Paterson Review of International Affairs

Volume 17, 2018
Norman Paterson School of International Affairs

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The Norman Paterson School
of International Affairs

The *Paterson Review of International Affairs*, formally *E-merge*, is a scholarly journal exclusively showcasing the work of graduate students in the field of international affairs. Managed by students of the Norman Paterson School of International Affairs, the *Paterson Review* is dedicated to publishing articles on a wide range of emerging issues in the theory and practice of international affairs. Copy requests and submissions may be sent electronically to patersonreview@gmail.com or by mail to Paterson Review c/o Norman Paterson School of International Affairs, 5306 Richcraft Hall, Carleton University, 1125 Colonel By Drive, Ottawa, Ontario, K1S 5B6, Canada.

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Letter from the Editors

The 17th Volume of the *Paterson Review of International Affairs* is a testament to the superior academic abilities of graduate students as well as the value of providing a showcase for the work of such students. This year our team worked through several dozen excellent submissions, selecting four of the top articles through a double-blind peer-review process, and finalizing these in consultation with subject matter experts.[1] The following results of this process stand out as a cross-section of students from the leading institutions across North America. We are grateful for their efforts over the last year and thrilled to present their work in this issue.

The four articles in this year's volume address a broad range of subjects, and each serves as a significant contribution to the broader international affairs literature. Trevor Wilkinson explores the factors that have contributed to the stability of Somaliland, relative to its neighbours, since 1991. Adam Ratzlaff compares the affirmative action programs in Brazil and India and the socio-economic discrimination faced by the Afro-Brazilian and Dalit communities. Dylan Gagnon views several case studies in American Cybersecurity policy through the lens of first generation strategic culture theory to assess the relationship between theory and reality in the development of American Cybersecurity policy. Lastly, Himanshi Jain provides a much-needed analysis of the relationship between India's caste system and inadequate sanitation among India's population of rural-poor.

We want to express our gratitude to the contributors, associate editors, blind reviewers, and expert reviewers whose efforts made this journal possible. We would also like to thank administrators of APSIA member institutions and other Universities who assisted in disseminating our call-for-papers, as well as Princeton University's *Journal of Public and International Affairs* for its continued collaboration. We would like to extend our thanks to the Editors-in-Chief of years past, who have helped build this journal's integrity and reputation. We also wish to thank the staff at the Norman Paterson School of International Affairs for the administrative support offered throughout the development of this volume, and the sustained funding that has ensured the continuity of this journal.

Patrick Burchat and Steven Rai
Editors-in-Chief

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[1] This year a submission by an Associate-Editor was selected by the blind-review panel for inclusion into the journal. In the interest of transparency, the double-blind review process employed by the *Paterson Review* functions as such: eligible submissions are stripped of any references to the author or their school; the blind reviewers, which do not include any Editors-in-Chief, read several if not all submitted papers, rank them, and prepare comments for later discussion; the blind review panel will discuss each reviewed submission one-at-a-time, creating a short-list; the discussion is moderated by the Editors-in-Chief; when any member of the editing staff is or knows the author of a paper being debated for inclusion, it is expected they respectfully remain silent and not contribute to the discussion so as to not unfairly influence others; in selecting a final slate of papers from the short-list, Editors-in-Chief guide the selection by commenting on considerations such as topic diversity, length, salience, etc; blind reviewers make the final decision of which papers to publish and are not informed of the successful authors' names and schools until the selection is finalized.

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A Flower in the Dust: How Somaliland Turned Failure into Opportunity and the Lessons It Presents Us With

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Abstract

Early into the Somali Civil War, the northernmost Somali state of Somaliland declared independence in 1991. Ever since this declaration, Somaliland has developed into a rather stable domain in an otherwise politically charged region. This paper looks to understand why this has been the case with Somaliland when its parent-state of Somalia is continuously perceived as a "failed state." The paper finds that Somaliland's stability can be attributed to several social and political factors, notable among which are: a shared-identity in contrast to the rest of Somalia; the initiatives of traditional authorities; and the adoption of a so-called hybridized federal-democratic system. The paper concludes by discussing the international development policy implications of the Somaliland case as well as whether this case stands as an example of "African solutions for African problems" for other regions on the African continent undergoing similar hardships.

INTRODUCTION

Located in the Horn of Africa, Somalia has long been held to be *the* example of a failed state.[1] With the demise of the Barre regime and the outbreak of the Somali Civil War in the early 1990s, the East African state has seen its fair share of violence, human rights abuses, and economic and political-institutional collapse. Amidst the turmoil, Somalia's northernmost region, Somaliland, declared independence[2] and has ever since sought to not end up like the rest of Somalia. Interestingly, despite sharing many things in common with Somalia, especially in terms of indigenous socio-political authority based on clans and similar ethno-cultural demographics, Somaliland has secured for itself a situation of relative political stability[3] in contrast to its parent-state of Somalia due in no small part to the ability of its peoples to work together towards a common end. Understanding what differentiates Somaliland as a "success story" in comparison to Somalia, first, and the implications that this experience may have for future socio-political development on the African continent, second, is the focus of this work. As such, this paper will examine why Somaliland has achieved such a situation in contrast to its parent-state of Somalia, in particular examining how various factors have worked together to foster a unique, domestic-led peace- and state-building process resulting in a relatively stable region in an otherwise chaotic part of the world. At its core, the following essay argues that Somaliland's relative stability vis-a-vis its parent-state of Somalia is most attributable to a home-grown power-sharing arrangement established through the fusion of traditional and modern socio-political institutions.

This paper is organized as follows: beyond the foregoing introductory remarks, the first section situates the study within the theoretical literature and considers the paper's planned contribution to it. Section 2 will encompass a brief historical overview of Somalia, generally, and Somaliland, specifically, in order to highlight some of the key social and political factors which have shaped the development of this region. Section 3 will take an in-depth look at the various factors behind Somaliland's stability including: the process of shared-identity creation, the roles of traditional and non-traditional authorities in the state-building process, and the amalgamation and transformation of socio-political authority into a hybrid federal-democratic framework. Section 4 will examine the policy implications of the Somaliland experience, paying particular attention to the relevance that it may have for socio-political development elsewhere on the African continent. Finally, section 5 will conclude with a summary of the main points made in the paper as well as note some areas in which future research can contribute.

Political Map: Somalia

Source: http://www.un.org/Depts/Cartographic/map/profile/somalia.pdf (accessed November 20, 2015).

Clan Distribution Map: Horn of Africa

THEORETICAL LITERATURE ON LIMITED STATEHOOD

Modern statist understandings of governance and government have traditionally focused on Western conceptions of the consolidated state in which a central state authority:

"enjoys the privileges of international legal sovereignty, including recognition, the right to enter into treaties, and to join international organizations. [It also] exercises effective domestic sovereignty, [i.e. statehood], [including] the monopoly over the legitimate use of force and the ability to successfully make, implement, and enforce rules and regulations across all policy arenas within its territory."[4]

As a result of this Western-focused view of statehood, research on governance in the developing world, often sub-divided between failing/failed, weak, transitioning, newly-

industrializing, and semi-/colonial categories, has focused on (re)establishing governance under the authority of a central, sovereign state. However, such a narrow focus in both research and practice has limited the ability of international actors to engage effectively with the developing world as politics in most of the world's states exists outside of this narrow construct.

In criticism of this construct, Draude notes that the Western conception of governance "limits the breadth of the definition of governance by explicitly and implicitly focusing on the state as the central actor of governing."[5] In response to what is described as a Eurocentric dilemma, Draude further notes that in "looking for alternatives to typically Western forms of governance,"[6] research should utilize an "equivalence functionalist method [which] sees private actors as equal to state actors when fulfilling governance functions,"[7] therefore allowing for the discovery of other, non-Western forms of governance. The effect of a Western-focused state construct is that critical analyses of governance in most of the world's states are hindered by operating on a narrow and largely inapplicable framework.

Commensurate with this line of thought, more recent research on governance has increasingly focused on *areas of limited statehood*. Ultimately, limited statehood concerns those areas of a country in which central authorities (governments) lack the ability to implement and enforce rules and decisions and/or in which the legitimate monopoly over the means of violence is lacking."[8] In turn, the ability to "exercise effective control over activities within [state] borders [and the provision of] "collective goods and services may be [carried out] by a variety of actors – domestic and external."[9] As a result of this, basic assertions about limited statehood acknowledge that it involves non-state actors, is non-hierarchical, and characterized by multi-level governance.[10] While Western conceptions regarding the centrality of the state for service provision would willingly reject the possibility of effective governance outside this rigid construct, a 2014 study by Lee, Walter-Drop, and Wiesel examining service delivery in 150 countries concludes that "existing theories about the central role of the state in delivering basic public goods and services" is based on a non-relationship. Centralized statehood is not a requirement for effective governance or the provision of collective goods and services.

While many authors writing on limited statehood have concluded that areas of limited statehood are characteristic of most of the world's states and have emphasized the need for a change in how governance is approached from the Western side, these same authors have provided justification as to why governance is effective in such regions despite the lack of a consolidated state apparatus.

In particular, the efficacy of governance in areas of limited statehood can be understood through four broad foundational concepts: legitimacy, cooperation through negotiations and bargaining, task decentralization, and institutional design.

First, legitimacy is critical to effective governance in areas of limited statehood just as in consolidated states. As Börzel and Risse state, "[t]he more actors affected by a policy have a say in decision-making, the more likely they are to accept the policy outcome to be implemented."[11]

This statement highlights the two-fold nature of legitimacy. On the one hand, "legitimacy requires that those being governed should have a say in the process of rulemaking [while on the other hand,] governance should provide collective goods enabling a decent life for the community."[12] In essence, legitimacy is crucial to effective governance but requires input from those affected by the policies and recipients of the collective goods that are being outputted by the governance structure. More than this, legitimacy is based on a personalized and collective trust in those specific actors which represent a particular group's interests at the governance table in areas of limited statehood.[13] Trust leads into the next major determinant of effective governance in areas of limited statehood – cooperation.

Second, governance in areas of limited statehood comes about through cooperation resulting from negotiations and bargaining. Generally speaking, a consolidated state retains the monopoly on the use of force and centralized authority over the provision of collective goods and services as well as overall decision-making; this is primarily due to the fact that governance and statehood is largely vested within state politicians and military leaders. In areas of limited statehood, these same functions and constructs are "forged by actors that are not part of [the] formal politico-administrative structure [including various] social groups of different social standing, organizational capacity and political influence are in the spotlight."[14] For Börzel and Risse, cooperation between groups in areas of limited statehood involves a generalized trust beyond membership or association within a particular group.[15] In an often cited case, regions of Somalia, including Somaliland, successfully established governance in an otherwise weak/failed state through trust placed in traditional clan-based leaders which in turn represented members of their own social groups and ensured their concerns and needs were attended to through a renewed system of governance.[16]

Third, task decentralization comes about as a result of task complexity which is in turn measured by "the number of specific interventions required for success and on the number of actors or entities that must be coordinated to administer these interventions."[17] For example, while some health-related issues require action by a single entity providing a one-shot immunization, a task such as state-building (e.g. Afghanistan, Iraq, and Somalia) requires multiple interventions by multiple actors. While a consolidated state is able to provide this multi-service intervention through various state departments and agencies, in areas of limited statehood, these same tasks are carried out by various domestic and international actors. In utilizing the example of Somalia, treatment of Tuberculosis was carried out by an external actor while other actors helped provide goods (e.g. piracy in Puntland; businessmen in Somaliland) and political governance (e.g. clan leaders in Somaliland; Islamic Court's Union, Transitional National and Transitional Federal Governments in southern Somalia).[18]

Fourth, institutional design helps establish effective governance by providing for standard operating procedures including that governance and service provision is adequately funded, especially if carried out by an external actor, as well as ensuring that there is consistency in the way decision-making is carried out and how policies are formulated, that there is a sufficient

monitoring capacity, and that the form of governance is flexible to the prevailing local conditions.[19] In the case of Somaliland, the particular form of democratic governance that was eventually adopted, while influences by Western democratic constructs, harboured significant traditional influences based on clan dynamics.

THE CASE OF SOMALILAND

Taking the preceding research on areas of limited statehood in stride, the present paper will examine the particular case of Somaliland, the northeastern region of Somalia, a long-term failed state, which managed to shield itself from the fallout of the Somali Civil War and establish a strong and effective system of governance. What is unique about Somaliland in comparison to other regions which have gone through a relatively recent state-building process is that Somaliland, while lacking international recognition as a state, also established itself with little to no assistance from outside its own borders. What accounts for Somaliland's relative success in this regard? This paper considers this question and undertakes an in-depth analysis of Somaliland with the view to unravelling the puzzle.

Somalia and Somaliland: A Brief Historical Overview

The Horn of Africa, dominated geographically by Somalia, was once a thriving trading region. Historically, the region was well placed between Europe, to the north and north-west, and Arabia, India, and China, to the east, that it became a hub for maritime and international trade pre-colonization.

In later centuries, and to protect its own trade routes and territory, the British set up a protectorate at Aden in the mid- to late-1800s. While Britain was the first European power to colonize the region, the French and Italians were not far behind. In its approach to governance and development of its colonial possession, Italy chose a very hands-on approach choosing to rule with an iron fist and by sometimes oppressive means. As Ridout notes, a clear attempt characterized Italian colonialism, on the part of Italian colonial administrators and colonists, to impose Western bureaucratic and political practices on the indigenous Somalis through the bribing of clan elders and the exacerbation of inter-clan rivalries.[20] Somaliland, in contrast, was ruled by the British who preferred a hands-off approach, leaving much of the responsibility for governing and development in the hands of local leaders. This allowed the Somalis in Somaliland to continue to not only tend to their own affairs without the weight of a colonial power constantly on their backs,[21] but allowed them to see themselves more independently than their southern brethren.

By the time of WWII, Italy had engaged in open warfare with the French and British, eventually conquering what was then French and British Somaliland (today Djibouti and Somaliland respectively). Following its defeat in World War II alongside other Axis powers, Italy was forced to renounce its African colonial possessions. Eventually, Italy and Britain were

granted trusteeship over modern-day Somalia, with the British overseeing Somaliland in the north.

