order to reach almost sixty homes and engage with the locals, learn more about their culture, and hear their concerns.

The club provides a large portion of the initial funding, which comes largely from fundraising and private donations. ASU club members then help establish the bank and write the bylaws. The community also contributes, ensuring that they are invested in the project. Potential social stigma of loan default
also acts as a form of social collateral. This has led to a repayment rate of over 90%. The club members also hold personal finance training seminars, help audit financial accounts, and create marketing materials to promote banking. The microloans, which typically range from $100 to $500 with an interest rate of 3 to 5%, are disbursed for a variety of reasons, including business capital, emergency, public health, or personal loans.

“We ask the community members to set goals for themselves and we work with these,” said Robby. For example, when a group of women requested help with an egg-selling business, the ASU club set up a chicken coop and connected them to neighboring villages’ bakers. In another instance, club members saw the high crop prices due to poor agriculture storage, so they worked with the new bank to disburse loans for grain silos and spoke with the community about increasing inventory savings.

For the ASU students, this is an opportunity to step outside the classroom and test the knowledge they’ve learned. Robby emphasized, however, that this is no vacation. When they arrive, they go straight to the community, work five to eight hours, and return to their hotels to prepare materials and plan for the next day. “We’re connecting with the country more than a tourist. We’re going to and collaborating with real communities,” said Robby.

After successfully establishing the community bank in El Jute, the club, with its new president, Mitchell Marois, a junior double majoring in finance and supply chain management, will start a project with thirty ASU members in Panama this summer. The GB Microfinance club collaborates with the Arizona Microcredit Initiative, but is looking for new members. Although he admits he’s biased, Robby said “it’s sustainable, fulfilling, and helps you gain technical skills and a global perspective. What more could you want?”

**Contact Information**

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ASU Global Brigades Microfinance club
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In each of our issues we highlight ASU centers, student organizations, or projects relevant to GATE’s scope. If you or your organization are interested in being featured please contact: gatejournal.asu@gmail.com
Predicting the future is never easy. Postulating the future of war, a fundamentally destructive, adaptive, and complex phenomenon, is an even more arduous endeavor. Yet on February 24 and 25, 2015, thinkers and practitioners alike sat down at the first annual “Future of War Conference” to publicly discuss and debate the changing nature of warfare. The two-day conference held in Washington, D.C. is part of the larger Future of War Project jointly engineered by Arizona State University (ASU) and New America, a non-partisan think tank in D.C.

The conference, which was live-streamed on CNN.com, included a diverse array of participants discussing issues that will potentially define the landscape of future wars. This included tactical aspects – new technology and warfighting techniques – and overarching strategic themes – issues of rule of law, national interests, and historical patterns of conflict. For the conference panels, each lasting approximately forty minutes, ASU and New America brought together sixty-seven participants. They ranged from current and former U.S. military leaders and service members, federal officials, lawyers, journalists, technologists, national security experts, and academics from an assortment of fields, including international relations, psychology, history, law, engineering, biology, mathematics, and computer science. The following is a brief sampling of just a few of the many intriguing conference panels.

The opening day on Tuesday, Feb. 24 began with a more tactical discussion with the first panel titled “Machines that Kill: Will We Rely on Autonomous Weapons?” The panel’s discussion revolved heavily around the proliferation and capabilities of unmanned aerial vehicles (UAVs), commonly referred to as drones. Dr. Peter W. Singer, a Senior Fellow at New America, opened by explaining the growing gamut of capabilities drones have in war, ranging from reconnaissance to...
weapons delivery and more. In addition, improvements in technology have decreased the skill necessary to operate them. This has altered the traditional level at which a human operator is involved in the decision loop of operating such a drone or robot, leading to increasingly autonomous robotic capabilities.

The U.S. is no longer the sole developer of such advanced technology, as knowledge proliferates and costs of entry into this field have decreased. Nevertheless, the U.S. military retains its advantage by how it puts that technology to use, argued Dr. Werner Dahm, the former Chief Scientist of the U.S. Air Force and current professor of aerospace and mechanical engineering at ASU.

“The largest advantage we have developed overtime is that very tightly, integrated ability to conduct warfighting operations between military branches, platforms, and technology,” said Dahm.

Later on, the discussion on new technology continued into another realm of science in “How Will the Biology Revolution Transform Conflict?” In this panel, two professors of technology at ASU, Dr. Gaymon Bennett and Dr. Gary Marchant, alongside ASU president, Michael Crow, discussed the use of biology in war and its ethical implications.

With the advent of computer technology, the field of biology and genetics has undergone a revolution. In its first phase, the challenge was using computers to model DNA strands. Then, scientists used computers to simulate DNA code and shift from digital models to engineering actual synthetic life forms. Such digital ability, Bennett stated, means “someone could design a new living system without having to know much about the underlying biology.”

The discussion ended with debate on the ethical responsibility of scientists. Marchant articulated that the ethical training of scientists and industry codes of conduct are just as important as the international treaties and government regulation on creating such technologies. All agreed that the answer is not to prohibit all forms of such technology because it will inevitably be created somewhere and outright bans will blind us from potential solutions. Crow put forth that a challenge for the scientific community, asking “can we think about change with intelligent forethought rather than random design?”

The conference also held technology panels with current government practitioners and technologists. In one panel, Barbara Starr of CNN interviewed Dr. Arati Prabhakar, the current Director of the U.S. Defense Advanced Research Projects Agency (DARPA). Prabhakar outlined cyber security and big data as DARPA’s current major objectives. Despite the confidential nature of DARPA’s work, Prabhakar did elaborate on a few specific technologies. These included Plan X, which would allow people to visualize cyberspace at a tactical and strategic level. DARPA is also using prosthetics and neurological research to free the human mind from its physical limitations. When asked about why DARPA often takes on such high-risk projects, Prabhakar explained that “we like risk not just because of risk, but because it’s high impact.”

In addition to the panels on tactics and technology, participants discussed broader strategic changes as well as continuities in the future of war. In a panel on “Climate Change, Pandemics, and the Competition for Prosperity,” Dr. David Gartner of ASU explained that many of the non-military security challenges, ranging from climate change to the Ebola virus, are “global, not inter-national.” This requires an improved strategic response that incorporates more than just state-to-state action. These issues, specifically climate change, argued Colonel Troy Thomas of the U.S. Air Force, are pressing because they are disruptive to our economy and can “exacerbate and compound instability.”

In a panel on history and conflict narratives, Dr. Ian Morris, a professor of history and archeology at Stanford University, posited that today the cost of violence is increasing. Dr. Steven Pinker, a psychologist at Harvard University, substantiated Morris’s point with extensive quantitative data proving a decrease in deaths from violent conflict over the last few centuries. Morris and Pinker attributed this to increasing norms of respect for territorial sovereignty, creation of international institutions, growing global wealth and economic interdependence, and proliferation of democracies. Yet both remarked that there is an increase in civil wars and small wars by asymmetric actors. Morris concluded that the long-term lessons of history show that great power wars are still a possibility.

“Can we think about change with intelligent forethought rather than random design?”
The Conference also brought in current military leaders. In a panel on “Continuities and Change in Future Armed Conflict,” Jake Tapper of CNN interviewed Lieutenant General H.R. McMaster, who focused on leadership capabilities and the “warrior ethos.” Without a mature internal ability, the military cannot properly prepare for future challenges, he explained. “War is narcissistic,” said McMaster in emphasizing that the military must not let victories, such as the Gulf War, cloud its ability to “consolidate lessons learned.” In his interview with Wolf Blitzer of CNN, General Raymond Odierno, the Chief of Staff of the U.S. Army, described lessons learned from Iraq.

“As you eliminate governments, you have got to have something that fills that void... we have to think what happens afterward. It has to be a multinational effort, interagency effort, diplomatically, economically, militarily that helps to solve these. That’s why it’s important for us to build these coalitions,” said Odierno.

Hence, Odierno and McMaster laid out the U.S. policy as leading from the center of coalitions to end the brutal rise of ISIS, de-escalate Russian aggression in Ukraine, and deter belligerent cyber or nuclear action from North Korea.

A final major topic of the conference addressed the role of the law in war. Regarding President Obama’s recent request to Congress for the Authorization of the Future Use of Military Force (AUMF) against ISIS, the Honorable Harold Koh, a law professor at Yale, stated that the new AUMF must “supersede and sunset, but not silence.” This means that the new AUMF must supersede the previous 2001 and 2002 AUMFs, it must not continue indefinitely, and that the worst Congress can do is to do nothing.

Despite Koh’s neatly articulated view, the legality of war is rarely so clear. This was stressed by the five lawyers on the panel discussing “How Should We Adjust the Laws of War to Address the Changing Nature of Conflict?” They highlighted the difficulty in arriving at legal definitions of war and means of enforcement due to a host of overlapping legal frameworks. William Banks, a professor of law at Syracuse University, argued that the key part of law is accountability, and covert action unrecognized by the government makes it difficult to enforce laws of war. Furthermore, the rise in major attacks by non-state actors poses new legal challenges since non-state actors do not have the same responsibilities as states. In addition, the panelists recognized the lack of legal frameworks for new technologies such as cyber warfare. Laura Dickinson, a law professor at George Washington University, said international law is notoriously slow and state-dependent. She recommended that in the future we could, instead, look toward soft law, such as codes of conduct, to build new legal frameworks. “The law is straining and urgently needs to evolve,” said Dickinson.

As in this last panel, much of the conference generated as many, if not more, questions than answers. Yet this does not make the inquiry into the future of war a useless endeavor. On the contrary, although only a handful of the twenty-three panels were discussed in this piece, each panel shed new light on challenging and profoundly significant topics facing our society.

As Dr. Anne-Marie Slaughter, the current president and CEO of New America, emphatically stated, “The future of war is the future of peace.”
Arizona State University’s new Center on the Future of War, co-directed by Professor Daniel Rothenberg and Professor Peter Bergen, is the managing institution for the larger Future of War Project. This Project links ASU’s students and faculty with the New America think tank in Washington D.C. Professor Rothenberg, part of the School of Politics and Global Studies, explains that the idea of a “future of war” related project crystalized between people at New America and Professor Rothenberg last summer. Once ASU President Michael Crow and New America President, Anne Marie Slaughter agreed to pursue a partnership, the project moved ahead and was launched in September 2014.

“That led to the very rapid creation of a substantive project, but as you might imagine the ideas of the future of war project are broad,” Rothenberg explains. “It’s never been our intention to define this set of interesting concerns narrowly. Rather we want different people with different skills to explore these issues in a way that they find interesting.”

The Future of War project maintains a team of twenty-five fellows in D.C., which include former government officials, lawyers, technologists, and journalists. The ASU Center has almost ninety affiliated faculty from a wide array of disciplines, including political science, law, history, global studies, computer science, and more.

As the Center develops, Rothenberg sees it as a way to facilitate interdisciplinary idea-making. “The ideal role,” Rothenberg says, “is one where faculty find themselves engaged with some sort of practice, some sort of research, writing, some kind of outcome that they wouldn’t have been able to be a part of in the absence of our center and our program.” Through its link with New America, the Center can connect faculty with policy makers and key media players in ways that previously would have been difficult to accomplish.

In particular, the Center hopes to increase student engagement. The Center has plans to make live streams of events in Washington D.C. more accessible, expand the number of student research assistants, and earn more grants to increase innovative and collaborative research linkages between experts and students.

“It would be great to know what students want,” Rothenberg adds. He hopes to facilitate positive experiences based on matching student interests and skills with the needs of the Center to “be sure that it’s productive for everybody.”

“There are many projects, centers, and people out there working on lots of interesting things. We want to be part of that,” Rothenberg continues. “I want future projects to truly be interesting, productive, and contribute to public debate and discussion on the changing nature of war and conflict.”

The Center runs a number of events open to ASU students and the public, often featuring Future of War affiliated fellows from D.C., and is working on creating a website. For more information, or to inquire about opportunities with in the Center, contact Professor Daniel Rothenberg at Daniel.Rothenberg@asu.edu.

“I want future projects to truly be interesting, productive, and contribute to public debate and discussion on the changing nature of war and conflict”
Peer-Reviewed Articles
WHEREVER YOU GO, MAKE IT HOME
Navigating the identity of young South Sudanese refugees in Arizona

CARMEL DOOLING

Phoenix, Arizona And Refugee Resettlement

Despite being a state with an anti-immigrant reputation due to harsh laws against illegal immigration, Arizona has become a sort of Mecca for refugees in the United States. Between 2005 and 2010, Arizona has taken an average of forty-two refugees per one hundred thousand citizens. This ratio places Arizona as the fourth highest in terms of resettling refugees. The three states in front of Arizona are Minnesota, Idaho, and North Dakota. Large states such as California, New York, and Texas, numerically take in more refugees, but the per capita ratio is smaller due to their large populations.¹

In 2012, over half of all refugees worldwide came from just five countries: Afghanistan, Somalia, Iraq, Syria, and Sudan.² The Office of Refugee Resettlement, a division of the United States Department of Health and Human Services, noted in their Fiscal Year 2010 report to Congress that African refugees accounted for 28% of all arrivals to the United States, the largest percentage of all continents.³ Refugees from Sudan made up 13% of those arriving from Africa.⁴ From 2001 to 2011, the number of Sudanese refugees arriving in the United States totaled 18,854.⁵ Most available data lists Sudan as the country of origin, as South Sudan did not exist as a country until 2011. However, since the fighting in both Sudanese Civil Wars took place predominantly in the South, that region accounts for the vast majority of Sudanese refugees. Counting together South Sudanese refugees who have arrived before 2001 and those who have internally migrated to Phoenix, William Tuoy-Giel, President of the South Sudanese Refugees Association, notes that the total number of South Sudanese refugees in Arizona is over 500.⁶

“It is important to pay attention to the lives and words of the young South Sudanese refugees in Arizona. Their stories of trial and triumph illuminate the difficult process of integrating into a new country while still maintaining the culture of their home.”
Sudanese Community Association, estimates that about 4,000 South Sudanese reside in Arizona.6

Theorizing Identity And Immigration

To understand the identity of young South Sudanese refugees in Phoenix, it is important to place their stories and voices in the broader context of theories of immigration. As different immigrant groups have come to the United States at varying points in history, efforts have been made to explain how these groups fit into United States society. Young South Sudanese refugees are an interesting group because their stories and struggles demonstrate the difficulty of presenting a cohesive theory.

Early commenters on immigration argued that immigrants “would eventually move up the occupational hierarchy, lose their cultural distinctiveness, and blend into the dominant culture.”7 This view of assimilation fell out of favor as it “has come to be viewed by social scientists as a worn-out theory which imposes ethnocentric and patronizing demands on minority peoples struggling to retain their cultural and ethnic integrity.”8 Indeed, “more recent conceptualizations of the process of incorporation are less defined in religious/cultural terms, but in terms of economic activity.”9 This vision allows for immigrants to maintain their cultural heritage while still participating in daily American economic life, which fits with the lives of the South Sudanese I interviewed. All were self-sufficient and either held full-time jobs, were full-time students, or were occupied with both work and school. They maintained their South Sudanese identity while still adapting to many social and economic norms in the United States.

Transnationalism emerged as an alternative to assimilation and integration after the technological revolution and increasing size of global migration allowed for there to be a “critical mass” of transnational immigrants.10 There has been much debate about the theory of transnationalism, or the idea that many recent immigrants live and operate their daily lives in multiple cultures and countries. Nina Glick Schiller, Linda Basch, and Cristina Szanton Blanc point to three main reasons for the development of transnational migration. First, “a global restructuring of capital based on changing forms of capital accumulation has led to deteriorating social and economic conditions in both labor sending and labor receiving countries with no location a secure terrain of settlement.”11 Second, immigrants often find themselves “racialized…[and] even if they obtain a secure position, they face daily discrimination in the pursuit of their life activities.”12 Lastly, they cite that “the nation building projects of both home and host society build political loyalties among immigrants to each nation-state in which they maintain social ties.”13 Certainly, technological advances have eased these processes, but the authors are careful to maintain that fast transportation, television, and internet only aid transnational migration, not cause it.

It is important to note that the Glick Schiller et. al. article does not refer specifically to refugees. Refugees often lack some of the mobility and free choice that traditional immigrants have; they are forced to flee their country and may not have much of a choice in where they are ultimately resettled. Dianna Shandy, focusing specifically on Nuer people resettled in America, rejects this portrayal of completely helpless African migrants. She writes that “these flawed representations, which fail to credit African populations with linkages between what they have known as home and the diaspora, overlook important realities in how these ties shape the lives of people in both settings.”14 Shandy argues that African migrants, including refugees, must be seen as active agents. Their ability to simultaneously build lives in America while maintaining their connections back home is evidence of this. She further argues that refugees who are resettled in a third country are inherently part of a transnational system because “there is an expectation that those who obtain resettlement opportunities will assist those who remain.”15 Shandy states that a flaw in transnational theories has been a lack of focus on refugees, who can be viewed as cutting ties with their homes by fleeing a “permanent rupture.”16 Her research on the Nuer refugees’ engagement with the diaspora Nuer community in America and connections to South Sudan through remittances and marriages demonstrates that refugees fit into the definition of a transnational migrant as well.

Transnationalism has come under fire in recent years for a failure to define the scope of involvement migrants must have within their home and receiving countries. Alejandro Portes, Luis Guarnizo, and Patricia Landolt emphasize that the transnational field is made up of “persons who live dual lives: speaking two languages, having homes in two countries, and making a living through continuous regular contact across national borders.”17 Further expanding this idea, they write that transnationalism does not include “the occasional gifts of money…or the one-time purchase of a house.” For Portes, Guarnizo, and Landolt, transnationalism must be
defined as a continual interaction between the home and receiving country. This is important because if transnationalism is not defined by new practices, it may not be distinguishable as a novel phenomenon.

Peter Kivisto argues that transnationalism can actually be seen as a variant of assimilation. Assimilation and integration are no longer assumed to be zero-sum games where a migrant must give up all of their cultural practices to become American. Transnational immigrants are both “working to maintain homeland connections…[and are] engaged in the process of acculturating to the host society.”

Indeed, ethnic communities may even help new migrants integrate into the new society. Kivisto hits on a key issue in transnationalism, saying:

Contrary to the image of transnational immigrants living simultaneously in two worlds, in fact the vast majority is at any moment located primarily in one place. If the location where they spend most of their day-to-day lives is the receiving country, then over time the issues and concerns of that place will tend to take precedence over the more removed issues and concerns of the homeland.

This line of analysis fits very well with the results of my interviews. Refugees speak of not having enough time or money to go to church, send remittances, or visit family abroad. While they maintain their culture and identity, their daily lives are focused on and grounded in America. This reinforces the difficulty of transnational theory: if transnationalism in theory is marked by continuous engagement with two nations, but in reality one is dominant over the other, how can the two be reconciled?

The concept of a hyphenated identity, in contrast, allows for the coexistence of multiple identities but requires no continual engagement with both cultures and countries. Selcuk Sirin and Michelle Fine consider hyphenated identities to be “the pivotal psychological hinge where identities cast ‘in tension’ are at once joined and separated.” They emphasize that the hyphen is alive and ever-changing based on experiences and interactions with other groups. This certainly fits with my research on South Sudanese refugees, many of whom stated their identity as the hyphenated ‘South Sudanese American.’ The subsequent research will examine the hyphenated identity of South Sudanese refugees and explore how their identities and lives demonstrate the difficulties in theorizing immigrant acculturation in the United States.

Identity Of South Sudanese Refugees

Methodology

I first designed a questionnaire to guide the oral history interview. The questions covered memories of life in South Sudan, the resettlement process, and various adaptations and changes since arrival in the United States. I strove to compile as representative of a sample as I could. I interviewed nine men and three women. I would have preferred more gender equality, but in many ways this is representative of the problems facing South Sudanese women. Though South Sudanese women are very involved in their communities and are certainly not passive wallflowers, much of their work takes place behind the scenes. It is representative of the gender differences that male interviewees often did not think of female names to pass on. Most of the refugees spoke fluent English. I interviewed South Sudanese people from five different tribes: four Balanda, four Dinka, two Nuer, one Madi, and one Acholi. This is a good spread of tribes given South Sudan's numerous ethnic groups. I also interviewed two Lost Boys. The name Lost Boys refers to young South Sudanese boys who had to flee without their parents, walking thousands of miles across various African countries seeking refuge. Phoenix contains the most Lost Boys in the country at 500.

It should be emphasized that the twelve interviewees I spoke with may not be representative of all South Sudanese people or even all young South Sudanese people. For South Sudanese refugees who arrived in the United States as children or teenagers, the process of adapting to life in this country is easier than for older refugees. Known as the 1.5 generation, “first generation immigrants who come to the United States as children have been found to hold values and identities that are between those of their parents and second generation immigrants.”