In late June and early July of 1960, both regions of Somali heritage were granted independence and formally united into a sovereign state on July 1st, 1960 under President Aden Abdullah Osman Daar and Prime Minister Abdirashid Ali Shermarke.[22] Prime Minister Shermarke would later succeed Osman Daar as President in 1967; a position Shermarke held until his assassination in 1969.[23] Despite regaining their independence in 1960, this democratic union was short-lived however as General Siyyad[24] Barre, on the day of President Shermarke's funeral, overthrew the Somali government of the day and installed a military dictatorship in 1967 that would last nearly 25 years.[25]

Over the course of these nearly 25 years, the Somali National Movement (SNM) grew out of northern Somali resentment towards the Barre regime given the latter's clear disregard for the interests of Somalilanders,[26] as well as the regime's overt physical abuse and persecution of northern Somalis, particularly of the Isaaq.[27] In a search for greater support, the SNM sought out the Isaaq clan elders to help lend their authority and logistical weight to the cause.[28]

With the fall of the Barre regime in 1991 and the outbreak of the Somali Civil War, the hope of a unified Somalia under a democratic regime was quashed nearly as quickly as the Barre regime had fallen. Northern Somalis largely rallied behind the SNM, which in turn consolidated its authority not through the destruction of those minority clans who fought on the side of Barre in the years prior, such as the Dhulbahante and Gadabuursi, but through ceasefires and negotiations.[29] As Farah and Lewis note, the success of this reconciliation effort was made possible through traditional institutions, specifically the *xeer* - Somali traditional law based on a social contract of mutual understandings and compensation for damages.[30] Meanwhile, southern Somalia saw the rise of two centralized rulers, Ali Mahdi Mohamed and General Mohamed Farah Aideed, both prominent leaders within the United Somali Congress. Both rulers proclaimed themselves President of Somalia in 1991 and 1995 respectively. A conflict over position and recognition ensued that would ensure that the Somali Civil War would not be short lived.[31] Feeling marginalized as they had been under the Barre regime, the nascent sentiment towards independence gained ground among northern Somalis and lead to the declaration of independence on May 18, 1991.[32]

From 1991 onwards, Somalia[33] would see near constant fighting between rival clans as well as the rise of the al-Shabaab militant Islamic group which still threatens the now federal-democratic government.[34] Somaliland, in contrast, has endeavoured to consolidate political power in an inclusive, federal-democratic framework, with only two short-lived civil conflicts occurring in 1992 and 1994.[35] In doing so, Somalilanders have worked together to bring the clans together, included traditional leadership and authority in an upper house of Parliament, the *Guurti*, instituted a clear division of powers between the national government and local clan-

based administration, and, apart from the two civil wars of the mid-1990s, have largely seen the absence of violence intended to destabilise the government of the day.[36]

EXPLAINING SUCCESSFUL GOVERNANCE IN SOMALILAND: A MULTI-FACETED ANALYSIS

The success that Somaliland has experienced in creating a relatively stable and functional region in an otherwise chaotic country is due to a combination of at least five broad interacting factors. These factors include differences in colonial rule, the creation of a regionally shared identity in the north, the primary role of traditional leadership and institutions, the secondary role played by civil society, women, and economics, and the establishment of a hybridized federal democracy.

Colonial Legacy

The first contributing factor which needs to be addressed is the issue of differences in colonial experiences. As was made clear in the last section, Somalia and Somaliland were under the colonial control of Italy and Britain respectively. While the British allowed the Somalilanders in their sphere of influence to carry-on with their usual day-to-day practices and allowed them to maintain their traditional societal arrangements, the Italians were very active in their area of responsibility in trying to break apart centuries of tradition to the extent of bribing clan elders and exacerbating rivalries. As Dill notes, "[w]hile British rule in the north allowed for the preservation of traditional structures of self-governance, Italian colonialism in the south resulted in the erosion of traditional forms of political organization and centralized colonial administration.''[37] Critically, Italy was practicing the age-old method of 'divide-and-conquer' in order so that it could more easily impose its will and political processes upon the unsuspecting Somalis in the south of the region.

It is important to understand the different colonial histories of Somalia and Somaliland in order to highlight the long-term effects of particular decisions. By allowing northern Somalilanders to continue their way of life and by not imposing a foreign socio-political order as the Italians had attempted, a particular path was opened up which would eventually allow the people of Somaliland to end hostilities against one another and work together towards Somaliland's future. Given the similarities in terms of demographics and culture of both Somalia and Somaliland, it seems plausible that had the south also been exposed to the hands-off colonial rule of the British that we would today be looking at a very different state.

Shared Identity

The second factor concerns shared identity. Given the similarities between Somalia and Somaliland in terms of language, culture, religion, and demographics, this point would initially

seem mute. However, despite vast similarities, Somalilanders share a distinct identity rooted in their colonial and postcolonial history.

For starters, the aforementioned factor of colonial legacy has a role to play in the formation of a unique Somalilander identity. As Höhne notes, "a common colonial history, which led to a cultural closeness of the people from the former Protectorate of Somaliland, and the inclusive peace process in the 1990s, to incorporate non-Isaaq into Somaliland. Thereby a political identity - Somalilander - was constructed from above."[38] Moreover, not only was the foundation laid during the colonial period for a distinct identity in the north to develop, but the history of oppression and warfare under the Barre regime helped to shape Somaliland identity in differentiation from the south.

Years of persecution had the effect of pushing northern Somalis away from their brethren in the south which grew out of a politics based on a desire to not only be different from Somalia, but to not end up like the unstable, ever-violent south. Stated more clearly, "warfare tends to break down divisions between groups and generate domestic solidarity for the purposes of defeating another common enemy. Indeed, specific battles—ones which involved great victories or painful losses—help . . . forge common identities which define the sense of nation for succeeding generations."[39] Seemingly, a Somalilander identity developed in contrast to the Somali identity of the south wherein the former group "[re]define[d] itself with respect to the persecution of northerners under the [Barre] regime and thus with the generally accepted right to rebellion of a people subjected to the systematic violation of fundamental rights and freedoms."[40] The end result was a 'new' people who not only defined themselves in contrast to a regime which had attempted to subjugate it, but also through defining their common goals in the same manner – Somalilanders would share in their common devotion to securing a stable state and a sustainable future for generations to come.

Traditional Leadership and Institutions

The third factor that needs to be highlighted is the socio-political importance of traditional leadership figures and indigenous cultural institutions. As Renders highlights, Western governance structures have tended to struggle in Africa in terms of legitimacy, accountability, and transparency normally due to a mismatch with indigenous forms of rule and authority.[41] As a result, researchers and politicians alike have begged the question of whether there is a place for these traditional institutions in a modern political age. The major issue with this is that it assumes that modern governing frameworks (i.e. Western-style bureaucracy and administration not biased by race, ethnicity, or other culturally-definitive features) are better than what has existed for hundreds, even thousands of years.

Somaliland is seemingly an anomaly in this regard as its success is largely due to traditional elites and institutions. As was noted in the last section, the SNM actively sought out the cultural and logistical support of the clans and clan elders in their fight against the Barre

regime.[42] Over the course of the SNM's lifespan, from the time that clan elders became an advisory body of the SNM until the declaration of independence of Somaliland, these traditional authorities gained a stronger position within the SNM ranks.[43] By the time that the Barre regime fell, as Ridout and others highlight, the SNM was practically led by these clan elders, mostly from the Isaaq clan.

More than this, it was the Isaaq elders themselves who facilitated the ceasefire negotiations. In control of the largest military organization in the northern region, the SNM, the majority Isaaq clan could have, through continued warfare, eliminated the minority clans in the area who had chosen to side with the Barre regime until it fell. Instead, the elders exhibited a particularly wise foresight that this would only lead to more bloodshed and chaos down the road and opted for a ceasefire in the region between the warring groups.[44]

Interestingly, this choice cannot be looked at as political competitors making a calculated cost-benefit decision as we would experience in the West. Rather, as Renders states, the former adversaries approached each other along clan lines.[45] This was made possible via traditional Somali institutions including the *xeer* and *diya* processes. *Xeer*, alternatively spelled *heer* in some accounts, is a cornerstone of Somali socio-political relations which acts as an "unwritten social contract between clans which describe mutual understandings and rules of conduct which supersedes the clan in order to minimise conflict between different communities and ensure their continued survival."[46] The particularities of this system allow for warring clans to cease hostilities and repay the rival clan for loss of life and other damages in order to forego further bloodshed and destruction.[47] This "falling back on old-ways," so to speak, allowed northern Somalis to take ownership of a peaceful future without resorting to more 'modern' systems of formal courts and war tribunals preferred in Western-styled socio-political environments.[48]

Moreover, not only was the ceasefire facilitated through the actions of the Isaaq-majority SNM, but their actions paved the way for minority clans to take on newfound roles as mediators in the post-Barre social relations. In particular, the Gadabuursi and Dhulbahante minority clans played crucial mediational roles during the peace negotiations that preceded independence as well as during the two civil conflicts during the mid-1990s.[49] In essence, while a dominant clan group, the Isaaq, through the utilization of traditional institutions of *xeer*, facilitated an end to hostilities, the minority clans acted as the proverbial glue that held the entire peace effort together and effectively moved the north from a ceasefire and into independence.

Civil society, women, and economics

A fourth factor concerns the role that civil society, women, and economics have played in the creation of Somaliland as we know it today.

Civil society, consisting of business owners, police officers, and others, had their own role to play in the success of Somaliland. Business owners put forth the funding of the peace

conferences that followed the end of hostilities in northern Somalia[50] while police officers have more recently provide basic security in the major towns in Somaliland.[51]

Women were also instrumental in bringing about peace. While women are marginalized in Somali society and generally prohibited from participating in political processes, it is their very marginalization which allowed certain women the ability to make a significant contribution in Somaliland's peace and state-building process.

As a foundational Somali social institution, the *shir* acted as an official forum through which various clans could engage in a participatory and decentralized form of majoritarian rule.[52] As a strictly male institution, women were quite obviously excluded. However, as women often were born into one clan and married into another, they were seen to hold a 'dual clan' status, being "aligned with both their father's and their son's clans."[53] As Timothy A. Ridout notes in his examination of the factors of Somaliland's success,

> "the prevalence of intermarriage among northern clans and clan-families often means that women act as ambassadors between conflicted clans. Throughout the warfare in 1992, women's groups demonstrated for peace. They also helped with conference planning and logistics [and in promoting peace and reconciliation]."[54]

What this mean for the present discussion is that women held a unique relationship in Somali culture as they were able to transcend clan lines more easily through inter-clan marriages and thereby form linkages within and between clans.[55] Moreover, by operating outside of the male-dominated nature of Somali culture, women have the ability to influence their husbands behind the scenes on the matter of peace and uniting the region towards a peaceful and progressive future.[56]

Finally, economics had a particularly interesting role in securing a more accountable government. Eubank notes clearly that economic actors, during the 1992 civil conflict over a seaport, were at the forefront of an endeavour that would make Somaliland's government more accountable.[57] Eubank notes that this particular instance of conflict resulted in a negotiated settlement whereby the government would be allowed to collect tax revenues from imports and exports under the condition that,

> "[the government] accepted a new set of national political institutions that not only embodied a much broader base of support, but also included internal checks and balances, including a bicameral legislative branch, one house of which included 150 clan elders from across the country."[58]

While there is a tendency glance over these aforementioned factors in similar discussions, it is necessary to highlight them in the case of Somaliland. Each of these sub-factors examined in this section, namely, civil society, women, and economic actors had a

role to play in shaping the peace- and state-building process in Somaliland in such a way which ensured it garnered widespread approval as well as ownership by the citizens of the region.

Hybridized federal-democracy

The final factor that has aided Somaliland in acquiring the stability which it has sought examines the unification of traditional and modern frameworks into a hybridized democracy.

To put it simply, rather than blindly adopt Western bureaucratic and democratic practices and dismissing traditional socio-political institutions, Somaliland employed these traditional frameworks, molding them on to the more Western-styled democratic frameworks. The result of this was the creation of a hybrid federal-democratic political framework that effectively mediated inter-clan rivalries and allowed for a stable socio-political environment based on legitimacy and accountability.

Moreover, this was not a simple task, nor was it accomplished overnight. This hybridized democracy, which Eubank describes as, "an unusual combination of a US-style presidency, a British-style bicameral legislature, and traditional Somali clan leadership," was the result of a series of complex and interconnected relationships and occurrences. Notably, without the solidarity shared by northern Somalis in an effort to differentiate themselves as well as the rejuvenation of traditional clan-based practices, Somaliland may never have developed into the unique democracy we can see today.

What is important to understand is that Somaliland is not just any ordinary democracy, but has adopted a federal character in order to more effectively accommodate the various clan-based, civil society, and economic interests. With independence, Somaliland saw the formal institutionalization of clan-based social arrangements in the form of the *Guurti* which consisted of 150 elders representing the various clans and *diya*, sub-groups, in Somaliland.[59] The *Guurti*, as an upper house, would not only be a representative body of the clan-based diversity of Somaliland, but it would also act as a final arbiter of socio-political disputes at the national level.[60] From this, Somaliland would go on to transition to a party-based system in the early 2000s, even adopting various political rights for women effectively allowing this group to lobby and hold office.[61] Moreover, not only were divergent interests represented in the new state, but so too were there clear lines of power division between the national government and the local authorities. Acknowledging the impoverished nature of the new government specifically, and of the people more generally, the national government would be tasked with the development of the state and the provision of basic social services such as health care, education, and security, while local affairs and disputes were handled in the manner they had always been – through elders and *xeer*.[62]

More in terms of process than substance, however, Somaliland's democratic rise was unlike elsewhere on the African continent. For one, democracy came from within and was not imposed by a former colonial power. More importantly, Somaliland's gradual democratic development reminds us that prudence, as opposed to recklessness, is pivotal when engaging in state-building enterprises. The trend in other places when moving away from authoritarian regimes was to institute democracy as quickly as possible. In essence, a common Western practice and perception has been that (African) states can best overcome authoritarianism by quickly adopting democracy. This has usually entailed rushed construction of democratic institutions, disregard for 'traditional' socio-political arrangements, and the holding of elections as quickly as possible. In contrast to all of this, Somaliland began its democratic rise by ensuring legitimate government through an upper house, the *Guurti*, and followed this slowly by instituting additional democratic and political measures in a protracted manner in order to let Somalilanders adapt to the changing political environment.

Ultimately, while it is clear that there have been many factors involved to varying degrees in the creation of a stability situation in Somaliland, tradition and socio-political inclusion have carried the majority the weight.

POLICY IMPLICATIONS

The case of Somaliland is unique for a number of reasons alluded to above and inspires a number of policy implications regarding the state-building process and self-determination.

To first reiterate a few of these unique reasons, Somaliland is a primary example of African solutions to African problems as it was a home-grown state-building exercise which was the result of a whole-of-society approach. Rather than having peace and democracy instilled by a foreign power, or group of powers, Somaliland unilaterally declared independence from Somalia and set out to establish a democratic system based on inclusivity, legitimacy, and prudence.