Language and cultural norms can be learned in the classroom and from friends. Adults, by contrast, have a harder time picking up English and must also focus on providing for the family. However, this does not mean that younger refugees do not struggle to adjust as well. On top of that, “1.5 generation workers may be constrained in their acquisition of education, and their access to higher paying jobs, by the lower SES [socioeconomic status] of their parents or their limited experience outside of immigrant communities within the United States.” While my interviewees were overwhelmingly college-educated, community leaders such as William Tuoy-Giel and Jane Abucha
both mentioned that some youth had joined gangs or were homeless.\textsuperscript{25} Therefore, the data presented in this paper may not be generalizable to all young South Sudanese refugees. Even within the group of young South Sudanese refugees, my interviewees were overall an elite group.

“\textit{How Do You Identify Yourself?”}

Jane Abucha is a forty-five-year-old South Sudanese refugee and mother of six from the Madi tribe. She fled with her family to Khartoum in the North to escape the daily violence in 1993. She was twenty-four and already had two children. Later, she moved to Egypt and applied for resettlement to the United States. Though previously certified as a nurse in South Sudan, her credentials did not transfer to the United States. She went back to school, earning a Bachelor’s and Master’s in Nursing Science. She told me that once our interview was concluded, she would be working on her homework for the PhD she is pursing in nursing online. Jane’s experiences as a mother and her difficulties in finding economic stability for herself and her family have made her angry. She feels as though the United States is not actually the land of opportunity that she was told it would be. She described her identity thus:

I consider myself a Sudanese. How long I live here, I don’t think I will feel at home. Though I have some community here, I don’t feel home. Because home is where you wake up in the morning, you don’t have to think, “Where am I going to start today?” Even if you don’t have food, your brother’s wife will cook and your children will eat. Your uncle’s wife will cook and your children will eat. If I have to go to work, I just have to take shower, work, and go to work. Somebody else remaining home will feed my kids. But this is not the case here.\textsuperscript{26}

For Jane, her identity is tied to her security and the security of her children. Jane’s brothers and sisters remain in South Sudan. Her husband has also struggled with life in the United States and returned to South Sudan once. He is now living in Minnesota to study for the Law School Admissions Test. Here in Phoenix, she is the sole provider, financially and emotionally. Though she is an American citizen, she does not claim an American identity and does not feel treated as an American citizen. She said that “you have to cross that refugee line by calling yourself a citizen, by having your citizenship, but you don’t feel like the same person who has citizenship. You are not treated equally like a person who is a citizen.”\textsuperscript{27} Jane holds tight to her Sudanese citizenship because she does not feel accepted in America. Jane is the only interviewee that tied her identity with her economic stability. She arrived in the United States as a thirty-five-year-old mother of six, a very different experience from the other interviewees.

William Abure and Timothy Zambakari are two young South Sudanese musicians who go by the names of Mr. Independent Music Doctor and Advisor Rex-T respectively. They met in Arizona after Timothy arrived in 2010. Together, they form the umbrella group of the Promise Land Crew, which has members in Texas and Mexico as well.\textsuperscript{28} I interviewed both separately, but they often gave similar answers despite vastly different stories of how they came to Phoenix. Both men expressed their identity in terms of their careers as musicians and both rejected tribal affiliations. William explained:

For right now, I’m still a South Sudanese and a U.S. resident. That’s how I would identify myself because I am not a U.S. citizen yet. I usually don’t mention my tribe. I just say South Sudan. It’s easier for people to understand. People don’t know if your tribe is South Sudan. I’ve met so many people that don’t even know South Sudan.\textsuperscript{29}

After I asked if the way he saw himself changed since he got to the United States, he stressed the importance of his musical career: “I was nowhere, but now I’m somewhere. The thing changing me the most is the music. The music is my main focus.”\textsuperscript{30} William identifies as an American, despite not having his citizenship. He plays down his tribal identity to make conversation with non-South Sudanese people easier. What moves him most is his identity as a musician. Timothy, the most recently arrived from my group, described himself as “an African boy here, an African musician. I’m just an African liberation artist.”\textsuperscript{31} Timothy does not yet have his American citizenship, but said he is “planning to do that.”\textsuperscript{32} Like William, he does not identify primarily with his tribal ethnicity, although his reasoning is different. He described how he explains his identity to other South Sudanese:

For me I stand with everybody. Some [South Sudanese] say, “You are a Sudanese? Where are you from?” And when they ask me that, I try to answer them good. Because that is the introduction of discrimination, the introduction of tribalism. If I say I’m a South Sudanese, why do you want to know where I am from, or something? You know? You are my brother, you see? That’s what I always tell them.\textsuperscript{33}

Timothy opts for a South Sudanese identity rather than a tribal identity. The lives of these young men further demonstrate the prevalence of their hyphen-
ated identity. Based on their clothes and mannerisms, a stranger would likely not be able to distinguish them from someone who was born and raised in America. Timothy and William both identify primarily as South Sudanese musicians and as Americans, despite not yet having gained citizenship.

In contrast, Peter Angon and William Tuoy-Giel cited the importance of their tribal ethnicity. They listed it behind their identity as South Sudanese, but they still highlighted it as a key component of who they are. William is a Lost Boy and he acknowledges that the term ‘Lost Boy’ is “an imposed term.” Those in the group were initially referred to as unaccompanied minors during their travels in Africa, and it was not until the first of these men began arriving in the United States that the term was applied to them. William noted that he has “so many identities. First, I’m a South Sudanese. Second, I am a Nuer. It is a heritage I can never deny and I am proud of it.” He did not mention his American identity, so I followed up and asked him how his American citizenship works with his South Sudanese identity. He replied:

William describes a hyphenated identity; his roots make up a huge part of who he is, but he embraces the new traditions as well. Peter calls himself a South Sudanese American, but he connects deeply to his Dinka tribe, especially when it comes to raising his children. He chose to name his children with their traditional tribal names so they will always know where they come from. He said that in order to live in the United States, he “changed knowingly to the condition and the culture, but personally, [he said] you should always have your core beliefs and add what is important [from the new society].” They describe an amorphous view of ‘culture’ and ‘roots,’ but ideas of respect for elders, semi-traditional gender roles, language, and religion seem to be the main components that are included. Peter and William recognize that living as Americans in the United States has changed them, but they hold on to their tribal roots.

The vast majority of the interviewees left South Sudan before the age of ten. Amina, Maglin, Timothy, and William Abure left South Sudan before age six. Christopher, Edmund, Madit, Mounybout, and Peter all left between the ages of six to ten. Nasir and William Tuoy-Giel left between the ages of eleven and fifteen, while Jane was the only refugee to leave at an age above fifteen. This data is complicated slightly by the fact that many South Sudanese are unsure of their precise age. With the exception of Jane, all the interviewees developed a hyphenated South Sudanese American identity.

Many of the interviewees used the hyphenated term, “South Sudanese American” to describe themselves. Even Jane, who out of all the interviewees identified only as a South Sudanese, is living and working in the United States. Though she may push aside her American identity in favor of a South Sudanese identity, she is indeed living a hyphenated life. The words of interviewees such as Amina, Madit, and Nasir spoke to an identity that goes even further than the duality of being South Sudanese and American. They claim global identities. William Abure and Timothy identify as African musicians and market themselves as artists for all Africans, not just the South Sudanese. From their varied identities, these South Sudanese refugees live hyphenated lives.

"Do You Consider Yourself a Refugee?"

Ten out of the twelve young South Sudanese I interviewed do not consider themselves to be refugees. Inherently, a refugee is a person without a country. The United Nations defines a refugee as a person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country."

Thus, the refugee must flee the country of their citizenship to another country where they lack citizenship. A hyphenated national identity assumes relationships with more than one country or ethnicity, whether through emotional, financial, or physical relationships. Many of the refugees I interviewed expressed views like this. Another reason for rejecting the refugee identity is that “the concept of ‘refugeehood’ within resettlement contexts can become a master status that defines a person above and beyond any other form of identity.” The word refugee can come to overshadow all other identities and accomplishments. Many South Sudanese people in Phoenix do not feel like refugees anymore; they have had successes in education and employment and they have
multiple countries that they can call home. Others point to the simple technicality that they are no longer refugees.

Nasir Nun no longer sees himself as a refugee because, as he noted, “I have two countries. My motto is: wherever you go, try to make it home.” Madit Yel pointed to the fact that South Sudan is now an independent country. The conflict that originally caused him to become a refugee is over, so he no longer has a fear of returning home. He said, “it’s just a journey. I was a refugee because I couldn’t go back to my country. When that ended, there was no reason for me to keep that status.” For these interviewees, gaining U.S. citizenship was a key turning point in their identity as refugees. Christopher said, “legally, I am not” a refugee anymore because he is a U.S. citizen. Peter identified this same moment as a turning point. He sees the effects as being more than just identity-related and stated, “When I travel, it is with a U.S. passport.” Mounybout also discussed travelling, saying:

I am American citizen. I have all my documents. If I claim something, I claim it as American. I have my passport. They cannot do anything to me because I am American. If something happens to me over there, I am going to American consulate.

Their answers reflect both a desire to claim their place in America and to move beyond the no man’s land that is being a refugee.

A few interviewees tied their refugee status to their accomplishments or their need for support. To them, being a refugee was not just a technical status, but also a state of need. They all see ‘refugee’ as a term that implies weakness and dependence. This also relates to a hyphenated identity. If being a refugee is to lack a country and an ability to support oneself, then by rejecting the refugee identity, they are claiming their place in society as active agents.

The two South Sudanese interviewees who did claim a refugee identity are Amina and Timothy. They are the two youngest refugees I interviewed at twenty-three and twenty-four respectively. They also represent the earliest and latest arrivals to the United States. Amina arrived in 1996 and Timothy in 2010. They both see their refugee identity as inseparable from the lives they have led. Amina said, “refugee is a huge part of my identity because that is how I came to be here.” Timothy said, “if I wasn’t a refugee, I wouldn’t be here.” Amina and Timothy recognize that even if they are not technically refugees anymore, they have gotten to this place because of that status. By maintaining a refugee identity, they are claiming ownership of their lives in South Sudan, intermediate African countries, and the United States.

Despite giving different answers, both those who identify as refugees and those who do not explained their answers in terms of connections to multiple countries. Those who do identify as refugees see it as an indivisible part of their identity that is connected to why they left South Sudan and came to the United States. Those who do not identify as refugees see being a refugee as a time of being without. Today, they have two countries and achievements that put them in a position to help others in the South Sudanese community rather than to receive help as they had when they first arrived.

Formation Of Identity

Because of technological developments, individual South Sudanese refugees in Phoenix are able to maintain their connections to South Sudanese culture while simultaneously integrating into the American way of life. Though the cost can be restrictive, they can take a plane ride home to visit family. Satellites allow for South Sudanese people in Phoenix to watch news and programming from South Sudan in their native languages. The internet allows families to share updates and help relatives out financially. These connections mean that South Sudanese refugees in Phoenix are able to impact events in South Sudan while also feeling the effects of those events taking place a world away. It is a reciprocal relationship, a push and pull. However, this is not the push-pull model of migration where one country draws you in with opportunity while the other pushes you out because of instability. Rather, it is the simultaneous push and pull of both America and South Sudan; discrimination in America coupled with strong forces of integration is combined with a sense of ethnic pride and distance from home. Through these forces, both identities are kept alive in the form of a new hyphenated identity.

Discrimination

All of the interviewees have lived in multiple countries. Some went to Khartoum in Sudan and then on to Egypt. Others fled to countries in the south, such as Central African Republic, Rwanda, Uganda, Kenya, and the Congo. The Lost Boys made it east to Ethiopia before heading back westward. They often experienced discrimination and persecution within African countries. Maglin Paul and Jane Abucha both lived in Khartoum before leaving...
to Egypt. Maglin was only one month old when her family moved to the North, so she attended her first few years of school in Sudanese classrooms. A Christian, Maglin said that the schools in Sudan, “Force you to read the Koran.” 48 Refugees who lived in Egypt noted difficulties integrating with the population there as well. In many ways, Egyptian society was not terribly different from what the South Sudanese people disliked about North Sudanese rule: a dominant Arab and Muslim society. Amina remembers “kind of being isolated and not having a lot of friends… who were Egyptian. I do remember hearing insults every now and then.” 49 Madit expressed similar sentiments, saying “we were always sticking together as a community [of South Sudanese]. The locals [the Egyptians] made it difficult. It wasn’t easy for us to integrate.” 50 William Tuoy-Giel fled to Ethiopia and began to feel discriminated against when Ethiopia broke into civil war over the region that is now Eritrea. He said that the Ethiopian government alleged that South Sudan was supporting the Eritrean separatists, and so “we were not wanted.” 51

This discrimination continued the formation of a South Sudanese identity. As Madit noted, the discrimination led to the solidification of the South Sudanese community and contributed to them sticking so closely together. Amina also told me that she felt most at home in Egypt at a refugee school where her parents worked, which was made up of many South Sudanese. 52 It is interesting to note that none of the refugees claimed an Egyptian, Kenyan, or other African identity. Those that moved beyond that duality of South Sudanese American claim a broader ‘global’ or ‘multicultural’ identity. The discrimination faced in these host countries may explain why the refugees I interviewed do not claim the identity of their country of first asylum.

South Sudanese refugees also faced discrimination in the United States. These issues of discrimination seem to be particularly prevalent for black immigrants. In a study comparing Haitian, Mexican, and Chinese immigrant youth, Steve Song found that Haitian youth were more likely to form a hyphenated Haitian American identity rather than “pan-ethnic labels of black or African American.” 53 In contrast, Mexican youth all chose the pan-ethnic label of Latino and Chinese youth had no clear preference. Song hypothesizes that this may be “an attempt (be it conscious or otherwise)…to ‘Americanize’ while at the same time distancing themselves from the black American population whom they see negatively portrayed by the wider society.” 54 In research with Kenyan immigrants, L.W. Wamwara-Mbugua and T. B. Cornwell argue that black immigrants have unique experiences due to their race. This is particularly prevalent for immigrants coming from black majority societies, such as Haiti or Kenya, because “their blackness had not been a salient issue previously.” 55 Though these authors are not speaking directly about the South Sudanese, their research underscores the point that black immigrants face unique challenges in adapting to life in the United States, and that the development of hyphenated identities may be one coping strategy. None of my interviewees self-identify as ‘black’ or ‘African American.’ They happily claimed their South Sudanese identity, likely because it is the more precise and meaningful identity. Their experiences with discrimination demonstrate that many are highly aware of the racial complexities of life in America.

Jane Abucha spoke forcefully and vividly about the discrimination she has faced in the United States. She found this discrimination to be both race and class based. As a whole, she found the United States “designed as a capitalist system to milk all the money from the poor.” 56 As she has furthered her education in the United States, she often struggled to fit in with classmates and to be treated equally. She told me multiple stories of times she felt discriminated against in the classroom. One time, she had a teacher give her ‘C’s’ on every paper despite having them checked by other professors prior to turning them in. She brought a complaint to the school, resulting in the re-grading of her papers by a different staff member. Her new grades reflected ‘A’s’ on every paper. 57 However, it was not just the professors that she had negative interactions with. During a group assignment, her group members turned her in to the professor for not replying to emails to finalize a project in time. Jane had replied within 24 hours of the email. Her response was sent on a Tuesday and the project was not due until the upcoming Sunday. 58 Jane again complained to the administration and refused to work on group projects because she felt her classmates treated her badly. Jane found discrimination outside of the classroom as well. Looking for a job is difficult because “as soon as you fill out an application, check your ethnicity black, you are not even called for an interview.” 59 Jane feels discriminated against in the United States because of the color of her skin. Out of all the refugees, Jane was the only one who did not claim an American identity, despite having gained U.S. citizenship. Her experiences in the United States have caused her to push away association with this country and prioritize her association with South Sudan, her home.
Only two other interviewees noted feeling discriminated against in this country. Amina explained her experience with discrimination as benign in nature but indicative of the deep racial stereotypes in this country. She said, “I had a professor who seemed to be surprised that I was intelligent and that I spoke proper English. Why should he be surprised?”60 William Tuoy-Giel also found that at his first job after, recently, arriving to the United States there was an “assumption that if you look different, you cannot speak English. I just tried to go with the flow.”61 This is a different kind of discrimination faced by Amina and William. It reflects the inherent biases in American society that assume those who are not white or who have a slight accent must be less educated or less intelligent. In a backwards way, this bias almost helped Amina and William. Because they are educated and intelligent, they easily surpassed the expectations of those they interacted with and seemed all the more impressive. This does not make the actions of American citizens less discriminatory, but it does explain why Amina and William feel generally accepted by society.

Engagement in the South Sudanese Community

While discrimination can push a refugee away from identifying with the country of asylum, the growing South Sudanese community in Arizona developed and furthered the continuation of a South Sudanese identity. In recent years, affiliation with ethnic communities has been seen “not as a station on the way to eventual assimilation, but as a distinct mode of immigrant incorporation.”62 Ethnic communities, such as the South Sudanese community in Phoenix, allowed South Sudanese people to support each other and to help maintain their culture. Maglin and Edmund Paul noted that their parents connected with friends they had known in South Sudan. Edmund said of these relationships:

There were people who came ahead of us, and when we got here, we found them. We didn't know anything—it was a brand new country. So to see somebody from back home, it was very helpful. They showed us a lot of things, so we didn't have to struggle as much.63

Christopher Zambakari and William Abure happened to meet new South Sudanese people in the apartments where they were placed.64 Refugee resettlement organizations often do this to encourage community building and ease the transition of living in the United States.

The Lost Boys I interviewed were often resettled with a group of other Lost Boys, thus giving them immediate connections in their new homes. William Tuoy-Giel came with a group of ten Lost Boys to Phoenix. He stated, “Although we were from different tribes, we were put in one room. Lost Boys don’t have tribal differences because they have been together for so long. Some who came in 2000 were here to help us as well.”65 Mounybout lived in one apartment with three other Lost Boys. Together, they helped each other find jobs and split the cost of living. The job he currently has at PetSmart was obtained after one of his roommates, who also works there, gave him a good recommendation with the store manager.66

The South Sudanese refugees and their families have also gathered together as a larger community. Amina’s parents had “a lot of people coming to our house to talk politics…there were Northerners as well.”66 In those days, the South Sudanese Community Association in Arizona was called the Sudanese Community Association in Arizona. Both groups met together and then separated after the Comprehensive Peace Agreement. It is interesting that Northerners and Southerners had more official unity during the time of conflict than they did after secession and peace. Jane Abucha cited many different ways the community gets together:

We have our South Sudanese churches. We have a community with regular community meetings and occasions—birthdays and minor celebrations. It helps us come together—talk, chat, laugh, get our children together.67

She further stated, “We care for each other because the culture calls us.”68 Thus, community gatherings give South Sudanese the ability to meet and keep the culture alive, whether it is simply through friendly interactions or carrying out cultural norms.

Familial Dynamics

Familial relations and dynamics are also key to how South Sudanese refugees have maintained their South Sudanese identity. These dynamics are particularly prevalent in the young South Sudanese I worked with because they often did not have significant experiences or memories of South Sudan. They were reliant on their community and parents to keep the community and culture alive.

Amina arrived in the United States with her mother while her father remained in Egypt for a time. She was only five when she came to Phoenix. She noted, “It seemed relatively easy through TV and
school to learn how to speak English. I don’t re-
member not speaking English.” To help her mother
learn, the family often spoke English at home. Be-
cause of this, Amina does not speak her native Dinka
fluently anymore. In Amina’s case, her family dy-
namics caused her to lose her native language. Later
on, other family relations brought Amina back to her
African roots. She said, “[Her] aunt was involved in
women’s organizations… and my dad was chairman of
SPLM…the emphasis on your people and knowing-
yourself always being around me probably led
to those questions.” Today, she is “actively trying to
learn Dinka” to keep in touch with her South Sudan-
ese identity. Maglin Paul came to the United States
at a young age, much like Amina. I asked her how
her parents taught her about her South Sudanese
identity. She replied:

They talked to us about it all the time and they always
talked to us in the native language or in Arabic. They
teach us how they used to live back home and we have
to keep our traditional ways.

Thus, her parents played a huge role in the develop-
ment of Maglin’s hyphenated identity.

I also asked the refugees who are parents
themselves how they keep the South Sudanese identi-
ty alive in their children. Peter Angon has two young
children, who were happily watching Tom & Jerry
in the background while I interviewed him. To help
his children maintain their South Sudanese identity,
Peter gave them both traditional Dinka names. They
have baptismal English names as well, but these are
not official on their birth or school records. Their
legal papers reflect their South Sudanese identity.
Additionally, Peter stated, “We have a lot of pictures.
We talk to them in our language. I advise them what
I learned from my father. Every two years we travel
to see the family and they can talk on the phone.”
Peter’s answer reflects the role that the family has in
keeping the South Sudanese culture alive. Further,
Peter spoke to how this is not a process that takes
place just within South Sudanese homes in America.
Technological advances have made cross-national
communication easier. Peter’s children have frequent
interaction, either in person or over the phone, with
family still living in South Sudan.

William Tuoy-Giel is also a father to a young
daughter. He described teaching his daughter about
South Sudan as “storytelling.” William is married to
a woman of Kenyan descent, so he and his wife try to
teach her both Nuer and Swahili. Like Peter’s family,
William’s daughter speaks to family members in
South Sudan on the phone. Her grandmother “sings
in Nuer” to her over the phone and has given her
nicknames in the Nuer language.

Connections to South Sudan

Many of the refugees interviewed maintain
strong connections with their family and friends
who still live in South Sudan. They cited phone calls
and visits back home as the main way of doing so.
Mounybout pulled out his camera in the middle
of our interview to show me pictures of his family
that he took when he had visited back home. He
even showed me the goat that was slaughtered in his
honor. However, these are occasional experiences
rather than constant interactions with South Sudan.
These connections are not integrated into daily life or
necessary for business dealings. Still, it is clear that
these experiences do keep the South Sudanese identi-
ty alive and further the development of a hyphenated
identity.

William Abure said that when he calls home,
family members often ask for money and financial
assistance. This means that there is not only a social
relationship between South Sudanese refugees in
America and their relatives in South Sudan, but also
a financial one. These remittances deepen the link
between the two countries. Refugees seem to want to
give money and help out family members, but there
is also a sense of annoyance at constantly being asked
while balancing the hardship of paying for life in
the United States and giving away money. This is an
example of the difficulty of defining the boundaries
of transnationalism.

American Identity

The South Sudanese identity certainly takes
effort to preserve, but it is important to remember
that the American identity must also be formed and
maintained. Mounybout spent his first few weeks in
the United States going to English Language Lear-
ners classes. To successfully integrate into the United
States, Mounybout was advised by his resettlement
agency to “learn English, get a job, get a car” in that
order. Amina and Maglin discussed their experi-
ences with attending American schools. By going
to school with American children and being taught in
English, they integrated fairly easily. Like Peter’s family,
William’s daughter speaks to family members in
South Sudan on the phone. Her grandmother “sings
maintain their South Sudanese identity and form an American one. The process began in host countries, where they often felt discrimination and turned inward, preserving the South Sudanese identity and culture. In Phoenix, the large community size has allowed for frequent interactions with other South Sudanese and the organization of events to celebrate that culture. Additionally, since the refugees I interviewed are young, they had many of their formative experiences in America. They were socialized in American schools, and thus easily formed and maintained a strong American identity.

**Manifestation Of Identity**

The interviewees often referred to the importance of maintaining their South Sudanese culture. It is very difficult to precisely define South Sudanese culture. It is a broad, overarching term that developed as a contrast to the North. Despite their tribes’ differences, most marginalized Southerners could unite in opposition to the North. Within the South, cultures and traditions vary due to the large number of tribal groups. John Ryle writes that there is wide variation in livelihoods, “driven by geographical circumstance as much as ethnic identity.” He further notes that the political organization within tribes can range from heavily hierarchical to lacking clear evidence of any sort of political rule. The interviewees’ conceptions of South Sudanese culture are likely framed by their own memories and the stories of their parents and community elders. When I asked them about their memories of South Sudan, many noted the pastoral way of life and the close distance of their extended families. As they were mentioned by almost all of the refugees interviewed, these themes must be very important to how the South Sudanese refugees see their culture.

**Religious Practices**

South Sudan is considered a multi-religious nation with both large numbers of Christians and a variety of African religions. Religion can be a strong coping mechanism, and many refugee resettlement agencies are connected to religious organizations. Thus, religious identities undergo huge changes during migration and the process of resettling into a new country. Among refugees, most religious changes are either greater religiosity or a new religious identity. Phyllis Johnson and Kathrin Stoll found that religiosity helped South Sudanese men ease the financial and emotional strains of adapting to life in the United States. Dianna Shandy stresses the importance of the Christian identity to Nuer refugees. Shandy states that the Christian identity and its role in the Sudanese conflicts, “legitimates the position of those seeking refugee status,” “links southern Sudanese to a wider international community,” “creates an idiom of kinship…to unite disparate ethnic groups,” and “serves as a vehicle for social reconstruction” in the United States. My research diverges with her findings; most interviewees found themselves less religious and did not view religion as a driving force in their lives.

None of the refugees I spoke with expressed a significant change in religiosity. Christopher said he has “grown more faithful” over the years, but he identified that change as having to do with his increased education and age, not with anything specific to refugees. Many noted that their church attendance decreased. Edmund stated, “the belief is still there…I just don’t go to church as much. Moving here, you have to sacrifice a lot of things. You won’t always find the time to go to church.” Similarly, William Tuoy-Giel said, “I have not relinquished my religion,” a sentiment that was shared by the other refugees. Every interviewee was either Protestant or Catholic, and they had been since their time in Africa. Perhaps there were fewer struggles over religion because it is a part of their identity that is not hyphenated; it belongs to both countries and requires less negotiation.

Along with decreased church attendance, many interviewees noted that they visited a wide range of churches. This seemed to be dominated by social circumstances. If there was a community event, then they might attend a South Sudanese church that weekend. William Abure said that he just followed his friends around to whatever church they were attending. In contrast, some did remain very connected to one church, a fact that seemed to be influenced by the denomination of the resettlement agency. Maglin and Edmund Paul were resettled by Catholic Social Services and were longtime patrons of St. Jerome’s. Peter Angon was resettled by Lutheran Social Services and remained connected to the church that provided parishioner sponsors to help him adjust to living in the United States. There did not seem to be a correlation between the type of church the refugees attended and their religiosity.

**Gender Roles**

Gender and family roles in South Sudan tend to be very traditional and segregated: men are the leaders and providers, whereas women do primari-
ly domestic work at home. A man is someone who “[takes] care of the household and [makes] decisions, and who is respected.”97 Despite the varying tribes in South Sudan, “the Sudanese government’s ideology of assimilation” encouraged the development of “Muslims notions of complementarity.”98 The Arabization pushed by the Northern government may have contributed to the development of standardized gender roles across South Sudan. The idea of complementarity is that men and women serve different, yet complementary roles: the man as the provider and the woman as the homemaker. It is likely that these notions are similar to existing practices among tribes, as they were not resisted. The World Bank estimates that only 27% of the South Sudanese population isiterate, with a 40% literacy rate for males and a 16% literacy rate for females.99 Given the lack of educational opportunities and the fact that “southerners live variously as sedentary farmers and as agro-pastoralists,” most women in South Sudan work in the home or help with the farming for the family.100

Resettled refugees can experience tension in marriages and families because of American culture and financial pressures that force a change from traditional gender roles.101 For instance, a woman who stayed at home with her children in her country of origin may now need to work to help support her family. However, if the man expects a continuation of traditional gender roles, “an employed woman may remain fully responsible for taking care of the children, cleaning the home, and cooking meals.”102 This is just one example of the changes that all refugees, including South Sudanese, must deal with after moving to the country of second asylum. Further, South Sudanese refugees must adapt to new American laws, such as domestic violence provisions and bans on polygamy.103 Most of the refugees I interviewed tried to create gender roles that fit their hyphenated identities.

Amina and Maglin, the two youngest women I interviewed, had the most to say in regards to the way their gender roles have been impacted by their hyphenated identities. Maglin is twenty-eight-year-old student hoping to work in special needs education. She has lived in the United States, Phoenix specifically, since 1999. Despite her long residency in the United States, she said, “I still try to stick with the culture. When it comes to relationships, you have to be extra careful.”104 Her belief in a traditional courtship and marriage seems to have risen out of a failed relationship that was based on American standards. She said that she “made some mistakes, tried to live the American way. I had an ex-boyfriend. We dated for six years, moved in together. Things didn’t work out, so I decided to stick with the culture.”105 Because of her connections to both American culture and South Sudanese culture, Maglin has experienced gender roles from multiple perspectives. She now lives with her parents and plans to do so until her marriage, keeping with South Sudanese norms. Maglin only specifically mentioned living with her parents until marriage as being a part of the culture. While Maglin claims a more traditional perspective on marriage and relationships, she also lives according to American norms by working and going to school, opportunities that many South Sudanese women do not have in South Sudan.

Oppositely, Amina has pushed against the traditional roles for women. She thinks about South Sudanese gender norms on a personal and societal level, and noted that global culture is patriarchal and it’s very emphasized in South Sudanese culture. What causes our young girls to bleach their skin? There is a sense from elders and males that we want you to be educated because it means you’re a good girl if you are going to school. But, not too educated…because that’s not feminine.106

While Amina has received mostly support from her parents as she pursues her educational goals, she admitted that she does “experience pressure to get married” from both her parents and the community.107 She also remembers in her childhood that she and her brother received unequal treatment in regards to their relationships with the opposite sex. When a boy called her house one time, her parents reacted strongly and became upset. On a separate occasion around the same time, her brother was allowed to have girls over to the house.108 Maglin and Amina demonstrate that having a hyphenated identity can cause conflict, both internally and externally.

Given the changes that come with global migration, some refugees left behind family members in Africa. Others had to suffer the loss of loved ones. Christopher and Edmund both said that the biggest change for them was becoming the oldest in the family, a role previously served by a family member that did not migrate to America. This is common among South Sudanese refugee youth. Changes in the family dynamic often require youth to take on more responsibilities.109 Edmund explained, “In our tradition, if you’re the oldest you have to be that support system, that example. I have to help out the family and pass on opportunities.”110 Because of changes in the family structure, both Edmund and Christopher had to take on more responsibilities in the family.
Peter and William Tuoy-Giel are both married with children. They spoke about small changes in their gender roles that hint at the larger forces of integration and the formation of hyphenated identities. Peter actually met his wife in South Sudan and married her there while on a visit to see his family. His mother said to him, “Do you want me to die before I see your children?”111 His younger brother felt guilty for having three wives while Peter was still unmarried.112 After Peter was introduced to his wife, the village elders “gathered together to negotiate the bride price.”113 Though he was married in a very traditional manner in South Sudan, the life he shares with his wife in America is different. At the moment, she stays home to take care of the children, but Peter acknowledged, “with the economy…there will be a time when she works.”114 He also wants to “let their mother get an education first before I get my masters degree.”115 Despite the strength of traditions, Peter has very hyphenated views on gender.

William Tuoy-Giel also wants to give his wife the opportunity to go the school before he seeks a further degree in law.116 He thinks his role in the family has not changed much, “except that I cook as well. Back home I wouldn't do that. I take care of the baby and get to do things that men in Africa tend to miss.”117 Though he brushes this aside as a small sign, it is very significant and representative of his hyphenated identity. William has taken on some of the roles in the family traditionally reserved for females and, in doing so, is building a hyphenated identity for his family.

On the other side of the spectrum is Madit, who pointed specifically to his experiences as a global migrant as a key factor in the development of his viewpoint. Madit said:

“It's not because I've forgotten my culture, but because I've adapted to what is reasonable. I tell my friends, I'm 100% feminist. I grew up in a family where there was a border between what a man and what a woman could do. Neither side could cross to the other. I've been exposed to different cultures. The way to go is there are no gender roles, but it's about what can you do. These are the benefits of the diaspora.”118

It is specifically because of his hyphenated identity and experiences that Madit has come to this view. He is careful not to dismiss or rudely reject the traditional South Sudanese culture, but instead he offers a path forward based on what he has learned as a global migrant.

Conclusion

South Sudanese refugees were forced to flee their homes due to a civil war that lasted over half a century, with only brief respites in between conflicts. This civil war was fought because of politics, power, resources, and, yes, identity. The South strove to create an independent nation that would be free to identify as African and Christian without the North attempting to force Islamic law on them. Identity has always been important to the South Sudanese, and this fight to carve out their own national identity can partially explain why South Sudanese refugees still identify so closely with their home country. However, there are also negative forces at work within the United States. Refugees who have faced discrimination, such as Jane, push away the American identity because they do not feel welcomed. At the same time, because the Phoenix South Sudanese community is so large, refugees are able to organize themselves and create South Sudanese community groups to foster remembrance and pride in South Sudan. Their American identities are created by daily interactions with the American economy and government. Most of the refugees I interviewed attended at least a few years of school in America, allowing for socialization in the classroom with their peers. Thus, the individual refugees have been able to form identities that are both American and South Sudanese.

The young South Sudanese refugees interviewed in Phoenix demonstrate the force and viability of hyphenated identity. The theory of the hyphenated identity looks at how migrants are connected to both their home country and the country they have migrated to. Immigrants often have significant experiences in two or more countries, and, as a result, may identify with two or more cultures. The hyphenated identity is a way to express a connection to both cultures. Still, the person who claims a hyphenated identity is often caught in a struggle between the two cultures. Sirin and Fine emphasized the tension that exists in a hyphenated identity. Immigrants must navigate the conflicts between the different identities. Because of this, the concept of hyphenated identity is also a dynamic that impacts the individual lives of migrants. This can be seen through the way migrants identify themselves, the norms and values that they live by, and their involvement with affairs in their home country.

A hyphenated identity manifests itself in many aspects of the refugees’ lives. Because of this, refugees strive to balance the norms and values of America and South Sudan. This can be seen par-
particularly in their perceptions of gender roles. Both men and women have to adjust to a new system and decide how much influence each culture will have. Additionally, these refugees seek to pay-it-forward and give back to South Sudan by furthering their education and working in fields that will allow them to make positive impacts on the development of their new country.

This research also brings up further issues in theorizing about immigration and identity. The South Sudanese highlighted in this paper clearly profess and live with hyphenated identities, their lives demonstrating flaws within other theories. Their desire to return home to South Sudan and work for the betterment of that country raises questions of integration and how that is measured. They all work, live, and play in America, but they still have an eye towards home. Only William Abure and Timothy Zambakari demonstrate transnational lives because of their music business that has operations in South Sudan. But most refugees operate in the transnational sphere sporadically to talk with family, send money home, or become politically involved at moments of historical importance. Transnationalism necessitates a constant interaction with both countries. The South Sudanese are partaking in transnational actions, but the theory has yet to clarify the precise limitations of these actions. Further, William and Timothy demonstrate that it is easier to find individuals living transnational lives than it is to find ethnic groups as a whole engaged in transnationalism. If it is solely individuals, then the theory has less force than if this is a characteristic of new immigrant groups.

It is important to pay attention to the lives and words of the young South Sudanese refugees in Arizona. Their stories of trial and triumph illuminate the difficult process of integrating into a new country while still maintaining the culture of their home. The development of hyphenated identities has provided a way for them to live in America and keep connections to home.

**Endnotes**

1 Mounybout Mounybout, interview by Carmel Dooling, Phoenix, Arizona, November 9, 2013.


4 Ibid., Appendix B-3.

5 Ibid.


9 Schmitter-Heisler, 86.


12 Ibid.

13 Ibid.


15 Ibid., 67.
16 Ibid., 163.

17 Portes et al, 217.


19 Schmitter-Heisler, 86.

20 Kivitso, 571.


24 Ibid.


26 Jane Abucha.

27 Ibid.


29 Ibid.

30 Ibid.


32 Ibid.

33 Ibid.

34 William Tuoy-Giel.

35 Ibid.

36 Ibid.

37 Peter Dut Angon, interview by Carmel Dooling, Phoenix, Arizona, December 21, 2013.

38 Amina Abad et al.


41 Nasir Nun, interview by Carmel Dooling, Tempe, Arizona, January 24, 2014.

42 Madit Deng Ring Yel, interview by Carmel Dooling, Tempe, Arizona, January 24, 2014.

43 Christopher Zambakari, interview by Carmel Dooling, Buckeye, Arizona, November 20, 2013.

44 Peter Dut Angon.

45 Mounybout Mounybout.


49 Amina Abad.

50 Madit Deng Ring Yel.

51 William Tuoy-Giel.

52 Amina Abad.

54 Ibid., 1023


56 Jane Abucha.

57 Ibid.

58 Ibid.

59 Ibid.

60 Amina Abad.

61 William Tuoy-Giel.

62 Schmitter-Heisler, 86.

63 Edmund Paul, interview by Carmel Dooling, Glendale, Arizona, December 1, 2013.

64 Christopher Zambakari, interview; William Abure.

65 William Tuoy-Giel.

66 Mounybout Mounybout.

67 Amina Abad.

68 Jane Abucha.

69 Ibid.

70 Amina Abad.

71 Ibid.

72 Ibid.

73 Ibid.

74 Maglin Paul.

75 Peter Dut Angon.

76 Ibid.

77 William Tuoy-Giel.

78 Ibid.

79 Mounybout Mounybout.

80 William Abure.

81 Mounybout, Mounybout.

82 Maglin Paul.

83 Amina Abad.

84 Edmund Paul.

85 Ryle, 39.

86 Ibid.


91 Christopher Zambakari.

92 Edmund Paul.

93 William Tuoy-Giel.

94 William Abure.

95 Maglin Paul; Edmund Paul.

96 Peter Dut Angon.


98 Merin Oleschunk, “Engendering Transnation-


102 Bellinger, 457.


104 Maglin Paul.

105 Ibid.

106 Amina Abad.

107 Ibid.

108 Ibid.


110 Edmund Paul.

111 Peter Dut Angon.

112 Ibid.

113 Ibid.

114 Ibid.

115 Ibid.

116 William Tuoy-Giel.
It is essential for diplomats and other decision makers relevant to ongoing peace efforts in Syria to understand the factors that are impeding a peaceful settlement of the Syrian Civil War.

“A CIVIL WAR, A SECTARIAN WAR, AND A PROXY WAR

Problems of Negotiated Settlement in the Syrian Civil War

SCOTT RIDOUT

The Syrian Civil War is unlikely to be resolved through a negotiated settlement at this time, or in the coming years, because of the rival ethno-religious identities of combatants, lack of democratic institutions in Syria, indivisibility of stakes in which combatants are fighting for, number of veto player combatant groups, and lack of a credible third party to monitor and enforce a peace settlement. This essay explores seven theories on civil war settlement in order to determine the likelihood of a negotiated settlement in the Syrian Civil War. It is found, however, that the costs of war and balance of power theories predict that a negotiated settlement is likely in the Syrian Civil War because of the existence of a mutually hurting stalemate in the conflict. However, it is argued that while a mutually hurting stalemate may be a necessary condition for a successful negotiated settlement, it is not a sufficient condition on its own. Thus, the costs of war and balance of power theories are imprecise predictors of negotiated settlements.

The Syrian Civil War has claimed the lives of over 200,000 people and has forced millions of Syrians to seek refuge in Turkey, Lebanon, and Jordan – placing an enormous economic strain on those countries. In addition to the grave humanitarian crisis, the Syrian Civil War also threatens to destabilize the entire Levant region through the spillover of violence. Furthermore, considering the competing interests of the United States and Russia, as well as Saudi Arabia and Iran, the outcome of the Syrian Civil War will greatly affect geopolitical influence throughout the region. Thus, it is essential for diplomats...
and other decision makers relevant to ongoing peace efforts in Syria to understand the factors that are impeding a peaceful settlement of the Syrian Civil War.

Background

The Syrian Civil War originates from domestic opposition groups who were heavily influenced by the Arab Spring. In 2011, the movement’s momentum galvanized many Syrians to protest against a government notorious for human rights violations and unjust limitations on citizen’s freedoms. The Syrian opposition, as the protesters became known as, demanded the end of President Bashar al-Assad’s regime and the creation of a free, fair, and transparent government. Conversely, Assad labeled the opposition as foreign supported terrorists and implemented a policy of violent repression. By the end of 2011, peaceful protests had evolved into an armed conflict and subsequently a civil war. Because of the ongoing civil war, over 200,000 people have died and millions of Syrians are now refugees or internally displaced persons as of 2013 (Kalin, 2013, United Nations Multimedia 2014).

Since the beginning of the Syrian Uprising in February 2011, the international community has expressed urgent concern regarding the humanitarian situation in and around Syria. By early 2012, the United Nations (UN) and other international organizations such as the Arab League (AL) knew that the conflict in Syria could escalate into a protracted civil war. In an effort to prevent this, the Joint Special Envoy of the United Nations and the League of Arab States on the Syrian Crisis was created and former United Nations Secretary General (UNSG) Kofi Annan was appointed to lead a diplomatic effort to stop the violence in Syria and mediate negotiations between the opposition and the government. Annan created a six point plan that called for a ceasefire and a peaceful political process to address the legitimate concerns of the Syrian people. Despite his best efforts, Annan failed to persuade both sides to adhere to a ceasefire that would then lead to negotiations. In August of 2012, Annan announced his resignation as the Joint Special Envoy to Syria, citing a lack of unity in the United Nations Security Council (UNSC) as well as increased militarization of the Syrian Civil War. In the same month, former Algerian Foreign Minister Lakhdar Brahimi was appointed to replace Annan. Despite ongoing diplomatic efforts by Brahimi in the Geneva II conference, the Syrian opposition and the Syrian government have yet to reach an agreement to end the war.

Theoretical Approach

Since the beginning of the Syrian Uprising, the international community has actively engaged the crisis in Syria. UN member states have focused their efforts towards addressing the humanitarian crisis as well as brokering a peace settlement between combatants. Thus far, all efforts to foster a negotiated settlement for the Syrian Civil War have failed. This paper examines the Syrian Civil War using seven different civil war settlement theories in order to assess the likelihood of a negotiated settlement ending the conflict. A multi-perspective analysis of the Syrian Civil War and the possibility of a peace settlement can be understood through the following theories: costs of war, balance of power, domestic political institutions, ethnic identity, divisibility of stakes, veto player, credible commitment.