While there is a tendency to perceive democracy as the end goal of political venture, the idea that democracy must be a local and internal initiative of states is gaining ground in practice - foreign imposed systems of rule disregard the need for ownership of the system by the local population(s). The result is that democracy becomes contested, fragile, and gives rise to the potential for instability. This is not to imply that Somaliland has been devoid of fragility - it fought two short civil wars, for example, since it declared independence from Somaliland in 1991 - but to highlight that democracy is not a quick and easy fix to authoritarianism. Instead, the establishment of a democratic form of rule is difficult to achieve, must be wanted and owned by the populace, and must be legitimately conceived so as not to favour one social group over any other. Somaliland faced various obstacles in its move towards democratic rule, and has a number of obstacles yet to overcome, in particular gaining international recognition. However, Somaliland established a democracy in keeping with the foundational principles of inclusivity, legitimacy, and prudence, ensuring that various groups were consulted and the peace and state-

building process deliberated in conferences, traditional institutional frameworks were maintained ensuring the new framework held legitimacy among the population, and reforms were enacted gradually as opposed to abruptly.

Additionally, the gradual and internal state-building process illustrated by the case of Somaliland displays that such efforts cannot and should not be seen by Western development agencies as having a short-term timeframe. Rather, political development is a long-term initiative and should not be judged positively or negatively from one day to the next. Moreover, while Somaliland did not see a large influence on its post-independence political developments from foreign involvement, it nonetheless presents another lesson - political development, when utilizing foreign assistance, needs to be supportive of the will of the local population and in understanding of traditional socio-political institutional systems so as not to (unintentionally) impose upon the region a system of governance which is tantamount to a commandeering of the entire political enterprise. Further to this, the case of Somaliland lends support to the argument for a more hands-off approach to encouraging democracy in war-torn regions.[63]

Finally, the case of Somaliland brings up a socio-political issue which often garners debate - self-determination. Generally speaking, self-determination entails a right of a group or people to define their own life and existence free from imposition by another group. In practice, this can range from various degrees of self-autonomy within a larger state to outright independence. For Somaliland, this practically meant a declaration of independence and ensuing efforts at a homegrown peace- and state-building process quite distinct from the rest of Somalia.

Moreover, the case of Somaliland would seem to suggest that self-determination measures, particularly partition, deserve to be revisited as realistic solutions to violent conflict and situations in which sub-state groups seek a separate and self-determined existence.

A major proponent of this line of thought is Chaim Kaufmann, who theorized that after a certain threshold of violence had been suffered, it was inconceivable that a solution aimed at preserving the integrity of the multiethnic state in question could be considered realistic as a long-term option.[64] Unfortunately, the trend has often not been in favour of this approach. Africa presents an interesting case for partition and the right to self-determination given the plural nature of each of the continent's states, many of which exhibit borders reminiscent of the colonial era. In many cases, traditional lands have been randomly divided leading to the separation of a single people across international borders.[65] Moreover, Kaufmann has suggested that there has been a general trend in "conflict management to support and preserve integrated, multiethnic societies"[66] - most likely due to a resilience towards upsetting notions of state sovereignty and rigid geographic borders.

Furthermore, while the demographics of African countries are nothing like those in Western Europe, where countries were formed around distinct peoples be they French, German, Spanish, or Greek, the notion of power-sharing has often been proposed as a solution to

addressing plural societies in Africa and elsewhere. However, these systems are not always successful and may be less likely to lead to lasting peace than partition as Costantino Pischedda suggests.[67]

Critically, however, this does not mean that all instances of sub-state conflict must lead to partition as it has in the case of Somaliland. Every situation is different and will require variations on the same few options available. More importantly, the case of Somaliland, in which a people can be argued to have sought and achieved a degree of autonomy in line with a fundamental right to self-determination,[68] suggests that the negative perspective held towards secessionism needs to be revisited and partition, alongside other realistic options, needs to be more closely evaluated, seriously considered, and given its due support as a legitimate option in conflict management.

CONCLUSION

In conclusion, this paper has shown that the situation in Somaliland is the result of a complex interconnection of many factors which transcend scope and scale. Colonial history, redefining identity based on shared oppression, women, civil society and police forces – all of these factors played important roles in stabilising Somaliland. Importantly for issues surrounding state stability, what underlies the presence of violence and destabilising actions is the ability or inability of the governing apparatus to engage with and accommodate socially-divergent groups.[69] In the case of Somaliland, an active attempt at statehood and stability was made possible not by disregarding clan divisions, but by consolidating them into an upper house of Somaliland's parliament, giving the clans a representative body in which to voice their interests as well as providing the new government with a clear sense of legitimacy among northern Somalis. Rather than shape Somaliland to democracy, as it has been attempted elsewhere in Africa, democracy was shaped to the socio-political traditions and culture unique to the region. As such, while many factors, as examined in the previous section, have contributed in their own way to the success of Somaliland, the main reasons for its stability have resounded in the inclusivity of traditional authorities as well as in the establishment of a hybridized federal-democratic political organization.

Finally, one last question needs to be addressed: does Somaliland offer us, as researchers and practitioners, insight in state-building practices and processes in Africa generally, and in fragile states specifically? The short answer is yes. More significantly, by incorporating the indigenous socio-political constructs into the state-building endeavour, the case of Somaliland reveals that the state-building cannot be imposed from outside, or even from within, due to (at least) three considerations. First, the general population needs to have undergone a careful assessment of what links them together and the shared interests and goals they hold for themselves within a state. Second, the existence of indigenous socio-political constructs need to be considered and incorporated into the state-building process rather than disregarded. Third, any

progress that is to be made can only be done within a framework of partnership, not adversaries, where the diverse groups are on an equal footing and work towards a joint future free of seemingly 'never-ending' inter-group rivalries. In light of this discussion, future research may wish to examine other secessionist and self-determination events on the African continent, and even elsewhere, and assess them in comparison and contrast to the case of Somaliland. Such research will lead to a more well-rounded understanding of the underlying dynamics in support of partition.

Overall, the continued success of the state-building process in Somaliland, and elsewhere in Africa, rests on foundations of traditional socio-political mechanisms and leadership, indigenous- or African-bred democratic frameworks, and a will on the part of the governing and the governed to work together in a mediational and inclusive manner, as opposed to a conflictual and discriminatory manner, towards common goals.

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[1] Ken Menhkaus, "Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping," *International Security* no.31(3) (2006): 73-106; "Somalia country profile," BBC News, January 17, 2017, accessed January 30, 2017, http://www.bbc.com/news/world-africa-14094503; Robert I. Rotberg, edited, *State failure and state weakness in a time of terror*, Brookings Institution Press, 2003, p.7.

[2] This has been a controversial issue as there has been no country which has officially recognized the independence of Somaliland.

[3] Somaliland has not been entirely free of conflict as it did experience two short-lived civil wars in the 1990s. These, and their ramifications, will be examined later in this paper.

[4] Stephen D. Krasner and Thomas Risse, "External actors, state-building, and service provision in areas of limited statehood: Introduction," *Governance* 27, no. 4 (2014): 545.

[5] Anke Draude, "How to Capture Non-Western Forms of Governance: In Favour of an Equivalence Functionalist Observation of Governance in Areas of Limited Statehood," (2007), 4.

[6] Ibid., 12.

[7] Ibid.

[8] Krasner and Risse, 549.

[9] Krasner and Risse, 546, 550.

[10] Zachariah Mampilly, "Governance Without a State: Policies and Politics in Areas of Limited Statehood. Edited by Thomas Risse. New." (2012), 1-5.

[11] Tanja A. Börzel and Thomas Risse, "Governance without a state: Can it work?," *Regulation & Governance* 4, no. 2 (2010): 127.

[12] Ibid., 127.

[13] Tanja A. Börzel and Thomas Risse, "Dysfunctional state institutions, trust, and governance in areas of limited statehood." *Regulation & Governance* 10, (2016): 152.

[14] Tobias Hagmann and Didier Péclard, "Negotiating statehood: dynamics of power and domination in Africa," *Development and change* 41, no. 4 (2010): 546-547.; These various non-state actors include "state actors such as higher and lower echelon bureaucrats, political parties, customary authorities, professional associations, trade unions, neighbourhood and self-help organizations, social movements, national and international NGOs, churches and religious movements, but also guerillas, warlords, 'big men', businessmen, multinational corporations, regional and international (government) institutions and foreign states" (Ibid.).

[15] Börzel and Risse (2016), 152.

[16] Menkhaus K (2006/2007) Governance Without Government in Somalia: Spoilers, State Building, and the Politics of Coping. International Security 31, 74–106.

[17] Krasner and Risse, 558.

[18] Ibid.

[19] Ibid., 559.

[20] Timothy A. Ridout, "Building Peace and the State in Somaliland: The Factors of Success," *Journal of the Middle East and Africa*, no. 3 (2012): 139.

[21] Ibid.

[22] Mollie Zapata, "Somalia: Colonialism to Independence to Dictatorship, 1840-1976 | Enough Project," Enough, January 31, 2012, , accessed January 30, 2017, http://www.enoughproject.org/blogs/somalia-colonialism-independence-dictatorship-1840-1976.

[23] Ibid.

[24] Alternatively spelled Siad by other sources (Ridout, 140).

[25] Ibid., 140-141.

[26] Marleen Renders notes that the Barre regime "excluded politicians, military officers and businessmen the Northwestern Isaaq" (Marleen Renders, "Appropriate 'governance-technology'? – Somali clan elders and institutions in the making of the 'Republic of Somaliland,'" *Afrika Spectrum* 42, no. 3 (2007): 444.

[27] The Isaaq clan is the dominant clan in Somaliland representing nearly 70% of Northern Somalis (Ridout, 140).

[28] Renders (2007), 444.

[29] Ridout. 141-142. Ridout notes that in January of 1991, when the SNM was on the verge of capturing the main Gadabuursi town, it halted its advance and negotiated truce with the Gadabuursi leadership (142). Moreover, the Isaaq dominated SNM persuaded the minority clans, against whom they had fought, to attend a peace conference in Berbera in February 1991, which declared a region-wide ceasefire, and a further Grand Brotherhood Conference in April of that ear to discuss Somaliland's future (Ridout, 143).

[30] A.Y. Farah and I.M. Lewis, *Somalia: the roots of reconciliation. Peacemaking endeavours of contemporary lineage leaders: a survey of grassroots peace conferences in Somaliland*, (London: Actionaid, 1993); Daniel R. Forti, "A Pocket of Stability: Understanding Somaliland," *ACCORD Occasional Paper Series* no. 2 (2011): 9. ; *Xeer* is alternatively spelt *heer* in some sources (Farah & Lewis (1993), Renders (2007)).

[31] Ridout, 143.

[32] Ibid.

[33] By this I mean the southern region, non-inclusive of Somaliland in the north.

[34] Keep in mind that federalism is used loosely here as Somalia, as of the writing of this paper, has not clearly laid out the regional structure or division of powers typical of federal states.

[35] Both conflicts involved disputes over control of particular economic centers, a seaport in 1992 and an airport in 1994, and involved the government claiming authority over the resource while a particular clan, the 'Iise Muse clan in 1992 and the Isaaq clan in 1994, claimed ownership (Ridout, 143-146). In both instances, clan elders, particularly of minority clans, were instrumental in bringing an end to hostilities (Ibid.).

[36] Ridout, 148-149.

[37] Janina Dill, ''Puntland's Declaration of Autonomy and Somaliland's Secession: Two Quests for Self-Governance in a Failed State,'' in *Asymmetric Autonomy and the Settlement of Ethnic Conflicts*, ed. Marc Weller and Katherine Nobbs (Philadelphia: University of Pennsylvania Press, 2010), 280.

[38] Markus V. Höhne, "Political Identity, Emerging State Structures and Conflict in Northern Somalia," *The Journal of Modern African Studies* 44, no. 3 (September 2006): 409.

[39] Ian S. Spears, "Reflections on Somaliland & Africa's Territorial Order," *Review of African Political Economy*, no. 95 (2003): 93–94.

[40] Matt Bryden, ''State-Within-a-Failed-State: Somaliland and the Challenge of International Recognition,'' in *States-Within-States: Incipient Political Entities in the Post-Cold War Era*, ed. Paul Kingston and Ian Spears (New York: Palgrave Macmillan, 2004), 172.

[41] Renders (2007), 440.

[42] Ibid., 444.

[43] Ibid., 444-445.

[44] Ibid.

[45] Ibid., 445.

[46] Forti, 9-10.

[47] Ibid.; Renders (2007), 445.

[48] Renders (2007), 445. This is not to say that courts and war tribunals don't work, only that it is fascinating that there is a misconception in the West that our ways are more modern and therefore 'better' than traditional (or, pejoratively speaking, primitive) frameworks upon which disputes have been successfully resolved for centuries (certainly, these traditional architectures have existed well before even Europeans developed such Western conceptions of the state and of rule of law).

[49] Ridout, 142-143.

[50] Renders, 445.

[51] Nasir Ali, "Building State Capacity in a Post-Conflict Situation: The Case of Somaliland," *American International Journal of Contemporary Research* 4, no. 1 (January 2014): 166-167.

[52] Forti, 10.

[53] Ibid., 9.

[54] Ridout, 145.

[55] Forti, 10.

[56] Ibid.

[57] Nicholas Eubank, "Taxation, Political Accountability and Foreign Aid: Lessons from Somaliland," *Journal of Development Studies* 48, no. 4 (April 2012): 469.

[58] Ibid.

[59] Ibid.

[60] Renders (2007), 446.

[61] Mark Bradbury, Mark, Adan Yusuf Abokor, and Haroon Ahmed Yusuf, "Somaliland: Choosing Politics over Violence," *Review of African Political Economy* 30, no. 97 (September 2003): 463.

[62] Renders (2007), 449-451.

[63] Certainly a point which will spark debate and requires further analysis through future research.

[64] Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," *International Security* 20, no. 4 (1996): 136-175, and Chaim Kaufmann, "When All Else Fails: Ethnic Population Transfers and Partitions in the Twentieth Century," *International Security* 23, no. 2 (1998): 120-156; For further discussions on partition as an option in conflict management, see Roy Licklider and Mia Bloom, *Living Together After Ethnic Killing: Exploring the Chaim Kaufman Argument*, Routledge, 2013.

[65] For an excellent account of this, see Daniel N. Posner, "The Political Salience of Cultural Difference: Why Chewas and Tumbukas are Allies in Zambia and Adversaries in Malawi," *American Political Science Review* 98, no.4 (2004): 529-545.

[66] Kaufmann (1998), 120.

[67] Constantino Pischedda, "Partition as a Solution to Ethnic Conflict," *The International Spectator* 43, no. 4 (2008): 103-122.

[68] Article 1(2) of the Charter of the United Nations states, "[t]o develop friendly relations among nations based on respect for the principle of equal rights and *self-determination of peoples*, and to take other appropriate measures to strengthen universal peace" [emphasis added].