It was found that all of the theories except for costs of war and balance of power predict that a negotiated settlement is unlikely to resolve the conflict. Although the Syrian government and the Syrian National Coalition are currently engaged in diplomatic negotiations through the Geneva II conference, both sides are unwilling to compromise on the underlying grievances driving the conflict. This paper ultimately highlights some of the problems inhibiting a negotiated settlement in the Syrian Civil War. These obstacles include: rival ethno-religious identities of combatants, lack of democratic institutions in Syria, indivisibility of stakes in which combatants are fighting for, number of veto player combatant groups active in Syria, and the lack of a credible third party to monitor and enforce a peace settlement.

International Aspects of the Syrian Civil War

The Syrian Civil War does not exist in a vacuum. Initially, the international reaction to the Syrian uprising seemed muted, as if most states expected protests to fizzle out. As the conflict in Syria evolved into civil war, however, the international community realized they needed to take action. As the death toll rose above 100,000, it was clear that Syria was facing a humanitarian crisis. Unlike Libya, there were no clear answers on how to respond. Because of sovereignty, humanitarian intervention in internal wars is a complicated endeavor that lacks straightforward legal guidance. Despite these difficulties, no one wanted the humanitarian crisis to escalate. There is also the concern of Syria devolving into a failed state. If this were to happen, the war would continue
among ethno-religious rivals and radical Islamist groups. The international community feared that this instability would cross borders and engulf entire region.

There are also many regional and international interests at stake in the Syrian Civil War. The Syrian government has relied on many of its allies to finance, supply, and help fight the civil war. Similarly, the rebels have also sought third party support to help them overthrow the Assad regime. These third party supporters are competing with each other for power and influence in Syria and have essentially created a proxy war. On the regional level, Iran and Hizbullah are Assad’s strongest allies. Syria and Iran’s relationship began shortly after the Iranian revolution when Syria supported Iran in the Iran-Iraq war from 1980-1988. Since then, they have shared common economic and political interests, particularly those that are anti-Israel. Because of this, Syria is Iran’s closest ally in the Middle East. Iran claims that the Syrian Uprising was created by the United States and Israel in order to weaken Iran’s power in the region. On 30 June 2011, Ayatollah Ali Khamenei stated, “in Syria, the hand of America and Israel is evident. Wherever a movement is Islamic, populist, and anti-American, we support it.” Iran has supported the Assad regime throughout the civil war by providing it with surveillance technology, revolutionary guards, and discounted oil. Iran also connected the Assad regime to the largest Shiite political party and militia in Lebanon, Hizbullah. Hizbullah has provided the Syrian government with soldiers to help fight the rebels. However, considering the uncertainties of the Syrian Civil War, Hizbullah have begun to hedge their bets against Bashar al-Assad should he lose the war. In October 2013, Hizbullah withdrew the majority of its 10,000 troops from Syria (Al-Arabiya, 2013). Additionally, in November of 2013, Mohammad Javad Zarif, Iran’s foreign minister, announced, “Iran is prepared to call for the withdrawal of all foreign forces from Syria,” (Reuters, 2013).

Assad’s regional enemies are Turkey, Saudi Arabia, Qatar, and Israel. Turkey and Syria had strong political and economic relations before the Syrian Uprising. However, once the death toll started to rise, Turkish Prime Minister Recep Tayyip Erdogan demanded that Assad institute reforms and stop the violence against his own people. By the end of 2011, Turkey cut all relations with Syria and is currently enforcing an arms embargo against the Syrian military. Additionally, on 3 October 2013, a Syrian mortar shell landed in the Turkish border town of Akçakale, killing five people. Turkey quickly retaliated by shelling Syrian military posts. Saudi Arabia also had good relations with Syria before the uprising but could not support the systematic killing Syria’s Sunni population. Since the 1990s, Saudi Arabia has competed with Iran for influence in the Middle East. Saudi Arabia actively funds rebel fighters in Syria because overthrowing the Assad regime would be a significant blow to Iranian influence. Like Saudi Arabia, Qatar also helps fund Syrian rebels, including many of the radical Islamist groups. Finally, Israel has remained consistently quiet on the Syrian issue. Israel is against Assad but as Syria’s neighbor, it also has an interest in maintaining stability. On 19 March 2014, Israel launched air strikes against Syrian military sites in response to a roadside bombing that wounded four Israeli soldiers.

Internationally, the United States and Russia are again fighting a proxy war – this time in Syria. Syria is Russia’s strongest ally in the Middle East. Their relationship began in 1980 when Hafez al-Assad signed a treaty of friendship and cooperation with Moscow. Over the years, Russia and Syria have maintained strong economic ties through Russia’s oil

<table>
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<tr>
<th>Theory</th>
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<td>Cost of War</td>
<td>Proposes that the decision to fight or negotiate is determined by combatants’ perceived costs and benefits of a unilateral victory versus a negotiated settlement.</td>
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<tr>
<td>Balance of Power</td>
<td>Proposes that equally matched combatants are more likely to negotiate.</td>
</tr>
<tr>
<td>Domestic Political Instituions</td>
<td>Proposes that civil wars, which occur in democratic countries, should be more likely to end in negotiated settlements.</td>
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<tr>
<td>Ethnic Identity</td>
<td>Proposes that combatants fighting over issues associated with their ethnic identities will experience greater difficulty reaching a negotiated settlement.</td>
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<td>Divisibility of Stakes</td>
<td>Proposes that the success or failure of peace negotiations depends on whether combatants can divide the stakes for which they are fighting.</td>
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<td>Veto Player</td>
<td>Proposes that civil wars incorporating multiple combatants are longer and less likely to end in a negotiated settlement than wars with fewer combatants. For example, civil wars with two combatant groups should be easier to resolve than civil wars with three combatant groups.</td>
</tr>
<tr>
<td>Credible Commitment</td>
<td>Proposes that a successful peace settlement depends on whether a third party is willing and able to enforce or verify demobilization and settlement adherence.</td>
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and defense industries. Since the fall of the USSR, Russia has wanted to regain the diplomatic leverage it lost. To that end, Russia has preserved a close alliance with Syria in order to maintain influence in the Middle East. Russia also has a naval base in the port city of Tartous which is its only base in the Mediterranean. Since the start of the uprising, Russia has supported Bashar al-Assad both diplomatically and militarily. Russia felt duped by NATO operations in Libya and has done everything in its power to stop UNSC resolutions calling for action in Syria. Throughout the Syrian Civil War, Russia has provided the Syrian government with military equipment as well as financial support.

The United States has been one of the most outspoken opponents of Assad. Throughout Assad’s tenure as president, United States relations with Syria have been antagonistic. At the start of the Syrian Uprising, the United States was initially quiet responding to events. However, as the death toll began to rise, the Obama administration became increasingly critical of the Assad regime. In August of 2012, Washington formally called for Assad to step down and recognized the Syrian National Coalition as the sole representative of the Syrian people. The United States also imposed sanctions composed of asset freezes, travel bans, and trade restrictions. Washington has led the charge in the UNSC to pass a resolution calling for Assad’s transition from power. The United States also considered intervening militarily after the chemical weapons attack in Damascus. However, because of the growing islamist elements in Syria, Washington is hesitant to get too involved. Instead, the Obama administration has chosen to support ‘moderate’ Syrian opposition fighters. Since January 2012, the CIA has airlifted weapons, ammunition, and other supplies to Syrian rebels in conjunction with Turkey, Jordan, Saudi Arabia, and Qatar. The CIA has also assisted Arab governments shop for weapons and vet Syrian rebel commanders (Chivers & Schmitt, 2013). In January 2014, the United States Congress approved funding to arm ‘moderate’ Syrian rebels with small arms (Hosenball, 2014).

**Theoretical Discussion**

Civil war settlement theory aims to explain why combatants in some civil war negotiations choose to implement a settlement, while others choose to return to fighting. According to Barbara Walter (2002), professor of international relations at UCSD, “between 1940 and 1992, only a third of all negotiations to end civil wars resulted in a successfully implemented peace settlement” (p. 3). Scholars in this field ask why certain negotiations succeed while so many others fail. Hypotheses are usually tested using datasets such as the Correlates of War Dataset, the Uppsala Conflict Data Program/Peace Research Institute Oslo (UCDP/PRIO) Armed Conflict Dataset, or the author’s own. Because of the vast intricacies of civil wars, many different theories have emerged to explain successful and unsuccessful negotiated settlements.

Current theories of civil war settlement can be grouped into two different camps. The first camp focuses on conditions that indicate that a successful settlement is likely. This camp views economic, military, political, and social factors as a function of successful negotiated settlements. It includes the costs of war, balance of power, domestic political institutions, and veto player theories. The second camp views successful negotiated settlement through combatants’ abilities to resolve their conflicts. The focus is on conditions that encourage combatants to make concessions to their enemy.

**Costs of War**

When the costs of fighting outweigh the costs of negotiation, the costs of war theory argues that a settlement is likely. One of the definitive works on costs of war theory is How Civil Wars End: A Rational Choice Approach by David Mason and Patrick Fett (1996). Mason and Fett argue that in order for the government and rebels to agree on a negotiated settlement, combatants’ subjective estimate of their expected utility for a negotiated settlement must be greater than their subjective estimate of their expected utility from continuing to fight.

Any factors that (1) reduce both party’s estimate of their chances of victory, (2) increase the rate at which both are absorbing costs, (3) extend both parties’ estimate of the amount of time required to achieve victory, or (4) increase the utility from a settlement relative to the utility from victory will make them both more willing to agree to a negotiated settlement rather than continue to fight in the hope of achieving victory. (p. 549)

Mason and Fett’s first hypothesis regarding perceived costs of victory proposes that the size of the government’s army should be negatively related to the likelihood of a negotiated settlement. If the government’s army is stronger than the rebel forces, the government is more likely to reject appeals for negotiation in favor of victory on the battlefield. Mason and Fett argue that perceived costs of victory...
must reflect the concept of a ‘mutually hurting stalemate.’ According to William Zartman (1993), Professor Emeritus at the School of Advanced International Studies of Johns Hopkins University, a mutually hurting stalemate is a precondition to a negotiated settlement and occurs when “the countervailing power of each side, though insufficient to make the other side lose, prevents it from winning” (p. 24).

Their second hypothesis proposes that the conflict’s casualty rate should be positively correlated to the probability of a negotiated settlement. A high casualty rate means that combatants are suffering high costs from fighting. Mason and Fett state that “the higher a party’s casualty rate, the lower will be its estimated probability of achieving victory” (p. 551). Neither side has an infinite number of soldiers and resources to fight the war. Thus, as the casualty rate increases, combatant’s ability to wage war declines. Although Mason and Fett did not find a significant relationship between casualty rates and the likelihood of a negotiated settlement, they concluded that casualty rate is an important factor for negotiated settlement. They blamed the lack of a significant relationship on measurement problems, stating, “the battle death rate measure available in the COW (correlates of war index) may not fully capture the theoretical concept in the model. The theoretical concept in the model is the rate at which each participant is absorbing additional costs of war” (p. 563). Unfortunately, the COW does not differentiate casualty rates by combatant group.

Their third hypothesis proposes that the duration of the conflict is positively correlated with the likelihood of a negotiated settlement. Mason and Fett propose that “any factor that extends that actor’s estimate of the amount of time required to achieve victory will increase that actor’s willingness to accept a negotiated settlement rather than continue the conflict” (p. 551). As the duration of the conflict increases, so does combatants estimates of the amount of time required to achieve victory. In turn, this increases combatants’ perceived costs of war compared to the costs of negotiation.

The probability of victory in Syria, for either side, is very low at this point in the war. Neither side seems to be a definitive winner or loser in the conflict. As mentioned previously, Mason and Fett recalled Zartman’s (1993) proposition that a ‘mutually hurting stalemate’ is a precondition to a negotiated settlement in civil wars. As of now, the Syrian Civil War is a stalemate. After four years of fighting, neither the Syrian government nor the Syrian rebels have the power to make the other side lose. However, both sides have the power to prevent the other from winning. The International Crisis Group (2013) confirmed the existence of a mutually hurting stalemate in a report titled Syria’s Metamorphosing Conflicts, stating, “for some time, the war has been stuck in an evolving and expanding stalemate. Though neither side is in a position to register decisive victories, the overall picture is far from frozen. Front lines are fluid; violence takes on new forms; and the international landscape continues to morph” (p. 12). In regards to Mason and Fett’s first hypothesis, the Syrian government’s forces seemed to have decreased significantly throughout the course of the war. According to the International Institute for Strategic Studies’ annual Military Balance Report (2013), the strength of the Syrian military as of 2013 is numbered at 90,000-178,000 troops (2013, p.403). The range is so large because the report noted that “the nominal pre-war strength of the army has likely been reduced by half: the result of a combination of defections, desertions and casualties” (p. 403). Thus, because of the Syrian government’s reduced military strength and its inability to win the war, Mason and Fett’s first hypothesis would predict that a negotiated settlement is likely.

However, the Syrian government may be outnumbered by rebel forces in terms of troops. The author estimates that Syrian rebel forces range between 130,000 and 145,000. This estimate was calculated by compiling troop numbers from various rebel groups active in Syria. It should be noted that many of these groups have joined forces with each other and may no longer be operating independently. As of December 2013, Charles Lister, an analyst with information Handling Services’ (IHS) Jane’s Terrorism and Insurgency Centre, estimated that the FSA has approximately 40,000 troops and the Syrian Islamic Front has 45,000 troops (Entous & Abushakra, 2013). According to the BBC the Asala wa al-Tammiya Front has approximately 13,000 troops, the Al Nusra Front has approximately 5,000-7,000 troops, and the Ahfad al-Rasoul Brigades have approximately 7,000-9,000 troops (Sinjab, 2013). According to Reuters and U.S. Intelligence, the Mujahedeen army has approximately 5,000 troops and the ISIL (ISIS) has approximately 20,000-31,500 fighters (Solomon 2014, Windrem 2015). Although the Syrian rebels may have slightly more troops than the Syrian Government, the rebels lack heavy weaponry as well as professional military organization. Thus, the rebels do not possess the military prowess necessary for a unilateral victory.

In regards to Mason and Fett’s second hypothesis, the casualty rates in Syria are very high. In
July of 2013, the UN estimated that total casualties from the Syrian Civil War exceeded 100,000 (Neu-
man, 2014). Since the beginning of the Syrian up-
rising in March of 2011, the Syrian Observatory for
Human Rights (2014) has documented over 130,000
casualties. Rami Abdelrahman, head of the Syrian
observatory for human rights, estimates that about
half of the casualties were civilians and the other
half was split evenly between rebel and government
soldiers. However, Abdelrahman also acknowledges
the difficulties in obtaining accurate estimates, “The
figure is likely much higher as the rebels and the
government lie about how many of their forces have
died to make it look like they are winning” (Holmes,
2012). Despite these inaccuracies, the Syrian Obser-
vatory for Human Rights (2014) estimates that the
Syrian government has lost approximately 52,290
soldiers and that Rebel forces have lost approximately
30,000-50,930 soldiers since the start of the Syrian
Uprising. Thus, because of the high casualty rate and
relatively equal numbers of casualties between the
Syrian government and the Syrian rebels, Mason and
Fett’s second hypothesis would predict that a negoti-
ated settlement is likely in the Syrian Civil War.

Finally, the Syrian Civil War has been waged
for over four years and shows no signs of stopping.
Mason and Fett argue that the longer the conflict,
the more likely there is to be a negotiated settlement.
However, Mason and Fett do not specify how long
is long enough. Is four years an ample duration of
time for a civil war? According to Walter (2002), the
average length of civil wars from 1945 to 2002 has
been 10 years. Because of this ambiguity, it is unclear
whether the length of the Syrian Civil War would
make a negotiated settlement more likely.

Overall, the costs of war theory would predict
that negotiated settlement is likely in the Syrian Civil
War. It predicts this because the Syrian Civil War is a
mutually hurting stalemate. Also, the size of the Syr-
ian Government’s forces has decreased significantly
since the start of the uprising and this should make
them more likely to negotiate. Additionally, the high
casualty rates experienced by both sides increases the
costs of continuing to fight. Although the duration
of the conflict is ambiguous, this should be offset by
Mason and Fett’s other hypotheses.

**Balance of Power**

Military stalemates produce uncertainties
as to the eventual winner of the conflict, thereby
increasing risk and the perceived costs of victory.
According to George Modelski (1964), Professor
Emeritus of political science at the University of
Washington, “Stalemate is easily the most important
condition of a settlement. Without it, one or both
of the parties may hold justified hopes of an outright
win and therefore have the incentive to go on fight-
ing.” Thus, the more equal combatants are in terms of
military strength, the more likely they are to negoti-
ate. Zartman (1993) writes,

One of the basic findings about the negotiation process
in general is that it functions best under conditions of
equality, and indeed only takes place when the parties
have some form of veto over each other’s outcomes...
This condition can favor conflict resolution when it
takes the form of a mutually hurting stalemate. (p. 24)

Military strength and the presence of a mutually
hurting stalemate can be difficult to measure. The
balance of power theory can rely on the hypotheses
proposed by Mason and Fett in order to measure the
military strength of combatants as well as the pres-
ence of a mutually hurting stalemate. Additionally,
territory gained and lost throughout the civil war can
be used to establish whether a stalemate is present or
if one side is dominating the conflict.

As previously argued in the costs of war
theory section, a mutually hurting stalemate exists
in the Syrian Civil War. Additionally, former Syrian
Brigadier General Akil Hashem (2012) asserts that
a stalemate will continue unless the international
community takes action, stating, “President Bashar
al-Assad’s regime is rapidly escalating its military
campaign and will continue killing no matter what.
But at the same time, the revolution will continue no
matter what. This stalemate will not end unless the
international community intervenes militarily.” Fur-
thermore, the high casualty rates incurred by both
sides of the Syrian civil war, as well as their relatively
equal troop strength, would also support a mutually
hurting stalemate. Referring to Map B-1 (The Syrian
Civil War 12/15/2013), it is also clear that no one
group controls a majority of territory in Syria. Thus,
the balance of power theory would predict that a
negotiated settlement is likely in the Syrian Civil War.

However, it is important to note arguments
against the existence of a mutually hurting stalemate
in Syria. One could argue that the Syrian rebels,
because of their lack of organization and rampant
infighting, are no match for the Syrian government
forces. The Syrian military is a professional orga-
nization that is equipped with heavy weaponry, an
air force, and various advanced communications
and radar technologies. The Syrian rebels lack all
of these things and are constantly in need of basic
supplies such as ammo, food, and clothing. Despite these shortcomings, the Syrian government's alleged 'dominance' has not manifested itself on the battlefield. Territory and casualty rates are equally divided between both sides. Because of this, this paper argues that a mutually hurting stalemate is present in the Syrian Civil War.

Veto Player

Veto players are actors whose consent is required in order for a negotiated settlement to succeed. In order for a combatant group to be a veto player, the group must be cohesive, autonomous, and viable (capacity to avoid being conquered by other parties to the conflict). David Cunningham (2011), Assistant Professor of international relations at the University of Maryland and creator of veto player theory, argues that civil wars with multiple veto players last longer "because (i) it is harder to find a settlement that all veto players within the conflict can agree to, and (ii) each individual party will fight longer when there are more veto players in the conflict" (p. 26). Veto players experience greater difficulty negotiating a settlement in multi-party conflicts because combatants find it harder to divide issues. This reasoning follows the idiom 'too many cooks spoil the broth.' It is also more likely that veto players in multi-combatant conflicts will overestimate their likelihood of winning and or find the conflict profitable. Thus, conflicts with fewer combatant groups are more likely to end in a negotiated settlement.

The Syrian Civil war is a conflict fought between the Syrian Military and the Syrian rebels. The Syrian military's strength is composed of the Syrian Arab Army, security forces, police, and pro-government militia. Assad's regime is a veto player in the conflict because it is a cohesive group that is able to withstand being conquered. However, the Syrian opposition, as a whole, is not a veto player because it is not cohesive. Instead, the opposition is composed of fragmented groups of veto players who act independently of each other. These opposition veto groups include the FSA, Syrian Islamic Front, Asala wa al-Tanmiya Front, al-Nusra Front, and ISIL. Although there are more rebel groups active in Syria, they may not be powerful enough to be considered a veto player. The groups listed above are the strongest rebel groups who are active in Syria. Because of this, there are at least six veto players actively fighting in the Syrian Civil War. Thus, the veto player theory would predict that the Syrian Civil War is less likely to end in a negotiated settlement.