[69] Max Weber, ''Politics as a Vocation,'' in *Mapping the Political Landscape: An Introduction to Political Science, 2nd Edition*, edited by Reeta Chowdhari Tremblay, Andre Lecours, Csaba Nikolenyi, Bassel Salloukh, and Francesca Scala, (Toronto: Thomson Nelson, 2007), 10-13.

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Unlocking Potential: Affirmative Action Policies and Pitfalls in India and Brazil

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Abstract

Despite India and Brazil's impressive economic and social gains since the beginning of the 21st century, Dalits and Afro-Brazilians largely remain excluded from the economic, social and political life of their respective countries. This poses problems not only for these marginalized segments of society, but for the social cohesion and economic development of these countries as well. Both India and Brazil have implemented different types of affirmative action measures in an attempt to create more fair and equitable societies and better incorporate marginalized segments of the population into the socio-economic framework of the state. This paper explores the different ways in which Dalits and Afro-Brazilians face marginalization and the affirmative action mechanisms that seek to alleviate social exclusion based on race or caste differences. By analyzing the differences in affirmative action policies in these countries, this paper critiques their strengths and weaknesses so as to provide policy recommendations for improvement and best practices for implementing affirmative action policies.

INTRODUCTION

The beginning of the 21st Century saw India's and Brazil's economies blossom. Between 2002 and 2014, these two countries saw their economies more than quadruple.[1] This impressive economic growth was accompanied with staggering declines in inequality and poverty. Between 2001 and 2013, Brazil saw inequality, as measured by the Gini coefficient, fall by 6.46 points to 52.87.[2] Although India did not experience the same radical reduction in the Gini coefficient, inequality in India has traditionally been low for a developing country. India did however see a drastic decline in poverty, with extreme poverty[3] falling from 38.4 to 21.3 percent, an approximate 44.7 percent decline, between 2004 and 2011 (See Figure 1). Similarly, Brazil saw extreme poverty fall by 50.2 percent (from 11 to 5.5 percent) over the same time period.[4] Despite these impressive gains, poverty and inequality remain a problem in both nations. Brazil is one of the most unequal countries in the world, ranked at 133 out of 147 in terms of inequality. Although India has seen nearly half of the extreme poor escape from poverty over the past decade, as of 2011, 26.8 percent of the global extreme poor called India home.[5]

Figure 1. Poverty Trends in Brazil and India (2004-2013)
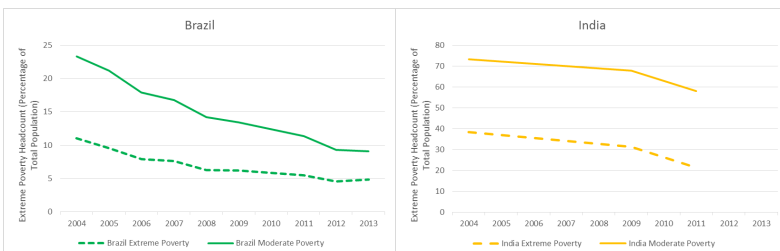
Source: World Bank. (2015). World Development Indicators. Retrieved November 9, 2015, from http://data.worldbank.org/data-catalog/world-development-indicators

Note: Poverty lines are defined using the World Bank's global poverty lines of $1.90/day in 2011 PPP for extreme poverty and $3.10/day in 2011 PPP for moderate poverty.

These figures belie a troubling reality in these nations: certain sections of the population are socially, politically, and economically excluded due to characteristics outside of their control. Race, ethnicity, religion, and caste continue to play critical roles in deciding the social and economic opportunities and outcomes of marginalized communities in India and Brazil. Despite the abolition of "untouchability" in India, Dalits[6] continue to face caste-based discrimination with few opportunities for social mobility. In Brazil, although Afro-Brazilians account for over half of the national population, they remain under-represented in politics and face labor market discrimination, lower wages and lower levels of human capital accumulation.[7,8,9]

While there are numerous moral arguments for addressing discrimination in contemporary societies, the consequences of discrimination also affect national prospects. Recent studies have suggested that countries with high levels of ethno-racial inequality face lower levels

of economic growth.[10] As economic growth slows in these countries, governments must look for ways to promote continued growth and incorporation of these segments of society in order to encourage continued economic growth and ensure that social gains are not lost.

One way that governments can seek to address ethno-racial, religious or caste-based discrimination is through the implementation of affirmative action policies or "specific efforts to recruit, hire, and promote qualified members of disadvantaged groups for the purpose of eliminating the present effects of past discrimination."[11] This form of "positive discrimination" is often implemented through quotas for particular groups.[12] India has had a long and rich history of using affirmative action policies to address caste-based inequalities dating back to the colonial period.[13] Since 2012, the Brazilian national government has implemented two distinctive affirmative action laws for Afro-Brazilians.

This paper explains the historical and contemporary ways in which Dalits and Afro-Brazilians face social exclusion and critiques Indian and Brazilian affirmative action mechanisms before providing policy recommendations for promoting the implementation of best practices and ameliorating the marginalization of Dalits and Afro-Brazilians. In order to assess the pros and cons of the affirmative action policies in Brazil and India, this paper will begin by looking at the existing literature on and objectives of affirmative action policies. This paper will then explore the history of social exclusion in India and Brazil and how marginalization continues today. The paper will then analyze the affirmative action policies implemented in each national context and explore their respective strengths and weaknesses. Based on these findings, the paper will provide policy recommendations for improving the design and implementation of affirmative action policies in each country. The paper will conclude with a summary of findings and their implications.

Why Affirmative Action Policies Matter

The term affirmative action was first used by John F. Kennedy in his 1961 Executive Order 10925 which sought to remove artificial barriers that impacted the employment of women and minorities.[14, 15] Unlike traditional distributional welfare measures, affirmative action policies take an inherently moral position in an effort to address past oppression and present societal discrimination rather than simply seeking to reduce poverty and inequality.[16] In general, affirmative action seeks to fulfill three different types of objectives: create opportunities, create role models for youth from marginalized groups, and increase interaction between different groups so as to reduce prejudices.[17]

One common objective of affirmative action policies is to provide opportunities, either through employment or education, to traditionally marginalized groups.[18, 19] These policies seek to rectify past injustices and create a more level playing field for individuals of all socio-economic, religious, and ethno-racial backgrounds by opening opportunities to these groups that may not have otherwise been feasible. Depending on the type of affirmative action policy, this is done through a variety of different mechanisms including: preferential treatment on applications

for employment and tertiary education, quotas for employment and enrollment, preferential treatment on government project bidding for companies with diverse work forces, and special scholarship, internship, and mentorship programs for members of marginalized segments of society.

A second objective of affirmative action policies that has emerged since its original inception is the aim of creating role models for traditionally marginalized groups. Rather than attempting to boost the livelihoods of all individuals of a marginalized group by creating opportunities for the most disadvantaged of these populations, this objective relies on the belief that having role models from different groups can provide inspiration for that population. A large body of evidence suggests that role models that individuals can identify with generates better socio-economic and educational outcomes.[20, 21, 22] While there is less evidence on the effectiveness of affirmative action policies in creating role models for specific groups, the evidence on the importance of role models is overwhelming.

The third objective of affirmative action policies is to promote interactions between individuals of different backgrounds as a means of reducing social tensions. This objective relies on the premise that individuals are less likely to hold prejudices against groups of people if they interact with one another. Perhaps the best example of an affirmative action policy specifically aimed at promoting interactions between different groups comes from Northern Ireland. In the case of Northern Ireland, affirmative action policies are designed to promote the integration of Catholics and Protestants within the workforce by placing specific employment requirements for both Catholic and Protestant businesses to hire representative work forces.[23, 24]

While an extensive literature on the effectiveness of affirmative action policies and opining on their merits has emerged, the vast majority of this research focuses on the impacts of affirmative action policies in the United States. While research on the United States highlights varying degrees of effectiveness on promoting social and economic equality using evidence from the United States for justification for implementing or not implementing affirmative action policies is problematic.[25, 26, 27, 28] First, affirmative action policies in the United States are designed very differently from the design in other countries. While many governments implement strict quota policies or specific guidance on how affirmative action policies are to be implemented, the United States does not. Instead, the United States relies on vague guidance which permits institutions to take marginalized group status (or diversity) into account in hiring and acceptance decisions.[29] While there are arguments for using these types of criteria, it makes assessments of the effectiveness of U.S. affirmative action policies difficult to apply to other national contexts.

Research on affirmative action policies in other national contexts is more limited, but provides more comparative approaches to assessing the pros and cons of affirmative action policies. Thomas Sowell's (2004) comparative evaluation of affirmative action policies claims that these policies are not effective mechanisms for addressing inequalities and opportunities. However, Sowell's work relies heavily on his analyses of the United States and Malaysia, two

countries that have implemented affirmative action policies that are substantially different from those implemented in other contexts and that have been subject to criticism on their effectiveness and design.[30] Research on many other countries has highlighted that affirmative action policies have driven down inequalities, generated opportunities for disadvantaged groups, and promoted social cohesion (for example: Burke, 1994; Desai & Kulkarni, 2008; Sabbagh, 2011; Sterba 2004). It is important to note however that the implementation of affirmative action policies in Brazil and India are special exceptions. While nearly all countries that have implemented affirmative action policies, including the United States, have been deeply divided societies that have used affirmative action policies to help dissuade civil unrest, this is not the case in Brazil or India.[31] Large inequalities do exist in Brazil and India, but civil unrest was not the primary rationale for the implementation of affirmative action policies. While evidence of the effectiveness of affirmative action policies at reducing inequalities is not conclusive, affirmative action remains an important tool for governments that seek to reduce inequality in their countries.

The remainder of this paper examines social exclusion based on caste and race in India and Brazil and seeks to provide policy recommendations for improving existing affirmative action policies in these countries as well as highlighting innovations within their affirmative action policies that should be considered in the design of affirmative action policies in other nations. As noted above affirmative action policies take a moral view of the need to address past oppression and present discrimination, which makes the creation of economic efficiency and equity indicators difficult given that proponents and opponents of affirmative action will consider the efficiency-equity trade off and the causes of inequality differently.[32, 33] Due to this challenge as well as data limitations, rather than attempting to measure the overall impacts of these policies, this paper takes a legalistic approach and looks at the design of India and Brazil's affirmative action policies to see if they encounter any of the common critiques and pitfalls of other affirmative action policies and other areas that may be problematic in their design. Special attention is given to the different ways that Brazilian and Indian affirmative action policies overcome some of the pitfalls that other affirmative action measures have encountered. Looking at the design of these two nations' affirmative action policies can shed light on design improvements for other countries as well as ways in which they can be improved.

HISTORIES OF SOCIAL EXCLUSION IN INDIA AND BRAZIL

The social exclusion and marginalization of Dalits and Afro-Brazilians is not a new phenomenon. In order to better understand exclusion in contemporary Indian and Brazilian society as well as the design and implementation of affirmative action measures in these countries, it is necessary to understand the historical context of marginalization in these countries.

I. India

The predominant religion of India, Hinduism, divides the population into four different *varnas*, or castes, based on the jobs that families traditionally performed; Brahmins (priests and teachers), Kshatriyas (warriors), Vaishyas (merchants and moneylenders), and Shudras (manual laborers). However, the Shudra class split into two groups, with the Ati-Shudras at the bottom of the social ladder, who would become known as Dalits or untouchables.[34] This group performed the lowest tasks and faced discrimination for fear they would "pollute" members of upper castes.[35, 36] It was nearly impossible for one to transition between castes and certain rights were granted exclusively to upper and middle caste groups, including religious and educational rights.[37, 38] Given the connection between Caste and Hinduism, many Dalits have attempted to escape caste based discrimination by converting to a non-Hindu religion, including Islam, Buddhism, and Sikhism.[39, 40] This occurred with the rise of different religions in India and continues as a means of trying to escape caste-based discrimination today.

The British formalized the caste system into "scheduled" groups in which the lowest Hindu populations became known as scheduled castes (SCs) and other marginalized ethnic groups as scheduled tribes (STs). After the turn of the 20th century, the British began to implement affirmative action policies as a way of increasing SC representation in government jobs and in elected positions, implementing quotas both in British controlled regions of India as well as within the princely states.[41]

During India's struggle for independence, Bhimrao Ramji Ambedkar worked with other leaders to fight for the rights of Dalits. However, other members of India's independence movement were not opposed to the Caste system.[42] Although Ambedkar would not completely abolish the caste system, the national constitution outlawed the practice of untouchability and guaranteed rights to individuals of all castes. Additionally, the new Indian constitution continued Britain's policy of quotas for depressed castes in political representation. Despite the abolition of untouchability, the practice continued, though the magnitude and extent varied by region and community.[43] Although there is an on-going debate of whether caste-based discrimination stems from Indian traditions or was institutionalized as part of India's colonial past, the fact remains that caste based discrimination existed at the time of independence and continues to exist today.[44]

II. Brazil

Today, Brazil is the home of the largest African descendant population in the Americas, totaling over 96 million people, or slightly more than half of the national population, according to the 2010 census.[45, 46] This large population is the result of Brazil's long history of slavery. By 1580, the Portuguese were importing more than 2,000 slaves a year resulting in a total of at least 3.65 million African slaves being imported to Brazil, more than any other country in the Americas.[47] In 1888, Brazil became the last country in the Americas to abolish slavery. However, the Brazilian elite soon became obsessed with concepts of scientific racism and

encouraged the large scale immigration of European immigrants into Brazil in an effort to "whiten" society.[48]

Despite Brazil's long history of slavery and racial prejudice, a common mythos of social inclusion developed over the 20th century; that of "racial democracy." This ideology was popularized by Gilberto Freyre's *Casa-Grande e Senzala* and supported the idea that the mixing of different races strengthened Brazil and that, in direct contrast to the United States, there was no conflict between races as they had a shared lineage and history.[49] These theories were used by Brazil to explain the lack of perceived conflict across ethno-racial lines as well as a counter-point to the modernization hypotheses established by scientific racism.[50]

Due to the long standing belief in racial democracy, affirmative action programs were, until recently, explicitly banned. However, around the turn of the millennium this began to change. By 2000, a large portion of the Brazilian public had begun to question the premise of "racial democracy."[51] Under President Fernando Henrique Cardoso, the nation began to implement some social programs specifically targeted along ethno-racial lines, these included implementing quotas for marginalized groups in some ministries and efforts to increase Afro-Brazilians in the diplomatic corps.[52, 53] In the lead up to the United Nation's 2001 World Conference Against Racism in Durban South Africa, affirmative action in Brazil's university admission practices was heavily debated in the media and were implemented in several state universities.[54] These would open the door for the further implementation of affirmative action policies in Brazil.

SOCIAL EXLUSION IN CONTEMPORARY SOCIETY

Although the social exclusion faced by Dalits and Afro-Brazilians is rooted in the past, discrimination and social exclusion continues in a number of different arenas, including education, the labor market, and in politics.[55, 56] Additionally, poverty rates remain significantly higher for these marginalized communities than among other segments of society.[57, 58] This section focuses on enumerating some of the ways in which Dalits and Afro-Brazilians are marginalized so as to better understand the inequalities that affirmative action measures seek to address.

Inequalities in access, quality, and outcomes of education in India and Brazil are particularly troubling given their long term implications on the livelihoods of those affected. Lower levels of educational attainment among Dalits in India are exacerbated by the treatment of Dalits in educational settings. Dalit children are frequently forced to sit either in the back of the classroom or outside.[59, 60] Furthermore, teachers are likely to score lower caste students lower grades on tests than they do to upper caste counterparts despite similar responses.[61] These challenges help lead to a high dropout rate among Dalit children, with over 70 percent of Dalits dropping out of school by the 10th grade.[62]

In Brazil, educational attainment rates among Afro-Brazilians remain significantly below those seen by the white population. Results of the last Brazilian census reveal that 57.2 percent

of Afro-Brazilians have less than a primary education compared to 42.8 percent of the white population.[63] Additionally, there are differences in the quality of education received. African descendants are more likely to attend a public school than their white peers across all levels of income, a troubling trend given that many often opt for private education providers where possible.[64, 65] This is particularly troubling given that, based on PISA test scores, private education is of a significantly higher quality.[66] As such, differences in public and private quality and enrollment rates between white and Afro-Brazilians may exacerbate existing ethno-racial inequalities in the country.

In terms of access to tertiary or university education, a similar story emerges. In Brazil, only 4 percent of the Afro-Brazilian population has a tertiary degree compared to 12.8 percent of the white population.[67] Furthermore, while the best universities in Brazil are predominantly public, the majority of Brazilians of all ethnicities are more likely to be enrolled in private universities.[68, 69] Although the share of college-attending Afro-Brazilians attending a public university is greater than the white population, at 29.4 and 28.1 percent respectively, Afro-Brazilians still make up a minority of students enrolled in the nation's elite public institutions.[70] Likewise, Dalits are significantly less likely to complete a secondary education or attain a college degree, with 4.8 and 1.7 percent of Dalit men and women, respectively, having a college degree compared to 14.4 and 9.1 percent of male and female upper caste members, respectively.[71]

Lower attainment rates and discrimination within the education system can result in fewer opportunities within the labor market, which is compounded by further discrimination within the labor market. Despite anti-discrimination laws in both countries, educational endowments and discrimination in the labor market drive Dalits and Afro-Brazilians into different sectors of the economy than their non-marginalized peers. In India for example, two-thirds of Dalits work either as farm or other manual laborers compared to 36.9 percent of upper caste and others.[72] In Brazil, Afro-Brazilians are significantly more likely to work in the informal sector.[73]

In addition to the differences in employment for Dalits and Afro-Brazilians, these marginalized populations face discrimination and lower wages even when employed or seeking jobs in the same sector as non-marginalized actors. Although many in India believe that caste-based discrimination is limited to rural areas, this is not the case. Equally qualified Dalits were 33 percent less likely to receive an interview offer than upper-caste Hindis in urban India according to one study. Although over qualified Dalits were more likely to receive an interview, they were still less likely than less qualified upper-caste Hindis.[74] Likewise, many job openings in Brazil require *boa aparência* (nice looks), a common euphemism for not wanting Afro-Brazilians applicants.[75] This discrimination not only applies to hiring, but in promotions, with a small portion of Afro-Brazilians in upper level positions. A survey of Brazil's 500 largest companies revealed that Afro-Brazilians were under-represented within all levels of the company, but particularly within the upper echelons of these companies where 5.3 percent of

executives were Afro-Brazilian.[76] Earnings are also significantly lower in urban areas for SCs than higher caste employees. This remains true even when controlling for endowments and sector of employment.[77] Lower earning outcomes among Dalits is further exacerbated by evidence of discrimination in fair price shops in rural India.[78]

Despite the existence of anti-discrimination laws, obvious discrimination in the private sector remains prevalent. However, more troubling yet is the lack of representativeness and clear discrimination evident within public sector employment. Although lower than in the private sector, discrimination in incomes between SCs and higher caste public employees exists in the Indian labor market.[79] In Brazil, Afro-Brazilians account for approximately 40.3 percent of the total number employed in the public service.[80] However, there is a large degree of heterogeneity in the share of Afro-Brazilians working in different positions and within different ministries (See Figure 2). Likewise, in India, the number of Class A employees who were SC was roughly 12.2 percent while the number of cleaners who were Dalits was approximately 80 percent.[81]

Figure 2. Public Sector Employment of Afro-Brazilians
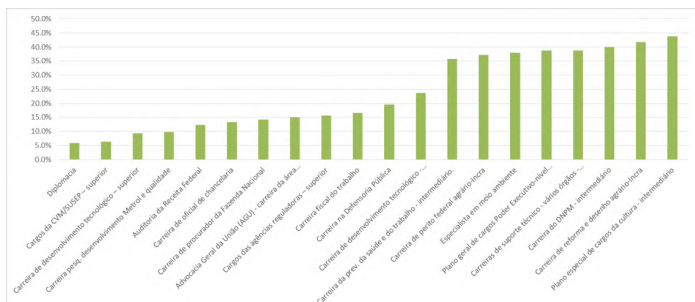
Source: Dias Silva, T., & Marques da Silva, J. (2014). Reserva de vagas para negros em concursos públicos: uma análise a partir do Projeto de Lei 6.738/2013. Nota Técnica No. 17.

One of the key ways in which marginalized groups are able to improve their access to quality services and ensure that existing policies are enforced is by participating in the democratic process. This challenge however is two-fold; participating in the democratic process can drive the better implementation of services and policy debate in favor of specific groups, but participation is limited due to socio-economic marginalization and caste or ethno-racial discrimination. While some hold the view that improved conditions for marginalized groups leads to higher levels of participation rather than political leadership leading to better service provision and policies for these groups, B.R. Ambedkar, one of India's founding fathers and the principle architect of the Indian Constitution, believed that only the Dalits, who had lived through the experience of untouchability, could speak on behalf of and on the conditions faced by their population.[82] Although he lost the case for a separate electorate, Ambedkar succeeded in establishing a set of reserved seats for scheduled castes. As such, Dalits are represented in the

legislature. Due to the ideology of "racial democracy," having either a separate electorate or reserving seats for Afro-Brazilians would be antithetical to Brazil's national identity. Despite accounting for over half of the population in the last census, Brazil has traditionally seen less than 3 percent of members of congress who are Afro-Brazilian.[83]

AFFIRMATIVE ACTION POLICIES IN INDIA AND BRAZIL

As has been discussed above, Dalits and Afro-Brazilians have faced both historical and contemporary discrimination based on race or caste. Both India and Brazil have implemented their own style of affirmative action policies to promote equality. The ways in which these programs were designed and implemented vary between the two countries and have had heterogeneous impacts on inequality in each country. This section will look at the different affirmative action measures that have been implemented in India and Brazil with a focus on what has been successful and what concerns or failures have resulted from their design and implementation.

I. India

Although India has had some form of affirmative action since British colonial rule, India established three forms of reservations post-independence; one for government employment, one for university education, and one to ensure that lower castes were represented in the government. The size and composition of these reservation programs has changed over time, with the most important being the inclusion of "other backwards classes" (OBCs) in the national reservation scheme.[84]

A. Reservations in Government Employment

The Indian federal government has utilized reservation systems to promote the number of lower caste civil servants within its ranks since the days of British colonial rule. There are two levels of quotas that are applied in the hiring process for the civil service; one when hiring is done through open competition and another when it is not. When hiring is done through open competition, a quota of 15, 7.5 and 21 percent are applied to the hiring of scheduled castes, scheduled tribes and other backwards classes, respectively. While when hiring is not completed through open competition the size of quotas increases to 16.6, 7.5 and 25.84 percent respectively.[85] Different levels of quotas are applied across different states so as to better represent state populations. Despite the long history of implementation of affirmative action measures, the employment of lower caste Hindus in the public service remains significantly below these quota figures in upper level positions. Furthermore, there is little to no overview to ensure enforcement of quota policies.[86]

B. Reservations in University Education

The size of quotas within the university education system is similar to that seen for federal government employment with 15, 7.4 and 27 percent of positions reserved for SCs, STs and OBCs, respectively. These quotas also go largely unfilled, with roughly half of SC reservations

and two-thirds of ST reservations unfilled.[87] Critics of India's affirmative action measures claim a number of problems with this policy. One common criticism, which applies to all affirmative action programs, is that this program weakens the meritocratic process of school admissions and reduces the quality of the education.[88] This critique is particularly dominant in Brazil where entrance into universities is based on results from entrance exams. However, there is evidence that students who enter universities through Brazil's affirmative action measures outperform their classmates.[89] Furthermore, due to the small share of SC students to complete a secondary education, there are often not enough applicants to fill these seats.[90]

C. Reservations in Political Representation

Unlike the affirmative action measures utilized in university admissions and in government employment, the reservation system for political representation is largely filled. In the *Lok Sabha*, or the lower house of the Indian parliament, scheduled castes hold 79 seats while scheduled tribes hold 41 seats. These correspond to approximately 15 and 8.2 percent of seats respectively.[91] These numbers are relatively similar to these group's respective populations. Additional policies require that at the local level, lower castes share in the local governing practices including local budgeting and representation on community governing bodies.[92, 93]

Although the shares of seats held by scheduled castes and scheduled tribes are similar to their population numbers, this does not imply that elected SCs and STs are working strictly to promote the rights of lower castes and/or tribal Indians. In fact, as they are elected by a common electorate, they are responsible to the entire electorate to ensure re-election, making it necessary that they promote other interests.[94] At the local level, another problem emerges. Although there is supposed to be power sharing across caste lines, there have been cases where upper castes who do not wish to share power have utilized alternative or traditional local governance mechanisms to reduce the decision-making power afforded to lower castes.[95]

D. Strengths and Weaknesses of India's Affirmative Action Policies

Perhaps the greatest strength of India's affirmative action policy is that the implementation of the program targets several different areas. By increasing the number of lower caste students enrolled in universities, the government attempts to ensure that they have a cadre of highly qualified lower caste applicants for civil service quotas and for running for public office. However, four large problems still plague India's affirmative action program; **1)** the enforcement of policies, **2)** ensuring that there are enough qualified applicants to fill quotas, **3)** promoting the success of quota entrants, and **4)** the distribution of benefits from the affirmative action programs. The last of these is of particular importance in the case of India. The categorization of the different scheduled groups creates this challenge. While reservation policies provide better representation of these categories in government employment, education and politics, these groups are highly heterogeneous. This has allowed for the higher *jati* SCs, STs and OBCs to monopolize the benefits of the reservation system to create an elite class within these populations, frequently referred to as the "creamy layer."[96, 97, 98]

II. Brazil

Brazil implemented affirmative action policies significantly later than India. It was not until the Presidency of Fernando Henrique Cardoso that the Brazilian government acknowledged the flaws of the "racial democracy" ideology and began to implement affirmative action policies. Although under Cardoso affirmative action measures began to be implemented, these were small scale and limited in scope. It was not until 2012 that the first national large scale affirmative action law was passed, seeking to increase the number of Afro-Brazilians enrolled in the nation's federal universities. This was soon followed by *Lei n⁰ 12.990* to increase the representativeness of federal employees.

A. *Lei n⁰ 12.711*- Federal University Affirmative Action Law

Passed in 2012, *Lei n⁰ 12.711* places a 50 percent quota on the admission of students into federal universities and federal technical schools. This grows upon the policies that about 73 universities had implemented in their admission processes by 2012.[99] The implementation of affirmative action laws in federal universities was particularly important given that, unlike many countries around the world, in Brazil, public universities, particularly at the national level, are considered the elite universities in the nation.[100]

However, the 50 percent quota does not strictly target Afro-Brazilians. Rather, the quota is targeted at students who graduate from public secondary institutions, which serves as a proxy for low income as many middle class and wealthy families opt to send their children to private high schools as they are believed to be of higher quality and more likely to help students pass university entrance exams.[101] Half of the 50 percent quota is then reserved for families living on less than 1.5 minimum salaries per person per month to further target to the neediest families. It also mandates that the 50 percent quota must be representative of the state's demographics for indigenous peoples and African descendants based on the latest census. This would imply that, at the national level, approximately half of the 50 percent quota must be reserved for Afro-Brazilians. However, given that the white population is more likely to enroll their children in a private institution, it is possible that the impact would be greater than the mandated share.[102, 103]

There are some elements of this law that are important to note as they resolve some of the critiques that often face affirmative action policies. First, as the law does not specifically target Afro-Brazilians, but rather those from low income families with a specific target for Afro-Brazilians. Further, targeting at low income families regardless of race ensures that the poor white population still benefits from these programs, providing a release valve for criticism of affirmative action policies. The use of targeting mechanisms based on state populations allow for more effective targeting within states with large Afro-Brazilian populations while not placing undue burdens on those states that have smaller populations.

Although this policy manages to overcome many of the common obstacles that face these kinds of programs, *Lei n⁰ 12.711* still faces some challenges and obstacles. One of the challenges to implementing affirmative action laws in Brazilian universities was, given Brazil's history of

miscegenation, identifying who is "black" in Brazil.[104, 105] In some early iterations of Brazilian affirmative action, this was resolved through the use of a university panel determining if students were phenotypically of African.[106, 107] In the current iteration of the law, racial identity is resolved using self-identification. While this may lead to some false representations, these have proven uncommon.[108]

Another critique that has plagued the implementation of this policy has been the argument that *cotistas* lower the quality of the education that is being received as they are unable to succeed in these competitive programs. However, one study of the impacts of affirmative action programs in Brazil revealed that not only students who entered the Federal University of Brasilia through affirmative action programs succeeded, but often scored higher than their non-*cotista* classmates.[109] Despite this, further measures should be considered to ensure success and retention.

A remaining problem that this policy faces is in how to ensure that enough candidates meet the criteria established under *Lei nᵒ 12.711*. The law does not lay out any measures to be taken in the event that this were to occur. While it is unlikely given that more than half the population lives on less than one minimum salary per month, 58.9 percent of which are Afro-Brazilian, this could occur, particularly given that lower income households may be less likely to complete a secondary education.[110]

B. *Lei nᵒ 12.990-* Federal Employment Affirmative Action Law

Lei nᵒ 12.990 was passed in 2014, establishing a 20 percent quota for Afro-Brazilians in federal hiring processes that use a *concurso público*[111] where at least three candidates are being considered. However, it is important to note that this does not apply to appointments. While increasing the representation of Brazil's federal employees is a noble task, this policy runs into the same challenges as the university quota policies as well as some additional problems. The most obvious problem is that there are cases where *concursos públicos* are not used or are used to fill less than three positions. This includes all political appointments as well. This reduces the impact of the affirmative action policy as these positions do not utilize the quota. While Brazil's affirmative action policy for university admissions takes the demographics of each state into consideration, this new affirmative action policy does not. This may make it difficult for some areas to reach the quota while in others the bar may be too low.[112] The problem of eligible candidates that may occur in the case of *Lei nᵒ 12.711* remains a potential risk here and is perhaps greater.