Cunningham (2011) also describes external veto players who are “external states with an interest in the conflict and the military capacity to become involved” (p. 40). External veto players can influence the conflict by intervening militarily or simply threatening to become involved. One could argue that the United States and Russia are external veto players to the Syrian Civil War. Both countries possess the military capacity to become involved and have funded opposing sides of the conflict. Furthermore, Russia has vetoed many draft resolutions regarding the Syrian Civil War and Assad resigning. Cunningham also argues that the international community can exacerbate the peace settlement process in civil wars by not including all veto players in negotiations. In the Geneva II conference, no opposition veto players are represented. The Syrian National Coalition is not a veto player because it lacks military power on the ground. All of the opposition veto players in Syria chose not to attend the Geneva II conference because the talks did not guarantee Assad stepping down from power. Overall, the veto player theory would predict that the Geneva II conference will fail to produce a lasting peace settlement.

Domestic Political Institutions

Leaders of democracies face higher domestic constraints in their decisions to use force than leaders of authoritarian governments – this is because citizens determine democratic leaders' authority. In theory, if citizens in a democratic society want to avoid a civil war, they can pressure their leaders to do so. According to Clifton Morgan and Sally Campbell (1991), coauthors of Domestic Structure, Decisional Constraints, and War: So Why Kant Democracies Fight?, democratic leaders should be less likely to choose conflict because they are constrained by their constituents and other government branches. Thus, democracies are less likely to pursue unpopular wars. Although most democracies have avoided internal conflicts, the domestic institutions theory proposes that a relationship exists between the degree of democracy in a country and the likelihood of a negotiated settlement. Most research on this topic has focused on democracies and interstate war rather than intrastate war. Despite this, decisional constraints should apply to both types of war. The democratic nature of a country can be measured through a variety of means. The Economist Intelligence Unit's (EIU) Democracy Index is an excellent indicator for the level of democracy in a country. Additionally, a comprehensive analysis of a country's current politi-
cal structure can also be used to measure democracy.

The Syrian government is one of the least
democratic governments in existence. According to
the Economist Intelligence Unit's (EIU) Democracy
Index for 2012, Syria's overall score was 1.63 out of
10 (10 being the highest score for democracy) mak-
ing it the fourth least democratic government in the
world. The Democracy Index also shows a decline in
democracy in Syria over time. In 2006, the EIU rated
Syria 2.38 on its democracy index.

This poor score stems from a long history of
extractive and authoritarian institutions governing
Syria. After WWI, the French occupied Syria and
instituted a French government without the consent
of the Syrian people. The French forcibly introduced
the French language, anthem, and currency in Syria
and also violently repressed all forms of popular
dissent against the French government. After Syria
gained independence from France, the Syrian people
experienced many difficulties trying to establish a
working democratic state. Instead of elections, the
face of the Syrian government was determined by a
series of coups from 1950-1970. When Hafez al-As-
sad came to power after leading a military coup,
he created the 1973 Syrian constitution which gave
the president wide reaching powers. Hafez al-Assad
created a pyramid government structure that ensured
presidential supremacy and Ba'ath party dominance
in parliament. Throughout Hafez al-Assad's rule,
elections were rigged in order to maintain the re-
gime. When Hafez al-Assad died, Bashar inherited
the authoritarian police state his father created. Addi-
tionally, the Syrian rebels, some of whom are fighting
for a new democratic government in Syria, have no
experience with democracy. According to the In-
ternational Crisis Group (10/17/2013), many of the
opposition's problems originate from the authoritar-
ian society they came from, "the roots of the politi-
cal opposition's difficulties lie, first and foremost, in
the oppressive domestic environment from which it
emerged." Overall, Syria's history with authoritarian
regimes has greatly influenced its society and politics
today. Thus, the domestic political institutions theory
would predict that a negotiated settlement is not
likely in the Syrian Civil War.

Ethnic Identity

Once a civil war erupts, ethnic identities
become solidified in ways that prevent combatants
from working together. Combatants adopt an 'us ver-
sus them' ideology that alienates and discriminates
against the other. One of the definitive works on
ethnic identity in civil war is Possible and Impossible
Solutions to Ethnic Civil Wars by Chaim Kaufmann,
Associate Professor at Lehigh University. Kaufmann
(1996) argues that ethnic civil wars are resistant to
negotiated settlement for two reasons,

First, in ethnic wars both hypernationalist mobiliza-
tion rhetoric and real atrocities harden ethnic identi-
ties to the point that cross-ethnic political appeals are
unlikely to be made and even less likely to be heard.
Second, intermingled population settlement patterns
create real security dilemmas that intensify violence,
motive ethnic "cleansing," and prevent de-escalation
unless the groups are separated. (p. 137)

Kaufmann concludes that restoring civil society in
multi-ethnic states shattered by civil war is impos-
sible. This theory is not limited to ethnicity and can
include religion. For example, religion played a huge
rule in the Bosnian war between Muslims, Ortho-
dox, and Catholics. For a negotiated settlement to be
possible, opposing ethno-religious groups must be
separated and divided into autonomous territories.
Unfortunately, most multi-ethnic civil wars end with
the complete victory of one side and the forcible sup-
pression of the other.

Syria has a complex ethno-religious demo-
graphic that has greatly exacerbated the Syrian Civil
War. According to the CIA's World Factbook, 90.3%
of Syrians are Arab where as 9.7% are Kurdish, Ar-
menian, or other ethnic minorities. Although Syria's
ethnic makeup seems homogenously Arab, religion is
stronger source of division: 74% of Syrians are Sunni
Muslims, 16% are Alawite and Druze, and 10% are
Christian (see map C-1 for Syria's ethnic composi-
tion). In regards to the combatants of the Syrian Civil
War, the Syrian government as well as the Syrian
military are both primarily Alawite. Alawites are
traditionally from the mountains in western Syria
as well as the coast. The Syrian opposition is mostly
composed of Sunni Muslims who are from the heart-
land of Syria.

These ethno-religious divisions in the Syrian
Civil War have added a sectarian aspect to the con-
flict. According to Daniel Philpott (2013), University
of Notre Dame Professor of Political Science, religion
is crucial to the Syrian Civil War. He argues, "This is
a conflict where religion matters. It may not be the
case that religion is the primary driver of the conflict,
but it is certainly mixed up in the causes, both in de-
fining the identities of communities as well as actual
grievances. Kaufmann concludes that restoring a
society shattered by multi-ethnic civil war is impos-
sible. He advocates that opposing ethno-religious
groups should separate into autonomous territo-
ries in order to stop the violence. Mona Yacoubian (2013), Senior Middle East Adviser at the Stimson Center, confirms that the Syrian civil war is a sectarian war that has the potential of dividing the country.

It has very much morphed into a sectarian civil war, one with horrendous human consequences.... I wouldn't necessarily predict a breakup into formalized city-states, but you're seeing the potential for a de facto creation of various enclaves that are historic in nature and defined largely by sect.

Overall, the ethnic identity theory would predict that a lasting peace settlement between the Alawites and Sunnis is impossible.

**Divisibility of Stakes**

If the stakes are indivisible, such as when combatants are fighting for total control of a country, negotiations are less likely to be successful. According to Paul Pillar (1983), senior fellow at Georgetown University’s Center for Security Studies, “If the stakes are chiefly indivisible, so that neither side can get most of what it wants without depriving the other of most of what it wants, negotiations are less apt to be successful” (p. 24). Thus, the likelihood of a negotiated settlement succeeding depends on whether compromise agreements are available. Compared to other types of war, stakes in civil wars are much harder to divide. This is because the struggle for complete control of the country becomes a struggle for survival as the options narrow to a fight to the finish. Thus, there is little space for compromise in civil wars where combatants are fighting for absolute and indivisible stakes.

The Syrian Civil War exemplifies a conflict in which combatants are fighting for indivisible stakes. Although the Syrian opposition is fragmented organizationally, all of the rebel groups are united in the goal of overthrowing Assad. Part of the mission statement of the moderate Syrian National Coalition is ‘overthrowing the Assad regime.’ Similarly, the Syrian government is also fighting to try and eliminate the opposition. On 6 January 2013, Assad delivered a speech in which he vowed to eliminate ‘terrorism’ stating, “I reassure everyone that when it comes to combating terrorism, we will not stop as long as there is a single terrorist in Syria. What we started, we won’t stop.” These contrasting and absolute goals leave no room for compromise in negotiations. Thus, the divisibility of stakes theory would predict that the Syrian Civil War is unlikely to end in a negotiated settlement because the combatant's goals are indivisible and absolute.

**Credible Commitment**

This theory focuses on the structural problems concerning settlement implementation. Credible commitment theory assumes that combatants must first be willing to negotiate and resolve their differences. Walter (2002) asserts that combatants consider third party enforcement and peace treaty credibility before they decide to negotiate. She argues that the biggest challenge facing combatants is not resolving their disagreements for any of the underlying grievances that started the war. Instead, “The greatest challenge is to design a treaty that convinces the combatants to shed their partisan armies and surrender conquered territory even though such steps will increase their vulnerability and limit their ability to enforce the treaty’s other terms” (p. 3). In order to protect combatants from this vulnerability, a third party must also participate in the peace settlement. Ideally, this third party is unbiased and can monitor or enforce the peace settlement when needed. Without a third party, combatants face security issues that often lead to the resumption of fighting. Thus, establishing a third party enforcer/monitor is essential to the success of a peace settlement.

In the case of the Syrian Civil War, not all combatants are even willing to negotiate. Opposition rebel groups, or opposition veto players, refused to attend the Geneva II conference. Although the Syrian National Coalition has engaged the Syrian government in negotiations, both sides are unable to resolve their differences and create a peace settlement. Additionally, there seems to be no unbiased third party capable of monitoring and enforcing a peace settlement in the Syrian Civil War. Disagreements in the UNSC exemplify the international community’s lack of unity on this issue. The two states capable of helping implement a peace treaty, Russia and the United States, already favor opposing sides in the conflict. While the United States has called for Assad to step down, Russia has actively supported him. Thus, because of the lack of a third party enforcer as well as unwillingness among combatants to negotiate a peace settlement, the credible commitment theory would predict that the Syrian Civil War is unlikely to end in a negotiated settlement.

**Conclusion**

After four years of fighting, hundreds of thousands of causalities, and numerous diplomatic efforts, the Syrian Civil War shows no signs of stopping. Al-
though the Geneva II conference has not yet finished, this paper concludes that combatants in the Syrian Civil War are highly unlikely to reach a negotiated peace settlement now, or in the foreseeable future. This is because five out of the seven civil war settlement theories used to analyze the Syrian Civil War predicted that a negotiated settlement is unlikely. The veto player theory predicted that a negotiated settlement is unlikely because there are multiple internal and external veto players active in the Syrian Civil War. The domestic political institutions theory predicted that a negotiated settlement is unlikely because the Syrian government is an authoritarian regime that lacks any resemblance to a democracy. The ethnic identity theory predicted that a negotiated settlement is unlikely because the Syrian Civil war is also a sectarian war between Sunnis and Alawites. The divisibility of stakes theory predicted that a negotiated settlement is unlikely because combatants are fighting for indivisible stakes – to destroy each other. Finally, the credible commitment theory predicted that a negotiated settlement is unlikely because combatants do not want to negotiate and there lacks a credible third party to oversee the implementation of a peace settlement.

Two of the theories used, however, predicted that a negotiated settlement is likely in Syria. The costs of war theory predicted that a negotiated settlement is likely because both sides are suffering equal costs for fighting. Additionally, the balance of power theory predicted that a negotiated settlement is likely because the Syrian Civil War is in a state of mutually hurting stalemate. Although this paper recognizes that a stalemate exists in the Syrian Civil War, it is not clear that this condition increases the likelihood of a negotiated settlement. These theories view stalemate as an environment that is conducive to stability and negotiations. In the Syrian Civil War, however, one could argue that stalemate has exacerbated the conflict. It is possible that the conflict could devolve into an amorphous war without defined fronts.

The likelihood of a negotiated peace settlement succeeding the Syrian Civil War is unlikely given the extreme hostilities the state and opposition groups hold against each other. Rebel fighters in Syria refuse to engage in good faith negotiations with the Syrian government. Even if the veto players in the Syrian Civil War agreed on a peace settlement, it would be extremely difficult to implement. To the extent Syria has already descended in the direction of a failed state and widespread sectarian violence, implementing a peace settlement would be insurmountable. Despite these difficulties, the international community must continue its efforts to resolve the Syrian Civil War in order to prevent the situation from getting worse. The first step for those at the negotiation table is to understand the conflict through the theoretical framework established in this essay. It is the author’s opinion that rival ethno-religious identities, number of veto players, and lack of a credible third party are the major factors impeding a negotiated settlement in the Syrian Civil War. It is hoped that insights into these issues can be used to help the Geneva II negotiations as well as efforts to mitigate damage from the ongoing conflict. Although the likelihood of success seems bleak, doing nothing is the worst course of action.

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“China’s bilateral relationships with Singapore, the Philippines, Hong Kong, and Malaysia during this time period led to industrial growth in nearly all of these countries”

CHINA’S ROLE IN THE MODERNIZATION OF SOUTHEAST ASIA

TAYLOR VAN STREAIN

Introduction

The final part of the twentieth century saw a remarkable change in Chinese policy and the interactions between the mainland and its neighbors in Southeast Asia. After thirty years of isolation from the international community, China began a series of economic and social reforms that opened the country to foreign investors and markets. The motive was to modernize Chinese industry to transform the country into a regional player, not only through military might, but as an economic powerhouse. To accomplish this, China needed to institute a series of reforms that would not only open itself to the world but entice investors to put money and technology into China. Realizing that investment alone would not suffice, China also began investing in global and regional countries with the intention to raise funds, gain technological and intellectual knowledge, and expand to new markets.

This paper will look specifically at four target markets that China invested in and received investments following the reforms. Singapore, the Philippines, Hong Kong, and Malaysia were all regional powers in Southeast Asia at the beginning of the 1980’s, and it is the intention of this paper to quantify the inflows and outflows of funds on a bilateral basis between these countries and China in the immediate period after the reforms and to understand the economic and social causes and effects of this investment. I also plan to identify the industries that received most of the investment. China’s goal during this period of 1980 - 1995 was to modernize itself to catch up to the rest of the world and to become a global industrial power.
This paper will determine whether the flow of investment funds between mainland China and neighboring Southeast Asian countries was responsible for the growth and modernization of industries in the region during the late twentieth century.

**Historical Background**

**China's Internal Restructure**

The political and economic future of China was ripe with challenges following the death of Mao Zedong in 1976. Hua Guofeng took charge after Mao’s death and began to institute a number of moderate reforms in China. One of the focal points of his stay in power was the end of the Cultural Revolution following the arrest of the Gang of Four. This consolidated power by removing one of the main factions against reform and effectively removed those that wished to continue the Cultural Revolution that Mao had started ten years before. These quick actions only months after Hua rose to power, were met with celebrations and praise by the people of China.

Concurrent to the rise of Hua after Mao's death, was the return of Deng Xiaoping to Beijing. Following the arrest of the Gang of Four, Deng returned to power and was given positions of Vice-Chairman of the Central Committee, Vice-Chairman of the Military Commission, and Chief of the General Staff of the PLA (1997: Deng Xiaoping). Deng opposed the Cultural Revolution and led the Beijing Spring in 1977, which opened up social liberties previously not given and allowed people to criticize the abuse and excess of the Cultural Revolution. By strategically criticizing the Cultural Revolution and allowing the people to discuss the excess and flaws of the system openly, Deng was able to gain mass support of the population. In addition, he was also able to destabilize and loosen the footing of those who still supported the ideologies and practices of the Cultural Revolution. Those who were significantly impacted included none other than Hua.

The Joint Venture Law, (describe here) was adopted on July 1, 1979 as part of a package of economic and social reforms to modernize China. The purpose of the Joint Venture Law was to establish rules and guidelines necessary to offer protection and opportunity for foreign investors to develop partnerships with Chinese companies on the mainland. China’s motives for passing the Joint Venture Law were seen in several of the provisions that addressed issues of utilizing modern industrial technologies and allowing foreigners to have management positions in these ventures. These were provided to allow for technological advancement and also to observe foreign management practices that could then be translated to other facilities and industries. Overall, the Joint Venture Law proved incredibly beneficial to China as the first step in opening up to the world as it helped attract foreign investors to the mainland (Salem 74).

A number of reforms initiated in late 1978 began to open up the once inward-facing economy. Most notably was the promotion of foreign trade and the utilization of foreign direct investments. Deng was instrumental in creating special economic zones throughout the country and selected locations for the influx of foreign investment. These zones were specifically set aside to attract foreign direct investment (FDI) to China.

**Major Trends**

Flows of foreign investment have had a profound effect on China and the neighboring countries in Southeast Asia. During the time period of 1980 - 1995, the opening of China enabled investors to reach new markets previously untouched in China, and allowed for investors in China to invest in surrounding countries. This section will cover the major trends of investments during this time, what funds came from which countries, where it was directed to, and the overall impact it had on the economies of the invested country.

Southeast Asia was a highly invested region prior to China opening the door to foreign investors. Many Asian nations relied heavily upon foreign direct investment to finance their economies. When China began accepting FDI, many neighboring nations worried that this would take away their yearly investment in favor of new Chinese markets. Table I represents the yearly inflows of foreign direct investment for China, Singapore, the Philippines, and Malaysia. Hong Kong did not have data listed by the World Bank and thus has been excluded.

As shown by table 1, flows of foreign investment to neighboring countries did not take that drastic of a hit when China entered the market. Over the course of the time period, each country’s inflow rose at a substantial rate. An exception to this can be seen in China’s yearly FDI total from the period of 1988 to 1992. China had been experiencing a rapidly increasing flow of investment; however, in 1989, this total nearly leveled off between 1988 and 1990. The cause of this was the Tiananmen Square Protest of
in which Chinese citizens staging protests were massacred by Chinese military troops. The international response to this nearly halted the economic reforms Deng had instituted less than a decade before. International sanctions against China were put in place to condemn the country for this action. These sanctions had only a limited effect: by 1992, the level of foreign direct inflows had increased nearly three-fold compared to the pre-Tiananmen Square Massacre level. This momentary bump in investment did not have that much of an impact as the year to year growth rose over the missed years.

The Asian Development Bank tracks many indicators of a country’s financial and social sectors. Utilizing their partial datasets, I have been able to construct table 2 that shows the total amount of foreign direct inflow to China between 1990 and 1995. Establishing the total amount of foreign direct investment recorded as inflow by Singapore, Philippines, Hong Kong, and Malaysia, I have developed a yearly total of inflow from the four selected nations. Comparing this total figure represented in the table above and data pulled from Chinese inflow annual totals from the World Bank in Table I, we are able to determine how invested these four countries were in China for the five years.

The following two tables, Table III and Table IV also use data from the Asian Development Bank, which breaks down the inflows of foreign direct investment in the Philippines and Malaysia by country. Note that the data again only covers the years 1990 - 1995.

Chinese investments in Malaysia increased dramatically during the five year time period according to the Asian Development Bank data. Table III shows no investment from China during the period, however one interesting figure to look at is the rise in Hong Kong investment to the Philippines between 1994 and 1995. The number triples over the course of the year. Although no explanation was stated, given the complexity and informal nature of Chinese investment into Hong Kong, some Chinese companies could have used funds directed towards subsidiaries to then channel money into the Philippines. When China opened its doors, the flow of foreign direct investment resulted in the growth and expansion of

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<th>Hong Kong</th>
<th>Malaysia</th>
<th>Total</th>
<th>FDI Total</th>
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<td>Total</td>
<td>130919.2</td>
<td>56505.89</td>
<td>7570.00</td>
<td>34687.30</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Net FDI Inflows (USD millions) 1980 - 1995

<table>
<thead>
<tr>
<th>Year</th>
<th>Singapore</th>
<th>Philippines</th>
<th>Hong Kong</th>
<th>Malaysia</th>
<th>Total</th>
<th>FDI Total</th>
<th>% of FDI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>50.43</td>
<td>1.67</td>
<td>1880.00</td>
<td>.64</td>
<td>1932.74</td>
<td>3487.0</td>
<td>55.4%</td>
</tr>
<tr>
<td>1991</td>
<td>58.21</td>
<td>5.85</td>
<td>2405.25</td>
<td>1.96</td>
<td>2471.27</td>
<td>4366.0</td>
<td>56.6%</td>
</tr>
<tr>
<td>1992</td>
<td>122.31</td>
<td>16.28</td>
<td>7507.07</td>
<td>24.67</td>
<td>7670.33</td>
<td>11156.0</td>
<td>68.8%</td>
</tr>
<tr>
<td>1993</td>
<td>490.04</td>
<td>122.50</td>
<td>17274.80</td>
<td>91.42</td>
<td>17978.76</td>
<td>27515.0</td>
<td>65.3%</td>
</tr>
<tr>
<td>1994</td>
<td>1179.61</td>
<td>140.40</td>
<td>79665.40</td>
<td>200.99</td>
<td>21186.40</td>
<td>33787.0</td>
<td>62.7%</td>
</tr>
<tr>
<td>1995</td>
<td>1851.22</td>
<td>105.78</td>
<td>20060.40</td>
<td>259.00</td>
<td>22276.40</td>
<td>35849.20</td>
<td>62.1%</td>
</tr>
</tbody>
</table>

Table 2: Net FDI Inflows (USD millions) 1990-1995
several different industries in many of the countries. One of the major industries impacted was the manufacturing sector in China. Through a combination of Hong Kong investment in manufacturing facilities and the Shenzhen Special Economic Zone, and the investments of Singapore into the Suzhou Industrial Park, manufacturing was one of the fastest growing sectors. The result of this investment, was a substantial growth in technology and management practices that came along with the introduction of foreign companies.