POLICY RECOMMENDATIONS

The implementation of affirmative action mechanisms in India and Brazil has yielded some innovative practices that could be replicated in other countries. However, despite these successful approaches, some challenges remain in the implementation and design of these affirmative action policies. This section will examine the best practices and remaining challenges that face the implementation of these policies in India and Brazil.

I. Best Practices

A. Complementary Targeting Mechanisms

One of the most innovative elements of Brazil's federal university quota policy is the use of socio-economic targeting mechanisms to complement ethno-racial measures. Using dual targeting mechanisms can help to avoid the problem of disadvantaged group elites, the so-called "creamy layer," from monopolizing the benefits of affirmative action policies, as is the case in India. These mechanisms instead ensure that the benefits of affirmative action go to individuals that face disadvantages due to both their socio-economic status and discrimination. Furthermore, Brazil's dual targeting mechanism also allows the benefits of affirmative action programs to support the poor of other ethno-racial groups, even if not from a group that has been traditionally marginalized. This is important as often affirmative action programs face criticism for ignoring the needs of the poor from non-disadvantaged groups. Additionally, this may make the implementation of affirmative action policies more politically palatable in certain countries.

B. Incorporating Different Disadvantaged Groups

While Brazil's targeting mechanism allows the poor of different ethno-racial groups to benefit from affirmative action programs, India's policies have taken this one step further and implemented programs that provide quotas for other groups. This is particularly important given the hierarchical caste system in India and existence of discrimination among non-Hindu groups as well.[113] While this may reduce the impact of closing gaps between different segments of the population, it can reduce inter-group hostility over the implementation of affirmative action measures as various groups can benefit from affirmative action policies rather than groups seeing affirmative action policies as a zero-sum game in which gains made by one group necessitate losses for others. Furthermore, given that the desired groups are marginalized, using income socio-economic measures further targets these programs, benefiting the desired groups relatively more while maintaining the ability to benefit multiple populations.

C. Adjustable Targeting Mechanisms

Although both India and Brazil implemented affirmative action programs at the national level, these programs have mechanisms or are complemented at the state or local level to create different quota levels in different regions. In both countries, state and local governments have implemented affirmative action policies in their hiring processes.[114, 115] While this allows policies to be more reflective of the demographics of particular regions, Brazil's *Lei n° 12.771* has elements that allow adjustable targeting nationally based on state's population shares in the last census. This adjustable targeting process helps ease the burden of affirmative action policies in regions with small target populations while ensuring that the quota level is not too low in areas with large marginalized populations.

D. Multiple Affirmative Action Areas

India and Brazil have both implemented multiple types of affirmative action policies. While India has had some trouble filling in their quotas for government employment, the existence of multiple affirmative action policies may help address this. By having an affirmative action policy that provides opportunities to pursue a university education, Brazil and India can create a group of individuals qualified for these quotas. Additionally, given discrimination in the labor market, having opportunities in the public sector may create incentives for disadvantaged groups to pursue a tertiary education. As such, these policies reinforce one another.

India also has a third form of affirmative action measure that focuses on political representation. This may further reinforce the other affirmative action measures. While this is an important element of the social inclusion policies in India, where SCs and STs are minority groups, it may not be as important for Brazil. Although Afro-Brazilian representation in congress is extremely underrepresented, Afro-Brazilians account for the majority of the population. Given that Brazil is a democracy, finding alternative methods to increase the number of Afro-Brazilians running for office is likely a better method to increase representation.[116] This could include policies that encourage party recruitment of Afro-Brazilians in leadership positions, apprenticeship programs with political parties and government offices, and campaign financing support for Afro-Brazilian candidates in local elections.

II. Remaining Challenges

A. Verifying Accurate Implementation

One common challenge for affirmative action policies is verifying implementation. This has been particularly problematic in India.[117] One way to ensure that policies are implemented correctly and fairly is to create an organization in charge of verifying compliance and helping companies, schools and/or departments that are failing to reach their quotas. The creation of a governmental organization responsible for verification has proven effective, particularly in the case of Ireland's Fair Employment Act, where the government works with companies that fail to meet quotas to design recruitment strategies so that they will be able to meet them in the future.[118, 119]

B. Recruitment of Qualified Candidates

Another frequently cited challenge is trouble recruiting members of a particular group and claims that these populations are under-qualified. In addition, their enforcement mechanisms, the Irish government supports companies in developing recruitment plans for ensuring that affirmative action policies are met. When an organization is cited with an infraction, the government helps develop an action plan for recruiting specific populations.[120, 121, 122] While these plans will not be of much help if there is a dearth of qualified candidates, Brazil and India's university affirmative action programs should support the development of a qualified cadre of

Dalit and Afro-Brazilians candidates. This can be further enhanced by improving access and quality of primary and secondary education, particularly among marginalized populations.

C. Success and Retention of Qualified Candidates

Another concern in the implementation of affirmative action in India and Brazil is the success and retention of qualified candidates. As discussed above, Afro-Brazilian students who enter through quota policies perform well, but concerns over affirmative action students dropping out or underperforming continue. To address this problem, Colombia implemented a program that provides affirmative action recipients with tutoring and counseling.[123] A similar program could be implemented to support Dalit and Afro-Brazilian students. In public sector employment, government agencies could implement mentoring programs and provide Dalit and African descendant employees with professional development opportunities.

D. Incorporating the Private Sector

Increasing the number of Dalits and Afro-Brazilians with a tertiary education and working in the public service may help promote the social inclusion of these marginalized populations. However, the public sector only accounts for a small portion of total employment, accounting for 12.11 percent of Brazilian employment in 2013.[124, 125] As such, it is necessary to incorporate the private sector in providing opportunities for traditionally marginalized groups. While some companies have their own affirmative action policies, Brazil and India should actively pursue policies that encourage or require companies to implement policies.[126]

CONCLUSIONS

India and Brazil are both faced with high levels of social exclusion, which may cause serious problems for the social cohesion and continued economic development of these countries. Affirmative action policies are a good first step in addressing these challenges. These countries' unique forms of affirmative action provide innovations for designing affirmative action policies, allowing them to avoid some of the common political and functional pitfalls faced by other countries. However, several challenges remain in the implementation of these programs.

It is necessary to adjust the targeting mechanisms that are being used to increase program effectiveness. India's broad categories of scheduled castes, scheduled tribes and other backwards classes have allowed certain segments of the population to monopolize benefits and created a "creamy layer." Using Brazil's model of targeting affirmative action measures along group and socio-economic divisions and dividing the India's castes further will allow the benefits to reach the neediest segments of the population. Brazil and India should also work with those who are accepted into programs to create pathways for promotion and to ensure that candidates are successful. The implementation of mentoring and tutoring programs may allow marginalized populations to flourish. Implementing policies in both the civil service and universities creates a cadre of applicants for the civil service positions. As the private sector is a significant part of the

economy in both countries, both Brazil and India should consider the expansion of affirmative action programs into the private sector.

India and Brazil have made impressive social and economic gains since the turn of the millennium. By promoting opportunities for traditionally marginalized populations, these gains are more likely to continue. Affirmative action policies are only one strategy for improving the economic well-being of Dalits and Afro-Brazilians, but remain useful strategies to promote opportunities for less advantaged populations.

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[1] World Bank. (2015). *World Development Indicators*. Retrieved November 9, 2015, from http://data.worldbank.org/data-catalog/world-development-indicators.

[2] Ibid.

[3] Measured at $1.90/day in 2011 PPP.

[4] Ibid.

[5] Ibid.

[6] While many different groups face exclusion (Nagla, 2014), this paper will focus specifically on the lowest castes of Indian society (SCs) which include the Dalits, previously referred to as 'untouchables.' Although this paper will focus primarily on the social exclusion faced by SCs and on the policies taken to address these inequalities, policy recommendations to improve India's reservation system will include commentary on further incorporation of other excluded segments of contemporary Indian society.

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Evolving Strategy: Examining American Cybersecurity Policy Through Strategic Culture

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Abstract

Cybersecurity is gradually receiving attention by scholars of international relations theories, though studies often rely strictly on rational or constructivist approaches, with little attempt to analyze specific cases. This study suggests that theory must be accompanied by case studies, and explores the use of first generation strategic culture theory to analyze cybersecurity policy in the U.S. It summarizes the theory of strategic culture from the first generation, highlights characteristics of American strategic culture from previous studies and then evaluates it through the development of cybersecurity in the U.S. It concludes that there is little congruency when analyzing specific traits of American strategic culture from previous studies, but that strategic culture can still offer an explanation of the development of American cybersecurity policy.

INTRODUCTION

In 1993 John Arquilla and David Ronfeldt published their article, *Cyberwar is Coming!* which expanded the terminology of cyberspace to the strategic and political realm (1993). They introduced and developed two concepts, netwar or "societal-level ideational conflicts waged in part through internetted modes of communication" and cyberwar, the military operations of "disrupting, if not destroying, information and communications system." Their analysis was that warfare would increasingly rely on information systems and with them the ability to manipulate an adversary in the future. For a study conducted nearly 25 years ago, it contains salient insights today.

In recent years the number of events as well as general recognition of cyber as a national security issue has grown substantially. Former CIA Director Leon Panetta warned in 2012 that the U.S. could face a "cyber Pearl Harbor" in which several strategic cyberattacks could paralyze the entire state and its military.[1] Cyberattacks of varying degrees of concern have occurred in Estonia, Georgia, Iran, Syria, and Ukraine, not counting the recent trend of global cyberattacks such as WannaCry and the hacking of political parties throughout western democracies. These examples are only some of the usages of cyber to influence political and strategic events.

States have become increasingly involved in cyber issues, both in terms of protecting themselves from security threats, as well as advancing their own interests. However, the actual threat emanating from cyberspace can differ from state to state.[2] If states do indeed have different perspectives on cybersecurity issues then national perceptions and practices may be distinguishable from one state to another.

The theory of strategic culture can be useful to determine if and how a state's cybersecurity strategy may be influenced by pre-existing notions and concepts pertaining to its security and defence. As strategic culture has not been previously employed to explain cybersecurity strategies, this article suggests that an initial trial be established to explore and analyze any insights the theory may offer on the development of cybersecurity strategy. Strategic culture posits that a state contains an ingrained culture that will influence or effect its interactions and thinking regarding security issues.[3] According to Colin Gray (1986, 36), the organizations responsible for the security of the state, the civil and military institutions as well as individuals, are necessarily encultured by previous experiences to think and behave in a particular manner. Each state will therefore have some variation when it comes to the planning and organization of its security and defence. This challenges the notion that technology, resources and other material factors are the sole influence on a state's decision making process. Instead strategic culture argues that a state may have a pre-disposition for behaving a certain way, and that a state's strategic decisions, while rational, benefit from an understanding of the cultural context in which they were made.[4]

Therefore the purpose of this paper is to apply the theoretical lens of strategic culture to the area of cybersecurity, determining if strategic culture has an influence in the way a state develops cybersecurity strategy. It examines both policy developments as well as actions taken by states in cyberspace. The U.S. has been selected as a case study to examine this theory for two reasons. First, the U.S. is a dominant actor in the area of cybersecurity, and is the respondent to many cyberattacks originating around the world, providing a number of examples to draw on.[5] The second, essentially for heuristic purposes, is because a significant body of literature on American strategic culture has allowed for the establishment of well defined traits and characteristics that provide the 'milieu' for American strategic thought.

THE THEORY OF STRATEGIC CULTURE

Strategic culture theory consists of three generations, but they should not be taken as a linear model in which each generation builds on the next. Instead, each generation of strategic culture provides its own raison d'être and thoughts regarding the concept of culture, which differ from one another. The first generation has been chosen in this paper as it seeks to provide strategic guidance and considerations for decision makers. This is in contrast to the second generation, which emphasizes the use of strategic culture theory to explain the dominance of particular military cultural across Western states.[6, 7] The third generation while more closely aligned with the goals of the first, emphatically focuses on developing methodology to test for the existence of strategic culture, a meticulous process that may have little policy and strategic use.[8, 9, 10, 11]

The authors of the first generation of strategic culture examined the distinctions in the strategic planning of nuclear weapons between the U.S. and the Soviet Union. The first study to use the concept of strategic culture drew attention to the inability of American analysts to fully comprehend the 'Soviet Man' when analyzing strategic documents or actions.[12] Snyder argued that Soviet strategic thinking regarding nuclear weapons was both more diverse and complex than what American analysts observed through Soviet announcements and public communications. Snyder drew on sociological and historical factors that he believed influenced Soviet strategic thought. Examining these factors would produce a strategic culture, which could be defined as "the sum total of ideas, conditioned emotional responses, and patterns of habitual behavior that members of a national strategic community have acquired through instruction or imitation and share with each other with regard to nuclear strategy."[13] Like any cultural phenomena, strategic culture would change only slowly over time indicating that strategic thought would actually only follow technological changes gradually, lagging behind as states constructed new weapons and tactical planning for their usage. Congruent to the first generation is the acknowledgement that normal military strategies can ultimately lead to strategic failures, and that the reduction of these biases can improve the transmission of knowledge, ideas and values that were useful for adapting and problem solving.[14]

Gray (1986) expanded the study of strategic culture to comparative analysis, using the development of American and Soviet notions of strategy during and prior to the Second World War. Gray attempted to pinpoint what factors went in to developing strategic culture, writing that

> "there is a discernible U.S. strategic culture – that culture, referring to the modes of thought and action with respect to force, derives from perception of the national historical experience, from aspirations for responsible behaviour in national terms, and from all of the many distinctively American experiences (which stem from geography, political philosophy, and practice – i.e. civic culture-and way of life) that determine a U.S. citizen."[15]

What Gray described as 'national style' is strategic culture, derived from notions that a culture would inform a particular pattern when thinking or acting on a certain issue. This pattern is created from an understanding of historical options and solutions that has worked well in the past and provides a baseline, or milieu, for strategic ideas to be debated and decided on within the security community. However, Gray's analysis reserved some caveats. He admitted a state could, on occasion, think or act in a manner that was generally inconsistent in a way that it had done so in the past if doing so allowed it to adapt to a new kind of threat.

Johnston contended that the first generation of strategic culture was incomplete and that it left no space to conceive of a choice that was not decided on by cultural factors.[16] He argued for a more falsifiable method for studying the effects of strategic culture based on separated political and strategic assumptions of war from operational assumptions visible in decision making.[17] Gray rebutted that culture was inseparable from behaviour since those making strategic decisions were themselves necessarily encultured.[18] Phrased alternatively, a state's actions could not be separated from the ideas around them, and that behaviour could not be separated from culture to examine a cause and effect relationship. Gray (2007) later elucidated on his original works, stating that culture is not a prime determinant or independent variable in decision making and that regardless of the factors that go into making a strategic decision, the decision will ultimately be in national practices of thinking, making it impossible to separate strategic culture from a security community.[19]

Since this debate, others have sought to weigh-in on the conversation and provide their insights. Poore posited that there is a certain inevitable tautology to the study of strategic culture. "Strategy cannot fail but be cultural, then non-cultural or material variables can have no meaning outside of the cultures that condition them. Hence a tautology is inevitable: everything cultural does matter and cannot be disconnected from anything else."[20] While Poore (2003) concluded that it is nearly impossible to determine a cause and effect relation between cultural variables and behavioural outcomes, he did state that approaching strategic culture from the perspective of the first generation provided a superior focus than that of the third generation by being able to view the culture as a whole, escaping the otherwise dense and overly cautious studies of systemic

analysis found in the third generation. This paper takes much of what the first generation has to offer on strategic culture, viewing it as a 'pattern of behaviour' as defined by Snyder and Booth. Thus this study takes culture as context, it permeates strategic behaviour as all security communities are encultured to act in certain ways.

Defining Cybersecurity

One of the primary purposes of defining the terminology of cybersecurity and cyberattacks has been to put into context whether or not these interactions can be considered a form of warfare. Advocates of cyberwar agree that it exists in some shape or form, though they may disagree on its significance in international relations and whether it has yet to occur. For example, Adam Liff suggests cyberwarfare refers to cyberattacks on computer networks in the strictest sense, excluding those which cause kinetic damage such as Stuxnet, or cases of cyber exploitation, in which coercion of the adversary is not the intention.[21] Liff (2012) concludes that there have yet to be any instances of a cyberattack that has caused coercion, and that although they may occur, the impact will likely be minimal on inter-state relations. This stands in contrast to the arguments of cyberwar as put forward by Gary McGraw, in which "the means may be virtual but the impact should be visible."[22] Despite these divisions and contradictory terms, cyberwar is generally viewed as a possible expansion of state conflict to cyberspace where states will attack one another.

In contrast, others have advocated that cyberwar has simply not taken place yet, and that it is unlikely to occur. Thomas Rid has suggests that cyberattacks are not a form of warfare and fail to meet the generally agreed upon criteria of war as set out by Clausewitz.[23] Rid (2012) highlights three criteria for an action to be considered an act of war: (1) it must be violent, or in the case of a cyberattack, cause kinetic damage, (2) it must be employed as a means to seek out another end, coercing the opponent to alter their behaviour and (3) that the action of war is political, it must be attributed to a known actor in order that their intentions be known. Cyberattacks, Rid argues, rarely meet any let alone all three of these criteria. Rather than considering a cyberattack an act of war, cyberattacks are actually employed as traditional tactics in the new medium of cyberspace, including sabotage, subversion and espionage.

Despite this rather clear cut divide, others have worked towards a mid-point, developing a form of strategic interplay that exists between states in cyberspace. According to Gartzke (2013), cyberattacks will not be as pivotal as many believe in modern military and strategic affairs simply because states do not see the benefit of conducting such operations.[24] He argues that the threat of cyberattacks is over exaggerated, as these can be appealing as political acts only to the degree that they effect the decisions that sovereign states make, and that to be a credible threat, damage must be permanent and durable. To Gartzke, these need to be integrated with other elements to be used effectively as coercion. Simply threatening a cyberattack is not coercive enough, either because it will not be believed, or because the open use of such an attack

leaves the aggressor open to attribution and possibly retaliation.[25] In this sense Gartzke ultimately argues that cyberattacks have little strategic effect in inter-state relations.

Brandon Valeriano and Ryan Maness agree that cyberwar has yet to occur and is an over-statement of the strategic importance that cyber operations play between states. However, they refer to 'cyber conflict' as a way in which states compete, potentially with military units and resources, but one that will result in little kinetic damage. "Cyber conflict is a tactic, not a form of complete warfare. It is not even a separate domain. It is a tool in the arsenal of diplomacy and international interactions, just as other forms of threats, and offensive and defensive actions in the toolbox of a state's arsenal of power."[26]

This paper uses the definition of state interaction in cyberspace as 'cyber conflict' in which that states may behave in strategic interactions towards one another. While not specifically constituting a form of warfare, cyber is worthy of being studied as a distinct area of strategy.

AMERICAN CYBERSECURITY

The early development of cyber as a national security issue and means of strategic influence within the U.S. has been given some scholarly attention, sorting the development of the issue into certain phases. It has been suggested that in the 1970s the U.S. recognized that computers could be attacked to have their data stolen, and that this progressed in the 1980s and 90s to the realization that computer attacks could be built into military arsenals and that other states were capable of similar activities.[27] Incidents of early hacking including the 414s Gang, the Cuckoo's Egg and the Morris Worm, was enough to convince the American government that responsibility and control were needed for the protection of network communications.[28] Simultaneously a change in military and strategic policy came with the breakup of the former Yugoslavia, in which both Serbian and NATO forces routinely scanned online sources for information to piece together intelligence and saw the emergence of Distributed Denial of Service (DDOS) attacks.[29, 30]

These early events were not without consequences. Protection of federal computers and networks was overhauled in 1998 when Presidential Decision Directive (PDD) 63 established roles for departments other than the Department of Defense to address threats emanating from cyberspace. PDD 63 listed Departments related to specific areas of critical infrastructure, with the Department of Commerce (DOC) to act as the coordinator and communications lead (U.S. 1998). Special functions were assigned to DOD, the Department of State (DOS), the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA). It also established a National Coordinator for Security, Infrastructure Protection and Counter-Terrorism and a National Infrastructure Protection Center (NIPC) staffed primarily by the FBI but including representatives from the defence and intelligence communities.

In contrast to the concerns of the 1990s, the 2000s have seen American cybersecurity become more concerned with Advanced Persistent Threats (APTs) and the consequences of extensive spying or hacking incidents from foreign states. Some of the better known examples include Titan Rain in which a number of DOD and military computers were infiltrated, and GhostNet which was responsible for providing information on the Dalai Lama.[31] One of the most devastating instances of cyberattacks against the U.S comes from the 2014 hack of the Office of Personnel Management (OPM) in which background security clearance information on 21.5 million individuals was stolen.[32] The results of the attack are likely to lead to the centralization of some aspects of information technology under the Cybersecurity National Action Plan, in order to give smaller departments and agencies proper cybersecurity infrastructure.[33]

The U.S. has slowly become more involved in the use of cyberattacks as an option for achieving strategic goals in scenarios where military strategy would be too difficult and where traditional diplomacy has failed. They consist of Stuxnet, Flame and Duqu, different pieces of malware that have been found in various countries in the Middle East.[34] They are generally believed to be related to a U.S. and Israeli operation known as Olympic Games, which was to covertly assess and disrupt Iran's nuclear weapons program. Olympic Games eventually resulted in slowing down Iranian nuclear enrichment for almost two years.[35]

These events have not been isolated from policy and administrative changes in the U.S. The *National Strategy to Secure Cyberspace* recommended the development of a cyberspace response system, a threat and vulnerability reduction program, securing the governments' areas of cyberspace and coordinating national cybersecurity concerns at the international level.[36] In 2008 the Department of Homeland Security (DHS) gained responsibility for securing government systems, creating the operations center U.S. Computer Emergency Readiness Team (US-CERT) and the National Cybersecurity and Communications Integration Center (NCCIC), which was responsible for coordinating cybersecurity response between DOD and DHS. The 2009 *Cyberspace Policy Review* started a 60 day clean-slate review of cybersecurity policy, recommending cybersecurity be designated as one of the President's top priorities and that a cybersecurity policy official be appointed to coordinate the activities of the executive councils of the White House.[37]

In terms of military involvement in cyber, the Air Force had been the primary military branch originally responsible for cyber operations, though this was viewed with some contention.[38] In 2009 U.S. Cyber Command (USCYBERCOM) was created, establishing a central authority under which DOD could control military cyber operations and the defence of DOD military networks. As a result cyberspace was given treatment on par with any other military domain under U.S. Strategic Command (USSTRATCOM) by 2010, equipped with its own four-star general. Until recently the head of USCYBERCOM was also the director of the NSA in order to benefit from intelligence gathered within the larger U.S. intelligence community.[39]

The development of an American cyber strategy can be viewed by tracing various DOD documents overtime. The *National Defense Review* (U.S. DOD 2005, 16) first addressed cyberspace as an area for military strategy and the *Department of Defense Strategy for Operating in Cyberspace* highlighted the operational goals that were to be used to achieve the strategic objectives.[40] The *International Strategy for Cyberspace* released details what the U.S. considers to be the overarching 'core principles' of its position regarding cyberspace, including the fundamental freedom of expression, individual privacy and the free flow of information.[41] Accordingly, the U.S. pursues a strategy of deterrence and resilience to defend against malicious threats to its networks.

However, it is perhaps the *Department of Defense Cyber Strategy* that has revealed the most in terms of American strategic intent in cyberspace, establishing how the strategy is operationalized.[42] The Strategy notes that all cyberattacks, just like regular military attacks, are examined by the President and NSC on a case-by-case basis and that only the President or the Secretary of Defence can order operations to counter a foreseen or current cyberattack. It also specifies the manner in which cyberattacks are to be conducted when they do occur. For example, the U.S. military might use cyber operations to terminate an ongoing conflict if it is possible and to their advantage, or to disrupt an adversary's military systems to prevent the use of force against U.S. interests. USCYBERCOM may also be directed to conduct cyber operations, in coordination with other U.S. government agencies to deter or defeat strategic threats in other domains.

Overtime, the DOD strategy has given greater thought and clarity to the use of cybersecurity, both as a strategic tool for interacting with other actors, and the procedures regarding its operationalization. Together the establishment of USCYBERCOM and the now evident strategic and operational policy of the U.S. have elevated cybersecurity to a level similar to nuclear or military doctrine. To the U.S. cybersecurity is no longer solely the perfunctory protection of critical infrastructure and government networks from malicious software, instead it is the foremost area of national security in the early 21st century.

American Strategic Culture and the Possible Influences on Cybersecurity

How might U.S. history and policies relating to cybersecurity fit into an American strategic culture? Unfortunately, the answer is not entirely straightforward or conclusive. A number of authors have contributed to an understanding of strategic culture in the U.S. but confusion often arises regarding the levels of analysis, with different works criss-crossing over layers. Some focus on military training and preparation, while others discuss the general strategic outlook a state may have towards its security position. While all studies that analyze the culture of a given security community and its institutions are considered a part of the field of strategic culture, the divisions can be necessary. Thus this paper finds two rather different answers to the same question.

The first is that, if the concept of strategic culture as a 'milieu' is taken, as used by Gray (1986), it is possible to explain how the U.S.'s actions and policies regarding cybersecurity form a part of its strategic culture. In this sense strategic culture is taken as the state's ideas regarding its security, its perceptions of the threat environment, and its fundamental beliefs regarding the actions of other states and other security matters. Gray commented extensively on the geopolitical positioning of the U.S. stating that it gave it a "Janus-like quality of tension between isolationism and interventionism [which] are substantially geopolitical in nature."[43] The implication of American geographical isolation has led to some of its perceptions of international politics, what can be described as a 'worldview'. This worldview defines American attitudes towards other nations and influences the strategy that it adopts towards them. As a result, the U.S. may maintain a dominant world view of isolationism that oscillates to intervene in world affairs.[44, 45] As an island state it has been maintained that the U.S. intervenes for self-defence and preservation of peace or international order.[46] Although the actions of the U.S. military may seem geared towards the offensive, the actual strategic discourse and thinking behind such operations is defensive. In the strategic milieu of the U.S., peace is the normal state of international affairs, and war is abnormal (and therefore preparation for war is abnormal).

While the U.S. has worked to isolate its government networks, protect critical infrastructure and ensure the free flow of information, it has slowly but simultaneously begun to realize that cyberspace can prove to be an effective tool for engaging and influencing other states. This development has been gradual, as public documents have revealed how cybersecurity policy has been operationalized. Even the initial steps taken to incorporate cybersecurity as a policy issue revolve around self-defence, cybersecurity was not seen as something to reach outwards, particularly as a form of attack. The only well-known instance of the U.S. engaging in cyber conflict is Stuxnet. Stuxnet exhibits the U.S.'s ability to surreptitiously use a cyberattack in which the adversarial actor, in this case Iran, was lead to believe that it had taken significant precautions to isolating the Natanz nuclear facility, and that its enrichment processes were safe. Supposedly conducted jointly with Israel, the attack allowed the U.S. to avoid the military intervention which its ally had been advocating for, instead arriving at a non-violent result that possibly avoided retaliation and further violence.[47] As time progresses it may be that cyberattacks prove to be an effective way to balance the isolationist and interventionist cultures as the U.S., allowing it to act in a subtle manner that costs few resources and does not put American soldiers in harm's way.[48]

The second answer that this study suggests is that American strategic culture is limited in influencing cybersecurity strategy. This is apparent when analysing institutions, both civil and military, which contain insights as to how a war should be fought and managed. Returning to Gray (1981), it was American strategy to pursue a 'stable strategic balance' that would "deter Soviet escalation, or counter-escalation, both by reason of the potent threat posed to the most vital assets of the Soviet state and by reason of the ability of the United States to limit damage to itself."[49, 50] While this basis for deterrence theory is taken as common part of American strategic

culture it is argued so particularly in the context of nuclear weapons.[51, 52] U.S. cybersecurity documents do mention deterrence, but these form just one part of the overall American defensive strategy in cyberspace along with other forms of response procedures and network resiliency.[53, 54]

When it comes to actually waging war, it has been suggested that military strategy by the U.S. has typically been pursued for the short term purpose of winning the war, with no regard for other strategic considerations.[55, 56] This has not been entirely limited to the military, as the civilian administration has long been critiqued for similar conditioning.[57, 58] This may have been caused by the extensive use of civilian economists in defence planning in order to make foreign policy as predictable as possible resulting in the separation of strategic factors from non-strategic realities. The approach the U.S. has taken to cybersecurity has from its earliest point been influenced by concerns over government, particularly DOD, networks and the possibility of attacks on its critical infrastructure. In more recent years, the U.S. has become preoccupied with establishing effective organizational structures within the White House, at the departmental level, and within the military in order to centralize operations, responses and communication. This process of 'centralization', or what might be referred to in the policy world as 'breaking down the silos' has been conducted to ensure a coordinated response to threats emanating from cyberspace. However, understandings of cybersecurity and the use of cyberattacks are still relatively new to international affairs. It is likely that organizational restructuring is a common part of adapting to such threats overtime, and may not be a specific part of American strategic culture per se. Without additional detail or case studies of U.S. use of cybersecurity policy it is difficult to suggest that strategic culture is an influence on the matter. The actual use of cyber may be quite limited to military strategy and it might well be found that cyber is influenced by the overarching world view or milieu the U.S. maintains as a part of its strategic culture, but not with specific traditional security concepts that are common to previous studies.