A second industry that experienced large growth was the financial sector in Hong Kong. Chinese companies wanting to utilize markets to gain hard currency effectively worked their way into the Hong Kong market and became key parts of the Hong Kong Stock Exchange. Over the course of the 1980's, Chinese companies and the subsidiaries that they established in Hong Kong had grown to be large impact players in the markets. Notably, the Bank of China had efficiently taken over a large portion of the market and became responsible for 25% of deposits and savings in Hong Kong.

The flow of investments between China and the Southeast Asian nations during the time period resulted in a great number of improvements and successes in many different industries. Southeast Asia had been receiving foreign direct investment for years prior to China opening itself up. Many of the nations thought that this would be detrimental to their continued growth: however this had quite the opposite effect. Many countries not only continued to receive their FDI from other nations, but China itself also began to invest funds abroad, with many of the regional nations the primary recipients. Additionally, many of these neighboring nations took advantage of the new Chinese markets and began to invest in China as well, hoping to capitalize on the emerging market. China opening itself up to the world was a catalyst in the investment and development of Southeast Asia during the 1980's period. Its vast markets enticed investors to the mainland, and the region benefited from a growing China.

### Country Analysis

#### Singapore to China

The connection between China and Singapore has been held together by strong cultural bond. A 1993 population census reported that nearly 77% of Singapore's population identified as ethnic Chinese. This strong tie resulted in a campaign by the government to raise national ideals and unity under a distinctively Singaporean identity: it also presented a challenge when interacting with China, as Singapore feared intervention by the Chinese in political matters. Thanks to the efforts of Lee and Deng, diplomatic ties were established between the two nations based on Singapore's realization that China offered tremendous economic opportunities and was less of a threat than previously thought. Domestically, Singapore had been mildly successful in preventing the growth of ethnic Chinese business prior to the 1980's by favoring multinational firms. The government was fixated on maintaining an export-oriented economy. This proved viable until a recession in 1985 jolted the nation and led to the modification of this policy. The effort to increase Chinese overseas investment began in 1985 as a counter to help protect the country from

<table>
<thead>
<tr>
<th>Year</th>
<th>Singapore</th>
<th>China</th>
<th>Hong Kong</th>
<th>Malaysia</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>6.25</td>
<td>-</td>
<td>15.25</td>
<td>0.44</td>
</tr>
<tr>
<td>1991</td>
<td>8.59</td>
<td>-</td>
<td>32.70</td>
<td>0.31</td>
</tr>
<tr>
<td>1992</td>
<td>8.39</td>
<td>-</td>
<td>37.83</td>
<td>0.38</td>
</tr>
<tr>
<td>1993</td>
<td>9.40</td>
<td>-</td>
<td>21.65</td>
<td>20.06</td>
</tr>
<tr>
<td>1994</td>
<td>60.22</td>
<td>-</td>
<td>48.73</td>
<td>0.00</td>
</tr>
<tr>
<td>1995</td>
<td>208.05</td>
<td>-</td>
<td>157.87</td>
<td>30.32</td>
</tr>
</tbody>
</table>

#### Table 3: Philippine FDI Inflow by country (USD millions) 1990-1995

<table>
<thead>
<tr>
<th>Year</th>
<th>Singapore</th>
<th>Philippines</th>
<th>Hong Kong</th>
<th>China</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1991</td>
<td>539.62</td>
<td>.36</td>
<td>255.63</td>
<td>0.73</td>
</tr>
<tr>
<td>1992</td>
<td>1188.67</td>
<td>.79</td>
<td>427.50</td>
<td>7.46</td>
</tr>
<tr>
<td>1993</td>
<td>1064.07</td>
<td>1.55</td>
<td>427.34</td>
<td>19.04</td>
</tr>
<tr>
<td>1994</td>
<td>1588.64</td>
<td>6.10</td>
<td>1367.62</td>
<td>20.20</td>
</tr>
<tr>
<td>1995</td>
<td>1377.57</td>
<td>35.94</td>
<td>565.41</td>
<td>14.77</td>
</tr>
</tbody>
</table>

#### Table 4: Malaysia FDI Inflow by country (USD millions) 1990-1995
an aging population and problems that could arise from future economic instability.

In addition to Lee’s visit in 1985, the signing of the Investment Treaty Protection agreement helped to establish confidence in investments and by the end of the year Singapore companies were active in 91 investments worth $414 million USD (Chung-Hsun 156). The first wave of Singaporean investors to the mainland built upon personal relationships with those in China, which helped to move the process along. These ethnic connections helped to facilitate initial investment into China that had previously not been available. Although progress had been made, investments into China started off slowly. Over the next four years, the addition of a 1986 agreement on mutual cooperation in tourism, civil aviation, and exhibitions; the 1986 Avoidance of Double Taxation Treaty; and the 1989 Shipping Agreement further expanded the relationship between Singapore and China. The result of this growing cooperation could be seen in 1988 when the number of contracts signed by Singaporeans had risen to 239, worth $539 million USD. These investments were heavily focused, about 70%, in the hotel and real estate industries, with the remaining in manufacturing and services (Bolt 87). A strong correlation can be seen between visits by Lee and other government officials to China and increases in investment, combined with encouragement from the government for investors to get into markets before they were too late. Following a 1992 visit, investments to China for that year alone marked nearly $1 billion USD, effectively doubling the total investments over the past six years.

The early 1990’s saw a booming increase in investment into China from Singapore-based companies. This was an effect of a shift in Singapore policy that had primarily directed investment during the 1980’s towards Europe, which now focused on Asian nations. This regionalization took effect in part to Prime Minister Lee’s efforts to break into an untapped Chinese economy. As shown in Table V below, investment into China continued to grow, and by 1995, total contracted investments made totaled approximately $8.7 billion USD.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount USD millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979-1985</td>
<td>193</td>
</tr>
<tr>
<td>1986</td>
<td>141</td>
</tr>
<tr>
<td>1987</td>
<td>80</td>
</tr>
<tr>
<td>1988</td>
<td>137</td>
</tr>
<tr>
<td>1989</td>
<td>148</td>
</tr>
<tr>
<td>1990</td>
<td>107</td>
</tr>
<tr>
<td>1991</td>
<td>155</td>
</tr>
<tr>
<td>1992</td>
<td>997</td>
</tr>
<tr>
<td>1993</td>
<td>2,950</td>
</tr>
<tr>
<td>1994</td>
<td>3,780</td>
</tr>
</tbody>
</table>

Table 5: Singapore Investments in China

The relationships between Singaporean and Chinese investors were able to flourish over the 1980’s-1990’s due to guanxi, or personal connection. During this time, Singapore’s Chinese Chamber of Commerce and Industry put on several meetings that attracted a growing number of Chinese delegates. Over the course of three years, the number of Chinese delegates that attended these meetings grew from 59 to 142 by 1992. This quanxi was highlighted in a Singapore International Foundation article: The chamber’s alliances with China have always been close, and never more so than now. Older businessmen in the chamber already have rapport with and contacts in place in China. In a scenario where relationships - including dialect considerations - can make or break a business deal, this old boy’s network is invaluable (Lau 13).

Singapore relied heavily on government motivation to encourage investment in China during this time period. One of the most important of these state-sponsored networks was the Trade Development Board, which in January 1993, announced its intention to help promote overseas investments as well as the eventual opening of Singapore-good shops based in China. The National Trade Union Congress made arrangements with the All-China Federation of Labor to invest $10 million USD in China during 1993 (Bolt 86). Quanxi played an important part in determining the location of the majority of investments that were made. Nearly 80% of total investments were directed to the provinces of Guangdong and Fujian due to ethnic ties with overseas populations. As investment increased each year, the costs in these southern regions rose as well, prompting a shift towards previously under-utilized areas in the north. An analysis of investments during 1990-1993 reflected this shift as Shandong, Shanghai, and Jiangsu provinces were the destination of 10%, 10%, and 9% of total investments respectively.

The first wave of investments into China was primarily focused on the oil industry but, as the 1980’s progressed, this quickly shifted towards a focus on construction and property management/real estate. Another key component of Singapore investments in China is concentrated in manufacturing and light industry. The data from the 1990’s show a staggering amount of total Singapore invest-
ment focused in two activities, manufacturing and construction, 42% and 48% respectively, according to a survey of investments in 1990-1993. These trends reflect a new investment opportunity Singapore was capitalizing on: industrial parks.

The shift to northern provinces and industrial areas has resulted in some of the most audacious and lucrative plans by Singapore investors. The area surrounding Shanghai has been chosen to be the site of several large-scale industrial townships. In particular, the city of Suzhou was selected to be the location of a new industrial-park cooperation between the two nations. Each country had different reasons for wanting the city, known as ‘Singapore II,’ to succeed. Singapore wanted profits from the venture to help supplement the domestic economy, while China wanted the city to succeed to help attract even more foreign investors to the mainland. The Singapore government selected the China-Singapore Suzhou Industrial Park Development as the lead company to direct the joint-venture with China in 1994. The joint-venture would differ from previous industrial parks in that this one would be an inter-governmental collaboration, with both nations involved in the construction and potential success. Additionally, the Suzhou Industrial Park (SIP) was planned to cover 70 square kilometers, dwarfing the other industrial park in Wuxi which was only one square kilometer. The success of SIP was due to several key factors that encouraged investors and companies to enter the area: software transfer, infrastructure, government-to-government, and SIP’s location (Pereira 183).

The economic interactions between the two nations first began with the quanxi relationships that had been dormant for years but that, following the opening of China, were among the first leaders in the investment into the new market. Through consistent cooperation between the two governments, and domestic issues in Singapore, the shift to regionalization revitalized flows of foreign direct investment (FDI) to China in the mid 1980’s. Among the primary recipients of Singapore FDI in China were the construction and manufacturing industries. Utilizing their history and expertise in effectively designing and operating industrial parks, Singapore and China launched several of these collaborative areas on the mainland. This resulted in an increased interest in investment from overseas companies, as they were reassured by the integral part Singapore would play in these industrial areas. The Wuxi, SIP, and Suzhou New District would attract $585 million, $1.5 billion, and $2.5 billion USD respectively in both foreign and domestic investment into China by the turn of the century. In addition to the nearly $9 billion of Singapore investments into the country from 1976-1995, China had shown to the world that it was developing efficient methods in creating manufacturing and industrial areas that were lucrative and that offered entrance into Chinese markets for foreign firms.

**China to Singapore**

China’s interests in Singapore following the reforms were based on economic and political objectives set forth by the government. These objectives were foreign based as well as nationally based. As mentioned before, one of the main benefits for the Chinese in the Suzhou Industrial Park was the ability of China to gain intellectual knowledge from their Singapore counterparts. The relationship between China and Singapore can thus be seen as one in which growing economic ties have led to a strengthened relationship between the two countries. China has used this growing relationship to utilize Singapore as a base for establishing itself in the region.

Although slow to start, by the late 1980’s, China began to invest directly in Singapore. In the first waves of investments, many of the investors were provincial and state-level corporations. Following several more years of engagement in the home front, China began a series of pushes to send domestic companies overseas. One of these companies was the Fujian Investment Loan Enterprise Corporation which was in Singapore attempting to raise $50 million USD as early as 1986 (Bolt 92). Singapore was one of China’s main interests because, among other factors, China could raise hard currency there. By 1994, three other Chinese companies were listed, including the Bank of China, Bank of Communications, and Shanghai International Trust and Investment Corporation (Bolt 92).

In addition to the ability to raise hard currency for Chinese corporations, Singapore also presented other factors that made it a crucial location for Chinese overseas investment. Singapore was a central business hub for the region, and by investing there, Chinese companies were able to expand into other markets, as well as gain invaluable market and business information. Because of the historical connections between the mainland and Singapore, relationships were forged with the ethnic Chinese businesses already operating in Singapore.

China has also shown that, aside from importing Singaporean practices into China, it also wants to increase the overall Chinese national presence in Singapore. By 1995 there were an estimated
150 Chinese companies operating in Singapore, as well as over 20,000 Chinese nationals working on the island. Because the presence of Chinese companies on Singapore soil is politically sensitive, there is no official count or identification of these companies. The recent surge to China has brought out Singaporean critics that have cited the government's efforts to establish a Singaporean identity, are now in trouble as they are now emphasizing the cultural heritage between the two countries. The financial sector is host to the largest number of companies from China thanks to the growing business hub (Wu, Chen 1240).

The relationship between Singapore and China during the 1980’s-mid 1990’s was one based on long-standing cultural similarities and the possibility for cooperative bilateral prosperity for both. Although Chinese firms were slow to enter Singapore, the effect it had on a multitude of areas resulted in Singapore increasing its role in regional affairs, as it now served as a hub for outward Chinese expansion. The focus on financial institutions from China helped to establish Singapore as a business and trade center for regional affairs, as many Chinese national corporations entered the market to take advantage of the benefits.

The relationship between China and Singapore has proven to be beneficial to both nations during the late twentieth century. China was able to utilize Singapore as both a financial center to raise funds, as well as use it as a stepping stone to reach other markets in the region and help to establish itself with ethnic Chinese located within the country.

Philippines to China

The Philippines first established diplomatic relations with China on June 9, 1975 following the end of hostilities caused by the Vietnam War that had engulfed the region for over a decade. The move was also sought by the Philippine government which had been under stress from Communist revolutionaries. By signing the ‘Five Principles of Peaceful Coexistence’, China ceased its support of the Communist revolutionaries in the country. This was the first step in a new era between the two nations (Vang 415).

The Philippines took advantage of the open door policy set forth by Deng and was one of the first Southeast Asian nations to take up investment in the Chinese mainland. This influx was short lived as no significant investments of substance were made following this, keeping Philippines investment level at a minimum. This can be attributed to several factors, most notably the corruption at home led by the Marcos administration. Through my research, I have found it difficult to find any substantial amount of data on investments from the Philippines into China during this time period. Data shows that not many countries were engaged with the Philippines in foreign direct investment, and this leads me to conclude that the Philippines itself was not actively engaged in outward direct investment at the time either.

Although the official data is limited, one can assume that once China opened the doors to foreign investment, private funds held by ethnic Chinese abroad began to flow into the country. As previously mentioned, this Bamboo Network of ethnic Chinese abroad accounts for a large majority of the total investments being directed towards China. With a large percentage of the population identified as ethnic Chinese, the Philippines had the capability and resources to direct funds into the Chinese mainland.

One area that I did find information for came during the early 1990’s, when President Ramos rallied support of six ethnic Chinese entrepreneurs in the country, to pledge 100 million pesos (~4.3 million USD) each towards a consortium of investment projects targeted at the mainland (Suryadinata 217). Many of the funds directed towards China were sent to Fujian province, where many Filipino Chinese had relatives. Many ethnic Chinese see the pull factor of sending money home to assist relatives, as well as investment opportunities in industry and manufacturing for larger corporations. One of the push factors that seems to have risen in the early 1990’s is the threat to ethnic Chinese in the country due to kidnappings, as discussed in a later section. This insecurity has led many Chinese to send money and family members away from the country as a means of personal security, thus helping the countries they are sent to but divesting from the Philippines itself.

China to Philippines

As part of Deng’s reforms, the Equity Joint Venture Law of 1979 was designed to relieve two major constraints on Chinese economic growth. First, the domestic savings rate in the mainland was not enough to generate sufficient growth to raise the quality of life, which is why foreign direct investment was needed to help supplement domestic savings. Secondly, the Equity Joint Venture Law enabled China to receive and distribute direct investment, something important for a nation that had shut itself off from the world for nearly thirty years.

At the time when China introduced its
sweeping policies to begin looking abroad for investment opportunities, the Philippine economy was stagnant compared to other nations in the region. The nation was still engaged with Communist revolutionaries and because of this, the state lost much of its appeal to foreign investors. Also adding to the stagnation, was the dictatorship lead by Ferdinand Marcos who was in power from the 1970's until he left office in 1986. Following his removal from office, it was discovered that Marcos was responsible for embezzling more than $100 million from Philippine government (Lubasch). Many in the Philippines believed his administration was authoritarian, brutal, and believed to have been behind the assassination of a main political rival, Benigno Aquino Jr. The level of corruption and political unrest were primary factors that caused foreign investment in the Philippines to decline across the board, not just from China, as noted in table I, which represents the total foreign direct investment into each country. The Philippines during this time period was grossly under-invested in due to political turmoil and uncertainty (The World Bank). Because of this, the number of Chinese investments into the nation between 1976 and 1996 totaled a meager twenty-nine approved investments. It was not until 1994, when the Philippine Board of Investments secured two Chinese-funded investment projects aimed at power generation, that the nation finally started to receive investments from the Chinese mainland. This also coincided with visits by Chinese business delegations to the Philippines and a visit by Deng's son-in-law who sought to explore potential investment opportunities in the country. The data available on investments made into the Philippines during this period is minimal due to the limited nature of investments due to internal issues. The success of ethnic Chinese in the Philippines has created a new underground industry, kidnapping, which according to one watch group, has profited more than $11 million in the three year period (Mydans). In the mid 1990's, a trend began that resulted in an alarming number of kidnappings and murders, predominately focused on ethnic Chinese living in the Philippines. Pure blood Chinese in the Philippines make up a small percentage of the population, about 2.04% of the population in 1980 (Poston, Yu 480). The exact number of Filipinos with Chinese heritage varies greatly between 18-27% of the population. In the three years prior to 1996, six-hundred and sixty-five people were reported kidnapped, a number that most believe to be much higher. Often, the kidnappers demanded money in return for the kidnapped relative. The problem in the Philippines is complicated by the fact that often times, members of the police are involved in the kidnapping plots. This phenomenon has had negative repercussions for the Philippine economy, as many of the targeted families are successful ethnic Chinese that have been associated in the late boom financial investments. For fear of their safety, some investors have chosen to pull out of the Philippines, making modernization difficult in the country that missed out on the Chinese boom of the 1980's. The kidnapping has had such an effect on the way of life that many Chinese in the country often budget several million pesos (1 peso is roughly $23 USD) for future kidnappings. Shops and restaurants close much earlier than normal in some districts to prevent late night assaults, and some families even send their children overseas for school to protect them. The success of local businesses by Filipino Chinese may come around and hurt them in the future if this trend continues and the safety of investors and locals is questioned.

Hong Kong to China

Hong Kong was controlled by the United Kingdom for 155 years, beginning in 1842 and ending July 1, 1997, the date that sovereignty was transferred from Britain to China. Hong Kong was a special case because the population of several million ethnic Chinese had deep historical ties to the mainland but, because of its control by the United Kingdom, it had developed into a non-communist state with an entirely different economic structure. When Deng negotiated the reintegration of Hong Kong, he had proposed the 'One Country, Two Systems' policy to help encourage the already-in-place economic systems and enterprises to stay in the area. The economic relationship between Hong Kong and China has historically been based on dependence for both the island and the mainland. Hong Kong relies heavily on the mainland's support for food and necessary supplies. Since World War II, Hong Kong had been China's largest export market. The mainland maintained good relations with Hong Kong because of the cultural history shared between the two, and this resulted in Chinese trading and retail entities operating in the Hong Kong economy (Jacobs 64). Following the economic reforms, China was able to expand into Hong Kong and utilize many of its resources not available in the mainland, notably, the access to deep water ports and international markets. Likewise, Hong Kong investors were able to rush into the untapped market that was China with hundreds
of investments in a multitude of industries.

Prior to the reforms, Hong Kong's economy grew rapidly through industrialization and, because of this, nearly 48% of the labor force was employed in manufacturing in 1978. When the reforms passed in the following year, Hong Kong effectively shifted its reliance on manufacturing to the surrounding province of Guangdong. Investors from Hong Kong swarmed to the region and quickly employed millions of Chinese laborers to take over the manufacturing aspect of their businesses (Sung, Wong 215). By the end of 1995, Hong Kong had reduced the labor share of the manufacturing sector to less than 20%. Hong Kong successfully realized the lower cost of labor in the surrounding region, and through this, was able to invest in manufacturing facilities in the mainland to reduce labor costs in the city.

The increase in flows of investment to China has been centered around foreign investors establishing joint-ventures with Chinese companies in prosperous regions that have been designed to attract foreign direct investment. These ventures have been shown to be primary sources of investment for China, as the Ministry of Foreign Economic Relations and Trade had released a report stating that 931 joint-ventures had been established between 1980 and 1984, with nearly $1.38 billion in pledged investments. Nearly 700 of the joint ventures are from Hong Kong and Macao investors, who account for nearly $800 million of the pledged amount of investment (Jacobs 70).

Hong Kong has had a long history with China. Since the Opium Wars when Great Britain gained control of the territory, it has flourished as an open economy compared to the closed border system of China for the majority of the twentieth century. When Deng's reforms took effect in 1979, Hong Kong quickly exploited this by moving a large portion of its manufacturing industry to the Guangdong region based around Shenzhen. Their role in transforming Shenzhen from a small village into a modernized industrial city was one of the first steps in proving that the special economic zones the Chinese government were setting up could prove profitable for investors. This helped lead to the creation of SEZ's across China's coast that brought modern technology and methods to the developing nation. Hong Kong's status as a main investor in China has led to the improved relations between the two prior to China taking back control in 1997, a transition that many felt was eased in part due to the integration of the two economies during the 1980's.

China to Hong Kong

Prior to the economic reforms, Hong Kong was one of the few target locations for Chinese investments overseas. China maintained a simplistic international trade system, based on the desire to only export the minimal amount needed to cover the importation of strategic resources. Because of the close cultural relationship between the mainland and Hong Kong, when China's door policy was 'shut' prior to the 1980's, Hong Kong was one of the few gateways to the world. When it finally gained control back in 1997, China designated Hong Kong as a Special Administrative Zone (SAR), taking over primary responsibility of security, defense, and foreign relations, while allowing the zone to continue its economic practices that had previously been established with multinational corporations (Vang 75).

Because Hong Kong served as a gateway prior to the 'door opening' of the 1980's, China maintained a small number of manufacturing investments inside Hong Kong which totaled $311 million USD. Nanyang Tobacco and Tien Chu Chemicals were among the first investments in Hong Kong prior to the 1970's. Maintaining the trend of utilizing state and provincial-level corporations to make investments, and lending from the large state-owned enterprises that were operational, these two companies were owned by Shanghai Industrial Investment Company, and the Shanghai Industrial Investment Company respectively (Sung 21). China maintained eight total investments in Hong Kong by the end of 1979, yet over the next decade, this number would rise to a total of thirty-seven total investments. During this period of increased investments, the number of investments rose, increasing China's share in total investments. However the share of investment value dropped significantly, as the additional twenty-nine investments only accounted for a combined value of $207 million USD. One of the reasons for this small amount of investment in manufacturing is due to the capabilities of the mainland to provide cheap labor costs compared to that in Hong Kong. China's decision to maintain manufacturing investments in Hong Kong is geared more towards new technology, industrial services, and greater market outlets, something the mainland does not quite have. This is similar to China's relationship with Singapore's investments in the Suzhou Industrial Park. China is interested in developing capacities and gaining technical experience and knowledge, where it can as a young globalized nation trying to develop its industries.

While manufacturing is an important indus-
try that China has maintained investments in prior to and post the door opening, the largest industry it has been involved in is banking and investments. The four major banking facilities of China, the Bank of China (BOC), China Resources (Holdings) Co., China Merchants International, and China Travel Services Ltd. are among the fastest growing investors in Hong Kong following the opening in 1980. These companies have been responsible for a vast growth in investment, as they have been responsible for the creation of many branches and subsidiary corporations in Hong Kong to facilitate trade with the mainland. The Bank of China has grown to become one of Hong Kong's major banks, responsible for an estimated 25% of Hong Kong dollar deposits and operating nearly 350 branches (HK Monetary). Expansion into other industries through these state-owned enterprises occurred rapidly during the boom of the 1980's. China Merchants International was able to utilize its relationship with the PRC's Ministry of Communications and Transport to establish more than 150 separate enterprises in Hong Kong, including shipping, ports, bank, and warehouses. This has allowed the company to grow immensely over the decade, now boasting an impressive $2.7 billion in assets, including the capability to handle one tenth of Hong Kong's container shipments (China Merchants Group). These companies which have benefited greatly from the expansion into Hong Kong have strong ties as arms of the government and, as such, have such been able to rejoice in the increase of trade and relations between China and Hong Kong.

China's investment into Hong Kong during the 1980's and early 1990's revolved around two principles: using Hong Kong as a door to the rest of the world for companies and products, and utilizing Hong Kong's markets to raise funds that were then used for reinvestment on the mainland and acquisitions on the island. With the opportunity to raise funds, many state and provincial companies sent residents with relatives in Hong Kong to establish themselves on the island to represent their companies. This has created a complex issue on determining exactly how many Chinese companies are operating in Hong Kong, along with the exact amount of investment; however, many officials have based the company number around 14,000 at the end of 1993. As for the amount of investment, many in China and Hong Kong estimate the figure to be around $20 billion in total assets of Chinese companies, accounting for appreciation, according to former Party Secretary of Fujian Mr. Xiangnan in 1993 speech (Sung 12). However there are some who counter that China could not possibly have had enough to invest the $10 billion (1989) or $20 billion (1993) that many in the Chinese government claim. Xu Jiatun, a former head of the New China News Agency, a quasi embassy in Hong Kong, claimed the total estimate to be around $1 billion USD. However, Jiatun also concluded that because of the number of city and provincial companies that could have been set up in Hong Kong through the personal family connections, as well as the go-round of funds discussed previously, it is impossible to know an exact figure for how much investment truly went into Hong Kong (Xu).

Malaysia to China

The state of Malaysia was officially established on September 16, 1963. Just over ten years later, the nation of nearly thirteen million entered diplomatic relations with China through a ‘Sino-Malaysia Joint Communique’ on May 31, 1974. The island nation located south of China is home to roughly three million ethnic Chinese, representing 24% of the population. in 1985, Prime Minister Mahathir Mohamad visited China and through meetings with Premier Zhao Ziyang, the two stressed the importance of economic, political, cultural, and commercial relations between the two nations in the future. It was this meeting that served as a catalyst for a series of events that would lead to the signing of the Sino-Malaysia Direct Flight Agreement, and the Sino-Malaysia Trade Agreement in 1988 (Suryadinata 233). The growing relationship on a cultural and social basis benefited many of the ethnic Chinese in Malaysia who represented a large portion of the professional class of the nation. Premier Li Peng visited Malaysia five years following Mahathir’s first visit in 1990, marking a new age in the relationship between the two countries. For the majority of the 1980's and 1990's, high level diplomatic meetings took place every few years to reaffirm each country's objective to remain in the graces of the other. After the 1990 meeting with Peng, Mahathir stated:

“Our two countries’ relations have entered a new phase. In the days to come, we will see a world in which all countries, great or small, are mutually dependent economically.”

Through the 1990's, the two nations continued yearly exchanges in which cooperative talks on economic and social issues took precedence. Through visits by Mahathir to China, trade between the two nations increased in 1993 following a visit
to China, including a stop at the Shenzhen Special Economic Zone. China realized during this time, through interaction with other Southeast Asian countries, that peaceful cooperation through economic and social promotion would strengthen their position as a growing influential regional power (Vang 404).

Compared to other nations in the region, Malaysia was late to join the investment boom following China opening its doors following Deng's reforms. Although trade between the two countries had increased, exports almost fourfold, and imports nearly fivefold since 1980, investments were the one area that Malaysians were lagging behind in compared to the neighboring countries. One investor who caught on early compared to his countrymen was Robert Kuok, an ethnic Chinese who had risen to become the richest man in the country. Originally a dominant member of the Malaysian sugar industry, Kuok began to expand his empire across a number of different industries, notably the hotel industry. He opened his first hotel - Shangri-La, in Singapore in 1971. Several years later, he expanded and opened the second Shangri-La Hotel in Hong Kong in 1981 after acquiring waterfront property on the island. Three years later in 1984, Kuok opened the first Shangri-La Hotel on the Chinese mainland. In addition to Kuok's group, known as the Kerry Group Ltd. making investments across Southeast Asia through Shangri-La Hotels, it was also able to gain a 34.9% share in the South China Morning Post Group, responsible for the printing of several Hong Kong daily newspapers. Kerry Group also operates in China as a property management and investment firm. One of its largest projects began as early as 1984, when they committed to building the China World Trade Center in Beijing (Samphantharak 71).

Prior to the opening of China, many Malaysian companies utilized their subsidiaries in Hong Kong to conduct business on the Chinese mainland. This trend has changed as the economic reforms are more open to foreign investment. The main thrust of investment has been directed towards the south of China, fixated around the Hong Kong region and Guangdong province, as this was the first area of China that began to accept foreign investment. Although there is no complete list of Malaysian investments into China, Chu Jui Meng, a Malaysian Deputy Minister has stated that around thirty-seven investors had entered China through 1992 and that the total amount of investment at that time was near $1.54 billion RM. Primary industries have focused on hotels, thanks in large part to Kuok's Kerry Group, services sector, and construction. In addition to the Kerry Group, another Malaysian group has entered China quietly during the 1990's, the Guoco Group. Primarily an investment and property company, it also has holdings inside the banking and finance industry in Malaysia, Hong Kong, and the mainland. In part due to the increased trade and development relationship between the two nations, it is expected that the Malaysian investment total will double by the end of 1993, making Malaysia the fifth largest investor in China (Suryadinata 237).

**China to Malaysia**

Malaysia has offered a unique opportunity for investors since the Chinese started looking abroad for investment opportunities. The cultural and historical links between the two nations allows for personal connections to form with overseas Chinese. Additionally, Malaysia was a prime location for investments in the 1980's due to the abundant resources and potential for growth. Malaysia also had influence in the Association of Southeast Asian Nations, which to China attempting to reach new markets, was crucial to have connections in. The prior relationship between Malaysia and China had centered on maintaining a consistent level of annual trade. During the 1980's, trade between the two countries consisted of roughly 2% of total exports for each country, making neither a major partner for the other. Following Mahathir's visit to China in 1988, trade between the nations began to improve drastically as it jumped from $289 million in 1981, to over $1.1 billion in 1990 (Kim Shee 61).

Malaysia's abundance of natural resources made it a prime location for early investments in the resource industry. Many of China's first investors focused on these resources, including rubber and tin. However, as the nation modernized and the industrial sector grew, investment shifted from resources to manufacturing. A critical development in the relationship between the two nations was the signing of the Bilateral Trade Agreement of 1988. This further strengthened the ties between the two countries and, because of this, between 1993 and 1994 forty-nine investments totaling more than $1 billion USD were signed between the two nations. The majority of this was directed as investments to China. As of 1996, there were nearly three hundred Chinese manufacturing companies invested in Malaysia totaling an estimated $200 million (The Current Situation 10).
Conclusion

When Deng Xiaoping ushered in a new era in Chinese history, the economic and social reforms he pushed for had an immense impact on the Southeast Asian region. Realizing that China had fallen behind after thirty years in isolation, Deng worked to remove the old guard of Communism and to instill new ideas to help modernize the country. The most influential act Deng was responsible for was opening China to foreign investment, a move that would see billions of dollars and countless technologies pour into the country. Conversely, China saw the opportunity to expand itself abroad in the region and utilize already-in-place systems and markets to gain technical knowledge, raise currency which could be used to further expand or improve Chinese industries, and become an active participant in industries across the region that would be profitable.

China’s bilateral relationships with Singapore, the Philippines, Hong Kong, and Malaysia during this time period led to industrial growth in nearly all of these countries. China and Singapore were able to adapt quickly to each other in part to the large majority of ethnic Chinese already populating the nation. This allowed for a more simple transition for each country to enter the other’s markets. Singapore’s investments in industrial centers allowed for China to gain technology and business practices they previously did not possess. China was able to have great success in Singapore’s financial industry, as well make the country a regional attraction for Chinese tourists traveling abroad. The Philippines did not have as much success as Singapore due in part to internal struggles and corruption by government officials which made the country somewhat of a pariah for investment. Ethnic Chinese already living in the Philippines had been able to become successful and open thousands of businesses that thrived, but this led to an unforeseen consequence. In the early 1990’s kidnapping of ethnic Chinese became a staple crime in many parts of the country, causing even more problems in attracting Chinese investment to the country.

Hong Kong has long shared a special cultural and historical connection to the mainland. Prior to Deng’s reforms, the two shared bilateral trade and limited involvement with each other in part to the very close relationship between residents. The boom of the 1980’s would lead to each country investing billions of dollars into one another, leading to a manufacturing boom in the Guangdong province of China, and the success of the first special economic zone in Shenzhen. The success of the Shenzhen SEZ would have a far greater impact on the modernization of China because it was an early indication to the world, of the improvements and reforms China had made in its attempt to attract foreign investment. Many more SEZs would be opened across the country, each one attracting billions of foreign investment from a multitude of global nations, not just those in the region. Malaysia was a late arrival into the boom of China’s opening, but the effects they had on the property and real estate markets, as well as on manufacturing, would be substantial. One of the most influential investors was Robert Kuok, an ethnic Chinese who became the richest man in Malaysia. His company was responsible for the first wave of property and hotel developments in the mainland, which would lead to the growth of the tourism industry in coastal cities.

The impact of foreign investment between 1980 and 1995 on the five countries was immense. The countries that were able to take advantage of these investment opportunities were rewarded by profits and industry growth at home and in the target nation. However, the Philippines was the one nation that was plagued with internal struggles that made it a risky investment for nations at the time. Because of this, not much industry growth can be attributed, or even occur. The four other nations were able to utilize each other to make great technological and industrial investments that led to a prosperous period of growth. Thus, it can be stated that when flows of investments traveled between China and the four nations, industrial growth and modernization soon followed. If little to no funds were transferred, little to no growth occurred in the nation. China’s opening in 1979 thus led to a prosperous decade for Southeast Asian regional nations that were able to modernize and grow thanks to the flow of foreign investment.
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“Though the ICC wished to remain as independent as possible from state influence, powerful Permanent Member States utilized and enabled the Security Council to further undermine the scope and reach of the International Criminal Court”

THE FUTURE OF THE INTERNATIONAL CRIMINAL COURT IN RESPECT TO SECURITY COUNCIL DOMINANCE

Jaylia Yan

Introduction

The United Nations Security Council maintains a complex and nuanced relationship with the International Criminal Court (ICC), fraught with tension and power struggle, for both the entirety of its existence and creation. The ICC can be seen as both a way to allow the Security Council to complete its missions of targeting individuals for crimes, seen through the creation of the ad hoc tribunals concerning the former Yugoslavia and Rwanda, while allowing the Security Council the ability to externalize the costs of investigations. However, this can also be construed as an infringement on the sovereignty of the states that occupy seats on the Council and a monumental overreach of power. Though there exists an optimistic ideal of a cleverly independent and impactful ICC, the best scenario, one of beneficial salutary neglect, still
places the Security Council in a position of power over the eventual fate of the ICC—power that can even extend to the effective dismissal of the Court. This paper aims to discuss the conflict between the Security Council and the International Criminal Court in terms of: (1) the usage of the Security Council as a tool to advance member states’ interests against the Court, (2) the influence of Security Council referral powers, and (3) the real power of the Security Council in terminating ICC jurisdiction entirely.

The ICC answered the call for a permanent international judicial body following the successes of the ad-hoc tribunals created by the Security Council for the former Yugoslavia and Rwanda. The ICC was created in 2002, following painstaking negotiations and amendments, through the entry into force of the 1998 Rome Statute, in order to prosecute war crimes, crimes against humanity, genocide, and most notably, the vague crime of aggression. Under the Rome Statute, the Security Council is given three main powers: the power to refer country situations to the ICC (such the situations in Sudan and Libya), the power to delay ICC proceedings for a renewable one-year term, and the power to determine the crime of aggression (in accordance with the Kampala Conference) in proprio motu investigations or investigations based on state referral of a situation. In addition, it should be noted that the Security Council, especially the Security Council members that are at odds with the creation of the ICC, is able to exercise authority to avert a crisis by establishing the exclusive jurisdiction of the Security Council and effectively terminating ICC authority, which can create conflict during situations where the Security Council and the ICC are at odds in terms of jurisdiction or the manner of proceedings.

Negotiation and Legal Situations

Though the Security Council itself was never involved in the negotiations that created the ICC, Security Council member states advocated for the Security Council to maintain elements of power over the International Criminal Court as a means for keeping the Court in check. The Security Council has long sought to declare the jurisdictional boundaries of the ICC, establishing Resolution 1487, which renewed Resolution 1422, and 1497 which declared immunity to differing extents for U.N. troops contributed by states not party to the Rome Statute from prosecution by the ICC. Resolutions 1487 and 1422 have since not been renewed and has passed out of force and Resolution 497 limits jurisdiction to only the Liberian situation, the simple passage of these documents is symbolically indicative of Security Council dominance. This disconnect and mistrust between these two bodies of power are further evident through the powers given to the Security Council under the Rome Statute through Articles Thirteen and Sixteen, which allow for the referral of cases and the delay of proceedings. Article Sixteen was only included after tense compromise and substitution centering about the protection the independence of the Court, while still guaranteeing “the overarching responsibility” of the Security Council, a vague responsibility that could range from the simple insurance that the ICC will perform according to its duties enumerated in the Rome Statute to using the ICC as an arm of the Security Council. Though the eventual compromise overrides the inclusion of a veto, the Security Council has largely increased the importance of Article Sixteen through the passage of the aforementioned Resolutions 1422 and 1487.

Powers of the Security Council through its Member States

Previous discussion and proposals for Article Sixteen postulated by the International Law Commission (ILC) included that only the veto power of the Permanent Members of the Security Council was needed to defer ICC proceedings. This belies the true power struggle between placing power in the Security Council through advancement of state interests and ICC independence itself. Through the ILC version of the article, the ICC would be bluntly placed under Security Council authority. These formal statements and powers of the Security Council that retain the potential to undermine the ICC can be considered direct attacks by specific states. Potential Security Council intrusions and interference with the functioning of the ICC would be in large part due to actions of individual member states and the political landscape within them, as indicated by the negotiations of the Rome conference and the following slim focus on the African continent alone. During Rome Conference negotiations, the United States frequently referenced that unless the “political reality” of the need for Security Council oversight was met, the ICC was threatened with a lack of support and resources needed for its basic function. Other Permanent Members of the Security Council (P-5) expressed solidarity with this view. Chinese, French, and Russian officials expressed the need for Security Council oversight to prevent overreaches of power,
political struggles that could lead to the compromise of internal affairs through possible interference on Security Council processes above all else, with Russian officials warning that the Court “should not, in any way, limit the powers of the Security Council.”\textsuperscript{13}

Though the ICC wished to remain as independent as possible from state influence, powerful Permanent Member States utilized and enabled the Security Council to further undermine the scope and reach of the International Criminal Court. Despite the change in administration and subsequent change in attitude towards the existence of the ICC, U.S. involvement in initial negotiations has set the stage for further state interactions with the Court, and has to an extent controlled the Court’s actions by pressuring the avoidance of war crimes committed during U.S. participation in the Iraq War and most notably, the creation of the immunity policies through Security Council resolutions that compliment bilateral U.S. agreements protecting citizens from ICC scrutiny.\textsuperscript{14} To this end, despite human rights transgressions speculated to have occurred within or perpetrated by P5 states such as the Peoples’ Republic of China and the Russian Federation have been largely ignored—to this date, the ICC has not prosecuted outside of the African continent, a region where ICC interests do not collide with that of Security Council P5 states.

Unwanted Responsibilities

What David Bosco, an editor of Foreign Policy magazine and assistant professor at American University, construes as an acceptance of the International Criminal Court as a viable institution to promote stability, can also be easily seen as another measure that places the ICC squarely under the power of the Security Council. The power of the Security Council to refer cases to the ICC only solidifies this structure. Referrals of situations do not stem from the necessity of the ICC to contend with solving issues, but result from a pragmatic calculation. Article Thirteen, which grants the power of referral, allows the Security Council to avoid paying for extremely expensive ad hoc tribunals, tribunals that have so far cost $558 million USD.\textsuperscript{15} Through the language of the article, it implies that state parties could exempt themselves from providing funding for referrals, and grants the power for funding from the United Nations to be "subject the approval of the General Assembly, in particular to relation to the expenses incurred due to referrals by the Security Council."\textsuperscript{16} Subsequently, the Council has failed to authorize UN funding in their referrals of the Sudan and Libyan crises.\textsuperscript{17} This externalization of the costs of investigation and prosecution is part of a zero-sum game: the Security Council benefits at the cost of ICC, a body already strapped for funding. If the Security Council continues referrals without authorizing funds simultaneously, the economic viability of the court could be in jeopardy—the first ten years of the court cost over $900 million USD, resulting in one verdict.\textsuperscript{18} The Security Council placed the astronomical costs of international justice on a body dependent on additional goodwill donations to supplement mandatory donations from ICC Member States for effective prosecution. The ICC cannot deny investigations to ease the monetary burden. To do so is to deny its mission and appearance of a working institution, and unnecessarily antagonizes the Security Council. Referral can spell operational death for the ICC.

Not only does the Security Council discard the monetary responsibilities of prosecution to the International Criminal Court, it also disposes of the responsibility of action itself. This further exacerbates the undermining of ICC credibility when viewed in tandem with the drain on funding. The Council currently has no system in place for reviewing effects of Court procedures and furthermore, has no real obligation to support or enforce ICC decisions.\textsuperscript{19} In the case of Darfur, Fatou Bensouda, the ICC prosecutor, was “left with no choice” to halt further investigations due to a lack of Council action towards the potential arrest of Sudanese President Omar al-Bashir for crimes against humanity.\textsuperscript{20} The non-enforcement of ICC-issued arrest warrants in Security Council referral situations challenges the efficacy and the legitimacy of the Court as a body of justice. This, applied with the fact that the Court is already strapped for resources, can create holes and subpar administration of justice, further reducing the ICC’s reputation as reliable institution. Referrals could become a systematic method to reduce the Court to nothing more than as paper tiger.

Additional Measures of Security Council Power

The Security Council has never excised its deferral power found in Article Sixteen. This power, justified in terms of the Security Council mandate to protect global peace and security must be made in a resolution passed with nine votes, no P-5 vetoes, and is only valid for twelve renewable months.\textsuperscript{21} Though the initial ILC phrasing of Article Sixteen created a “toothless court,” the later implementation of these criteria attempted to nullify possible abuses of power by individual states, but not the power of the Secu-
rity Council itself. However, this is not to say that Article Sixteen has been useless in limiting the court. Through repeatedly invoking deferral powers, the Council has the power to place indefinite limits on Court proceedings, therein terminating all jurisdictions or actual effects of the Court. It is through this language that immunity proposals for UN peacekeepers were passed, and it is through Article Sixteen that more avenues of Security Council control over the Court can be explored. Article Sixteen can be easily seen as a political instrument to potentially hinder or obstruct the jurisdiction of the ICC, seen through the efforts of the African Union and Kenya to urge the Council to deploy deferral. The flawed control of the Security Council over ICC investigations only allows for the greater manipulation over proceedings and the potential termination of Court jurisdiction.

A major contention with the ICC is the lack of definition when it comes to its jurisdiction over the “crime of aggression.” Seen by many large states as a possible overstep of authority and a potential threat to their own military proceedings, the inclusion of a check on this power was necessary in the form of Article 15 bis. Article 15 bis of the Rome Statute is the result of P-5 pressure during negotiations to delay the formulation of the actual definition of aggression to ensure a lack of prosecution—the happy result being that the Security Council would have the sole authority on determining aggression due to the powers attributed to it by the United Nations Charter. In propio motu or state referral situations, before the ICC proceeds with an investigation, it must alert the Security Council and allow for six months in which the Security Council can judge on whether or not an act of aggression exists under the UN Charter. If six months pass and no definition is given, the Prosecutor of the ICC is allowed to press on with the case. The Security Council provides no standard definition, gives no hard borders to what the ICC can or cannot pursue, only a determination of an act of aggression. However, this does not give blind license for the ICC to use any definition of aggression. By allowing the Security Council first say in the definition, if the Security Council capitalizes upon this opportunity, the ICC is unofficially obligated to follow in this vein. This is a form of soft power, wherein by not following in a strict definitive statement of the Security Council, it could cause major implications, the most of which being labeled as a renegade body. The ICC is far too fragile to stake its independence on a definition, seen through its careful selection of cases to avoid the alienation of larger states.

The Security Council is not content with simply exploiting the power given to them within the Rome Statute; it has actively passed resolutions cementing its hold on the Court. Paragraph 7 of Resolution 1497—one in a series of resolutions granting immunity to peacekeepers— implies that whether or not the Security Council exercises power correctly or legally under Article 16, the sanctity and sanctimony of this decision are unquestionable through Chapter 7 authority. In order to prove that the Security Council improperly invoked this, states must bring forth concrete evidence that the Security Council acted outside of the powers given to it by the UN Charter. However, what makes Resolution 1497 a standout piece of authority is its purported amendment of Article 16 in the Rome Statute. By replacing the term “deferral” with that of the same “ousting” used in legislation to deny court access elsewhere, the Security Council can effectively terminate ICC jurisdiction, as it has “ousted” potential investigations of peacekeeper actions. Though this violates the complimentarity principle built into the Rome Statute, this change is technically legal. As the Security Council is comprised of states that also share membership with the ICC and are party to the Rome Statute, the Security Council technically holds the power to amend the document, despite the fact that the Security Council itself is not party to the Rome Statute. Combating this change in language will be expressly difficult, as Resolution 1497 did not expressly invoke Article 16.

The Future and Conclusion

The ICC can perhaps see its future in the International Court of Justice (ICJ). The ICJ, a body directly subservient to the Security Council, has been marked by a trend of non-action when it comes to possible breaches in Chapter 7 Security Council authority; the ICJ holds provisional powers to keep the Security Council accountable, but they have been left unused. Thought the ICC maintains a semblance of independence, this role of subservience is the status quo, as in its infancy the ICC remains extremely vulnerable to opposition. However, though optimism prevails discussions on the ICC’s future, this could easily be a potential role for the ICC if the Security Council takes the measures available to them to ensure dominance and does not allow for the development of the ICC as strong, viable institution of justice. The future of the ICC greatly depends on
the goodwill of the Security Council. The Security Council has not actively sought the ruination of the ICC, the Council simply holds too much power in determining the real success of the ICC. The optimists may have it right—the withdrawal of the United States from Resolution 1487 is a promising sign that the P-5 and by extent, the Security Council, will allow for a permanent ICC that displays efficacy and efficiency, a body that perhaps will change the dynamics of supranational power and justice.  

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THE ETHICS OF CLINICAL TRIALS

Is outsourcing medical trials a cause for concern?

NIRMAL VIJAYAVEL

With increasing globalization arise new possibilities for the development of science and technology. One of these novel frontiers is the ability to outsource clinical trials to developing countries and use the results to gain an understanding of the efficacy and safety of a drug. Some of the practices done by researchers in these trials, such as giving potentially HIV infected pregnant women a placebo and testing drugs on children in Nigeria thought in America to be unsafe, has raised ethical concerns. The question arises: are these populations being exploited? Some brush off notions of exploitation by noting that proper informed consent is given in standardized trials conducted by clinical research organizations (CROs). While respecting an individual’s autonomy by receiving informed consent is important, the context in which these trials are performed may mean that it is not enough. What exactly would be exploitation in a global context? Is it the use of human subjects in these trials with little respect for their well-being? What role does informed consent have in considering whether a study is exploitative? How does context change perception and raise additional issues? These are questions which need to be pondered to better answer the larger question of whether global clinical trials have unethical elements to them.

One aspect of context is the motivations of various stakeholders and how they can coalesce to put global research subjects at potential harm. Outsourcing clinical trials has become a growing and lucrative practice. This industry was estimated to be worth 600 million dollars in India alone by 2012 and grows at 30 percent per year. This is hardly surprising when considering the pervasiveness of pharmaceuticals. One in three American adults regularly takes at least one prescription pill. That statistic
jumps to one in two of every Americans over the age of 55. With the growing elderly population in America, demand for drugs will continue to increase. These facts have fostered a cutthroat industry in which pharmaceutical companies aggressively try to gain market share by releasing new products.

With pharmaceutical companies looking to get an edge on approval of their drugs, many have started outsourcing clinical trials to developing nations. The benefits are numerous. Willing research subjects are much more readily available in these countries than in America due to the value of monetary or health benefits participation in a trial can bring. The costs of running trials is less, as research sponsors can save 30-50 percent by conducting a clinical trial in India rather than in Europe or America. In addition, the potential subjects in these nations make for excellent participants. Unlike career research subjects, who continuously participate in research studies, these people have less exposure to prescription drugs. Because of this, the data retrieved from them is more reliable, as there are less background drugs which may interfere with the effectiveness of the tested drug. These populations also have a wide range of illnesses and calamities that allows for a readily available supply of subjects for nearly any illness to be studied.

Pharmaceutical companies are not the only businesses that have benefited from this practice. Clinical research organizations have emerged in countries where these trials take place. They act as a middleman, recruiting participants, conducting the trials, and sending the results to their pharmaceutical clients. The creation of CROs has stimulated other industries. Translating informed consent forms into the local language has become lucrative work for local businesses. Data management of trial data for pharmaceutical companies has emerged as a market as well. From all this, it is apparent that the economy of the trial country can be stimulated from this relationship.

All the benefits outlined hinge upon having a significant amount of quality research subjects. Due to the numerous benefits various stakeholders derive from these populations’ participation, there is a legitimate fear of coercion because of the demand for subjects. Because of these added benefits and the pressure to use these research subjects, the same ethical considerations used in domestic trials may not be enough to ensure the well-being of a foreign research subject.

When determining if research subjects are at risk to exploitation in a trial, the benefits of conducting the trial need to be evaluated. The National Institute of Health has outlined the seven principles they believe lead to non-exploitative research. One is the concept of value. Value is generalizable results which add to scientific and/or medical knowledge. From this idea, a framework can be created for the types of questions that need to be asked in order to have appropriate studies for populations in developing nations. The main question is: is this a novel question or a known question being approached in a new way? If this question has been resolved, then we risk putting subjects at danger in a study in which a general understanding of the results are already known. It needs to be determined if the potential knowledge gained is useful. For example, if the knowledge gained would prove that a drug is effective against a medical illness, then the answer would be yes. However if a study examined the effects of ingesting multiple drugs which are unlikely to be taken together, the answer would be no. It then needs to be asked: how applicable is the knowledge gained to various populations? Can the results of the study be classified as general phenomena, or is it specific to a certain subset of people? If it is specific, at what point is the knowledge too specific to not be worth pursuing? These are some of the questions which need to be pondered in order to make a valid assessment of whether a study serves a useful purpose. These are additional elements necessary for a study to be non-exploitative to populations in developing countries.

Another of the seven principles of non-exploitative research is scientific validity. No matter how useful answering the research question may be, if the science behind the trial is flawed, then research subjects are being exposed to risks without benefit. While the general consensus is that exposing research subjects to studies based on flawed scientific principles would be unethical, the notion of what constitutes scientific validity has been debated. One specific issue is the role of placebos in these trials. In her article on the ethics of clinical trials in devel-

"With pharmaceutical companies looking to get an edge on approval of their drugs, many have started outsourcing clinical trials to developing nations"
opining countries, which was published in the New England Journal of Medicine, Marcia Angell argues it is unethical to use placebos when there is a known effective treatment. Withholding treatment constitutes exploitation as researchers are putting the study ahead of the needs of humans. Researchers have a humanitarian duty to help those in need when the treatment is available. By using placebos and withholding the best current treatment in the control groups for the sake of faster, more efficient research, we are using these subjects as a means to an end.

In a rebuttal to Marcia Angell, Varmus and Satcher in an article written in the same issue of the New England Journal of Medicine, argue the use of a placebo group is best for determining clear answers to questions posed, which is the original intent of the study. Although they agree that use of these subjects as a means to an end violates ethical behavior, the use of placebos is justified because they provide clearer answers and minimize the number of participants needed. Subjecting participants to two different treatments may not produce a clear answer of a drug's effectiveness. Comparing a new, more affordable treatment to the standard one has limitations. Effectiveness could only be proved if the new treatment were at least as effective as the standard. Its efficacy would be unknown if this were not the case. Exposing participants to risks in studies in which the best scientific protocol is not implemented, shows a disregard for their welfare and violates beneficence, which constitutes exploitation.

Marcia Angell and Varmus and Satcher both present excellent points in their discussion of the scientific validity in these trials. From these debates, we can see that placebo use is a more gripping ethical issue in this context, as participation may be the only method of treatment these populations will receive. This raises a set of questions about the role of placebos for determining scientific validity. What is the purpose of the trial? Is it to determine if a treatment works? If so then a placebo group would provide an effective baseline. If it is to judge the effectiveness of two different treatments, then a placebo group may not be necessary. While reviewing the experimental design it should be asked: would replacing placebos with another form of treatment compromise the integrity of the study? Studies are unique in their design protocol, so a “one size fits all” determination of placebo use would be inappropriate. Instead the questions raised need to be answered by the reviewers in order to make a determination of the proper balance between sound experimental design and participant benefit in an individual study.

Besides the use of placebos, there are other considerations in experimental protocol which need to be considered. How many participants are needed in the trial to generate valid statistical conclusions? If a study has too few participants in it to draw valid conclusions, it would be unethical to do the study until the proper number of participants has been recruited. Can the methods of the trial be replicated? A fundamental property to science is that results from an experiment have to be confirmed by repeated results from multiple studies before a notion can move from being a theory to general knowledge. If the methodology of a study is not able to be reasonably replicated, then it would not be appropriate to subject participants in developing nations to them as general knowledge cannot be gained. Is the basis for the question to be asked rooted in valid scientific knowledge? If a study were rooted in flawed scientific thinking, then there is a heightened possibility of harm coming to the research subject. If this was found to be the case, then the trial should be revised until it’s based in sound science. Asking and answering these simple questions about research design protocol are essential to the well-being of research subjects as they can identify unnecessary harms before they occur. By not asking them, the safety of the subject is not ensured, which is grounds for negligence.

Earlier it was outlined who the main stakeholders in this situation are, and their motivations. However, the motivations and benefits of the actual research subjects were not among them. This is because they are not as clearly outlined. They receive monetary benefits and/or health treatments from participation in these trials, but is it enough? After all, they are the ones who are put at risk in order to create this product. This debate of what is a research participant’s fair share is one of the central issues of exploitation. Specifically, the fair share question has centered on access to treatments post-trials. In an article titled Experimental Machinery, Kaushik Sunder Rajan explores the ethical infrastructure of clinical trials outsourced to India. While the ethical emphasis has been on informed consent and good clinical practices, the benefits subjects receive from participation has been ignored. A doctor quoted in the article brings up an excellent point that some of these participants who reacted positively to treatment may need continued access to a drug after the trial is complete. However access to these drugs under a free market may not be feasible. For example, one tablet of tadalafil cost 400 rupees, or nearly a week’s paycheck for a laborer, when first introduced.
into the market. Because of this, pharmaceutical companies have been primarily responsible for the continued access to drugs, but this system has been spotty. As a result, some governments have intervened by establishing regulations for post-trial drug access. Brazil for example, recently passed Resolution no. 166/12, which guarantees free unlimited access to study participants to treatments whose efficacy has been proven.

The question that arises is: do pharmaceutical companies have an obligation to continue to supply drugs to former research participants? The subjects helped in the creation of the drug, and as a result some believe they have a right to it. If the answer is yes, then how long is this obligation in place? Are they bound to give access to treatment until the participant does not need it anymore or is it for a specific length of time? Ten years? Five years? Six months? However, it may be argued that pharmaceutical companies are not obligated to provide continuous access to drugs. They already give participants monetary compensation and/or access to the experimental drugs and treatment while they are enrolled in the study. These pharmaceutical companies at their core are businesses not charities. Their mission is to make a profit, not to save lives.

The issue is not just about individual benefit from these trials, but of societal benefit as well. Sunder Rajan points out in his article that in drug trials conducted in America, there is an implicit understanding that participation in a drug trial will bring increased drug access and variety to the participant’s community. Thus participation creates a positive externality for society. However in these foreign countries where trials are outsourced, this is not necessarily the case. The drugs being tested are for use in countries foreign to the community in which the participant belongs. The drugs are expensive and may never be available to people in the participant’s society. Should the societies in which these participants belong to gain from these trials? It could be argued that these societies already gain as health interventions which were unfeasible become available to people in the community. But is this enough? What other benefits might society need in order for notions of exploitation to be dismissed?

As we can see, much of the debate of exploitation rests on this question of value to the research subject both from an individual and societal standpoint. While there are benefits to be had, receiving a fair share for their troubles would quell calls of exploitation. What that may be exactly is up for debate. However there is no doubt that the research subjects should gain in some way from drug trial participation.

One of the other aspects of this exploitation debate deals with the trials themselves. Outsourcing clinical trials to foreign countries and away from the watchful eyes of regulatory agencies has predictably made some people suspicious of the trials. What has especially been questioned is their safety. This is an issue Marcia Angell brings up in her paper, as she cites a study conducted in Uganda which used control groups to determine the efficacy of prophylaxis against tuberculosis in HIV infected individuals. Because many of the participants had positive tuberculin results, this study could not occur in America as there are standard procedures which should be taken when a positive skin test occurs. She sees the cutthroat competition that has emerged as a driving force to cut corners in ethical research procedures by moving the trials away from the realm of regulatory agencies.

However in his article, Sunder Rajan implies this is overblown to an extent. These trials have to be deemed acceptable in the eyes of the FDA for approval of the drug in the United States. What the FDA has deemed as acceptable are trials conducted under the guidelines set forth by The International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use known as the ICH protocols. These protocols outline the proper ways to conduct various aspects of a clinical trial. This mandate has been taken seriously as there is movement to standardized Indian regulation law with international standards. One example is the modifications the Central Drugs Standard Control Organization made to Standard Y, the part of the Drug and Cosmetics rules which governs guidelines and requirements of clinical trials. These included establishing definitions to the different phases of a clinical trial, outlining responsibilities
for clinical investigators and their sponsors, and requiring notification for changes in protocol.\textsuperscript{xiii}

However the fact remains that thousands of these clinical trials are conducted in various parts of the world. No amount of regulatory mandates will keep everyone under ethical guidelines, as it is not currently possible to police every trial on a global basis. Thus the issue is what is at risk due to the lack of policing. The clearest answer would be the rights of the research subjects. Specifically, their rights to autonomy, beneficence, and justice, which are the rights outlined in the Belmont Report, a report that established human research subject guidelines by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in order to prevent future abuses of research subjects, such as those in the Tuskegee Syphilis Experiment.\textsuperscript{xiv}

Autonomy is the ability to make informed decisions free of coercion. Specifically potential research subjects should be given an understanding of the full benefits and risks of a trial and then be allowed to make an independent decision on whether to give their informed consent to be a part of it. In the context of clinical trials abroad, this aspect becomes challenging to implement effectively due to the language barrier. Not all potential research subjects understand English, and as a result they are not capable of self-determination in this context without aid. One way to circumvent this problem is by having translators or informed consent documents in the subject's native language. However, there are still problems. Words or phrases may not translate smoothly, and the subject may still be naïve about the trial. How do researchers know the subject is informed? Is a signature on a form enough? What about approval given from a translator or some other proxy? This is a serious issue, and one which has been tackled in different ways. Vimta laboratories, a CRO in India, requires participants be literate in English.\textsuperscript{xv} While being literate does not ensure truly informed consent, it is one of the most useful skills in becoming informed. Because of this, there is a certain naivety they know will be absent in subjects.

Beneficence is doing no more than minimal harm to the research subject and to maximize benefits within the context of minimal harm. With a lack of direct regulatory oversight, researchers can be put in a position to conduct trials with more than minimal harm. While all non-minimal risk trials cannot be prevented, they can be minimized by analyzing the ones that are not hidden. If there is the potential for harm to a subject, it must be asked whether if this aspect of the study could have been done in a safer way. If so, we can minimize risk further. Could differences in nutrition, genetics, or environmental factors affect a subject's reaction to a treatment? Populations differ in these three conditions, so researchers need to keep in mind that a drug may have various side-effects due to these differences. Also harkening back to sound research design, it needs to be determined if the study is backed by solid scientific theory in order to determine proper minimal harm. All these considerations need to be taken into account in determining if a study employs minimal harm and passes the test of beneficence.

The third principle is justice. Justice is about answering the questions of who benefits from the research and because of this, who ought to take part in the research. The question then arises: are research populations in these countries being overburdened? Varmus and Satcher would argue no under certain conditions: as long as the country has a heavy burden of the disease, it is ethically justifiable to put them through trials.\textsuperscript{vii} This answer, however, does not solve all situations that may arise. What about in situations in which a drug may be too expensive for the general public? Does access to the drug affect the perception of who should take on the burden of research? If yes, to what extent? Another question that should be answered is: why use this specific research population? Using the justification that these people were available is not enough. That was the justification used in the atrocious trials conducted on prisoners in concentration camps in World War II. There has to be some legitimate reason for the use of these populations in the studies. It could be that this population has a large burden of the disease studied, and would directly benefit from approval and use of the drug. Without a legitimate justification, researchers are just using these people as a means to an end and fail the test of justice.

The question of whether research subjects in developing countries are being exploited is complex. There are many aspects to this arrangement, from the benefits the participant gains, the risks they are put through, to the trial design. While obtaining informed consent is necessary in order to conduct non-exploitative research, and has been cited as proof of non-exploitation, it is only one aspect of this conversation. All the additional aspects, contextual issues, and questions subset to these aspects and issues, need to be taken into consideration in order to make a determination of whether exploitation is occurring. Answers to these questions may be dissimilar and as a result, there may not be a consensus. However, a framework for the basic standards of eth-
ical clinical trials can be created. In order for a study to be considered non-exploitative, it should have a useful purpose, be scientifically sound, give value to the research subjects, and allow research subjects the rights outlined in the Belmont Report. To do less is exploitation.

**Endnotes**


vi. Jayaraman, KS. “Outsourcing Clinical Trials to India Rash and Risky, Critics Warn.” Nature Medicine 10, no. 5 (May 2004): 440. doi:10.1038/nm0504-440a