CONCLUSION

This paper has sought to examine whether or not strategic culture can influence cybersecurity strategy. It has assumed that an innate American strategic culture exists, believing that this strategic culture carries with it a set of beliefs that comprise a world view and that contain specific, identifiable traits. American strategic culture as it is discussed within the literature has relied on analysis that predominantly comes from the late Cold War period, much of which focuses on American attitudes to nuclear war fighting or military organization. Therefore, the primary challenge of this study has been to apply the literature to the area of cybersecurity, something that has proven quite difficult as it is not a traditional military domain.[59]

This has led to the somewhat ambivalent conclusion. It may be best to say that the study has not offered a one sided answer to its research question, but rather suggests two different but complimentary answers. The first is that a broader approach to strategic culture can prove more

useful in explaining cybersecurity policy. If strategic culture is taken as a broader set of values and beliefs that political and strategic decision making actions, then its influence on cybersecurity becomes more acceptable. The U.S. contains a strategic culture that views war and conflict as something that should not only be avoided, but that is also abnormal and as a result its behaviour in cyberspace should viewed as a way in which it can avoid such direct military conflict. Thus the connection between strategic culture and cybersecurity that this study raises relies on the assumption that the U.S. contains an isolationist world view within its strategic culture, and the example of Stuxnet, where military intervention and the possible escalation of conflict in the Middle East was avoided.

The second posits that strategic culture theory does not accurately explain American thought or behaviour for its cybersecurity policy when examining the operations in cyberspace that have been taken. The examples put forward – that American strategic culture relies heavily on the notions of deterrence and that its institutions involved in strategic planning can be short sighted – are areas where a stronger correlation could be made between theory and policy, but none exists without further and more in-depth research. Conducting an examination of these examples could possibly leading to some contradictory conclusions about how strategic culture might specifically influence American cybersecurity policy.

These two answers that I have put forward leave something to be determined – that is depending on the level of analysis used it may be easier or more difficult to use strategic culture as an explanation for cybersecurity policy, at least in the case of the U.S. It is possible that strategic culture is not evident in cybersecurity when the levels of analysis used are related to specific institutions or issues of foreign policy, but is better explained through the use of a 'world-view' on state behaviour. The latter suggests that cybersecurity can be explained as part of a state's overall strategic decision making, and therefore strategic culture.

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[30] Ibid, 77.

[31] "Tracking GhostNet: Investigating a Cyber Espionage Network." Information Warfare Monitor, 2009.

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[48] This also fits within Farrell's (2005, 3-18) description of American strategic culture containing three traits, enthusiasm for the employment of new technologies in warfare, the political desire to avoid casualties, and a pragmatic approach to international law which allows it to 'bend' the rules as best it can. The three are complimentary, which cyberattacks ideally fit – they are a high level of technology, involve no direct casualties and are still ill defined in international law.

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Is Caste related to rural India's sanitation woes?

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Abstract

As of 2012, an estimated 638 million people out of the total 1.1 billion people without access to basic pit latrine were from India (WHO, 2012). Sanitation campaigns in India started as early as in 1986 but India continues to witness high rates of open defecation (OD). The current government under Narendra Modi has set the ambitious target of ending OD by 2019 but the puzzle behind India's open defecation problem remains largely unanswered. A small but growing literature considers the caste system - born out of Hindu beliefs of supremacy of certain castes – as a barrier to ending OD in India. This paper provides a literature review of reasons behind poor sanitation among rural poor in India and goes on to highlight the need for quantitative analysis to test whether caste has a relation to rural India's sanitation woes. Measuring caste bias can be difficult as we do not have quantitative variables for the same. However, researchers could use proxy variables based on the knowledge that the caste system is predominant in the Hindu culture and some districts in India have a predominant Hindu and /or Scheduled caste population. This paper explains the reasons why we need quantitative evidence to understand impact of untouchability on behavior of households as far as toilet coverage is concerned. Based on the literature review we find that there does not exist consensus on factors affecting toilet coverage. Considering this finding, it would be erroneous for policymakers to hold caste responsible for poor toilet coverage. If untrue, this could not only lead to a waste of resources but also impact the social fabric of the country.

INTRODUCTION

"Sanitation is more important than political freedom"

-   *Mahatma Gandhi*

In 2012 an estimated 2.5 billion did not have access to improved facilities, such as a basic pit latrine, globally. Among the 1.1 billion people without any facilities, an estimated 638 million were in India.[1] The benefits of ending 'open defecation' in developing countries has been discussed and established in numerous studies.[2,3,4] Open defecation(OD) leads to fecal contamination of the environment and spread of infectious diseases like diarrheal diseases and gastro-enteric infections. The release of germs into the environment gives rise to negative externalities through the spread of infectious diseases. Studies identify early-life health and exposure to infectious diseases as important factors shaping adult human capital and economic productivity.[5,6]

Open defecation rates are highest for India with close to 67% of rural India and 13% of urban India defecating in open.[7] The first national campaign to target sanitation in India was launched in 1986, "primarily with the objective of improving the quality of life of the rural people and also to provide privacy and dignity to women."[8] The effort was largely supply-driven, with a focus on latrine construction. Some researchers argued that focusing only on large scale supply side interventions and subsidies on latrine constructions will not help in ending OD. They argue that the reason behind widespread OD is poor demand for toilets. In some cases, toilets are poorly constructed while in other instances they are deemed culturally inappropriate by the rural population. Some communities also report elite capture of the newly built toilets.[9,10]

In 1999, the central government of India restructured and rebranded the sanitation campaign as the Total Sanitation Campaign (TSC). TSC place a larger emphasis on changing behavior by dispersing information through Information, Education and Communication (IEC). The higher awareness levels due to IEC was expected to generate demand for toilets. As per the guidelines of TSC, households below the poverty line received INR 3,200 (USD 49.5) if they contributed INR 300 (USD 4.6) for the construction of toilets. Although latrine coverage rose from 22% to 31% in 2011, latrine usage was stubbornly behind.[11] The modest increase in latrine coverage was particularly surprising as India is richer than many other countries who have reduced OD for example in Bangladesh and Sub-Saharan Africa. Even though India could not make enormous strides on sanitation, it successfully eradicated polio nationwide. In 2012, the TSC was replaced by the 'Nirmal Bharat Abhiyan' (NBA)[12] with the new goal of providing access to improved sanitation facilities for all rural households by 2022 and enabling all villages to reach the ODF status. The focus of NBA was on community-led participation, inclusion, and ownership. The subsidies under NBA increased to INR 5,500 per household if they contributed INR900. Additionally, for the first-time households above the poverty line were eligible for subsidies.

In October 2014, Narendra Modi replaced NBA with the Swacch Bharat Abhiyan (SBA) with the goal of ending OD by 2019 -the 150th birth anniversary of Mahatma Gandhi. The SBA consists of two sub-missions geared towards gramin, or rural households (SBAG), and urban (SBAU) households. Given the higher OD rates in rural households and higher rates of untouchability (Spears, 2013) found in rural areas this paper focuses on SBAG.
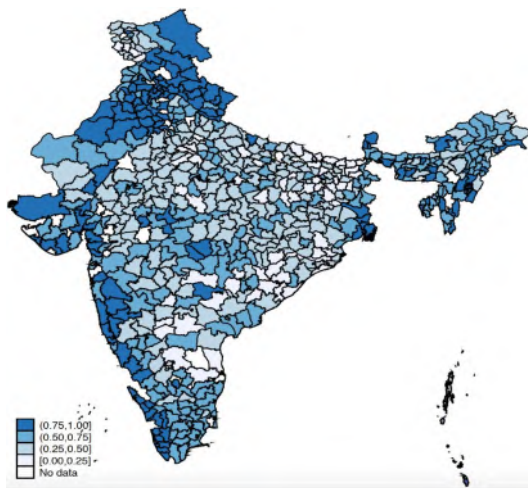
Data from The Ministry of Water and Sanitation (MofWS) shows that total individual household latrine (IHL) increased from 42% in 2012 to 56% as of date.[13] Figures A and B below show IHL coverage in 2012 and 2016 at the district level. It should be noted that this mapping only show the construction of toilets. The usability of toilets is not captured in these maps. The baseline data from 2012 shows that approximately 8% of total toilets constructed were defunct. Survey results from five states in India report that over 40% of households with a functional larine have at least one member who defecates in the open.[14] Therefore, increasing IHL coverage alone will not necessarily lead to fall in open defecation in India.

Figure A – Map showing Toilet coverage as of 2012 using data from MofWS
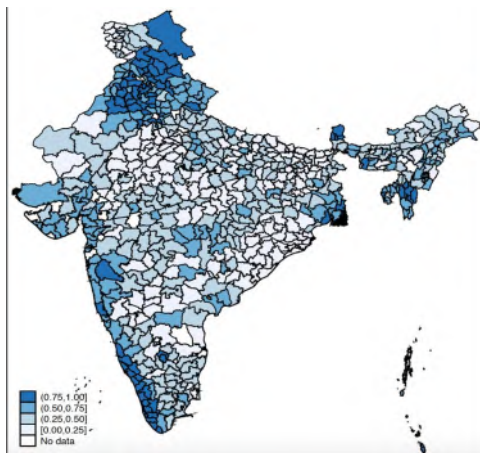
Source: Data from http://sbm.gov.in/tsc/Report_NBA/Physical/Rpt_TargetVsAch_SelectionBased.aspx, *generated on Oct 20, 2016, map created using Stata by author*

Figure B – Map showing Toilet coverage as of 2016 using data from MofWS

(0.75,1.00]
(0.50,0.75]
(0.25,0.50]
[0.00,0.25]
No data

LITERATURE REVIEW

The puzzle of open defecation in India has caught the attention of policy makers, academics, and the civil society. No other country that has invested as much as India in toilet construction has such a high rate of OD.[15]

A cross-sectional study by Barnard et. al, three years after the implementation of TSC shows that mean latrine coverage among villages was 72% (compared to <10% in comparable villages where TSC was not implemented). This points to a substantial effect of the large-scale campaign on latrine coverage. However, 39% of members of households were reportedly not using the latrine at all. This points to the usability challenge of OD in India. The drivers of latrine coverage were identified as 'household construction, having heard of TSC, and other community-wide efforts.'[16] On the other hand, Jenkins and Curtis (2005) argued that the lack of desire for a toilet, not constraints alone, was the primary reason people chose not to build. Their analysis, based on data from rural Benin, identified drivers for being a toilet adopter as related to 'prestige, well-being, mobility restrictions, desires to increase rental income. In addition, gender, life stage, education, occupation, wealth, travel experience and geography of village' were identified as important influences on underlying drivers.[17]

Reilly (2014) argues that sanitation adoption in India depends on three factors (i.e toilet tripod) namely 'multi-scalar political will', 'proximate social pressure' and 'political ecology.' Their research includes two geographically and economically different states – West Bengal and Himachal Pradesh, both of which made substantial improvements in sanitation coverage over the last 20 years. They conclude that sanitation adoption benefits from community pressure of both 'positive and punitive kind' along with shaming, fines, and withholding of benefits. Subsidies and shaming as a combination have also shown to lead to a rise in latrine ownership from 6% to 32% in a social mobilization study by Pattanayak et. al (2009) in Orissa. The authors concluded that subsidies helped in easing budget constraints for households while shaming is effective in harnessing the 'power of social pressure and peer monitoring.'[18]

Studies by Stangl et. al. (2011) and Reilly (2014) have shown that paying attention to 'structural and political ecological constraints on changing unhealthy behaviors, for example poverty and water inaccessibility respectively' can increase toilet adoption. Reilly (2014), concludes that households which struggled the most in building or sustaining use of toilets were 'poor, lived at a distance from main settlement, had trouble accessing water, emptying pits and/or lived close to forests or river banks.'

A small but growing amount of literature on OD in India has started to focus on caste and purity/pollution for sanitation campaigns in India. The caste system, which has existed for more than 3000 years in India, is a traditional system of social segregation which works on the principle of purity and pollution.[19] The caste system had formalized in India into 4 distinct communities (varnas) with the intent to maintain the supremacy of the dominant castes over others. The lowest class (varna) were termed as 'Depressed class' or 'Untouchables.' Later the State brought them under a list called the Scheduled Caste (SC)/Dalits and created provisions to improve their living standards and well-being. However, the deep-rootedness of the caste system often leads to 'stigmatization' and neglect faced by the SC in India. According to the MDGs and Dalits report, overall only 23.7% of SC households have access to latrine facility as compared to 42.3% for general households. Infrastructure inaccessibility (for e.g. access to a common water source or well) is often used by dominant castes to restrict social mobility of SC's.[20]

The health hazards facing SCs is a lot higher compared to the general population due to the high proportion of Dalits involved in manual scavenging – cleaning of human excreta with bare hands for little or no wages. A 2009 ministry of Social Justice report noted that every day 1.3 million people in India practice manual scavenging (of which more than 80% are Dalit women). Despite recommendations by ILO expert committee in 2002, the pernicious activity of manual scavenging still continues with about 342,468 persons (Social Justice report, 2009) waiting to seek rehabilitation assistance from the government. According to Mehta and Movik (2011), community led total sanitation discourses under the caste influence may, in reality, be conflict ridden and molded by 'gender, power, and patron/client relations and inequalities.' Spears et al (2013) find that OD is more common in villages with more caste conflict, arguing that community approaches might be hard to generate cooperation among villagers due to caste

hierarchy. Gupta et. al (2016) argue that reducing OD in India would be impossible without 'understanding and challenging notions of purity and pollution which prevent Indians from adopting and using latrines.' The anxieties around pit cleaning is believed to be rooted in 'India's centuries old caste system.'

In a 2015 working paper, Spears et. al hypothesize that casteism in India discourages latrine use on account of the Hindu beliefs that presence of feces pollutes the home. The other mechanism discouraging latrine use could be the belief among Hindus that emptying pits is a job worthy only of SCs.[21] Using data from the 2012 IHDS survey that asked households whether they practice untouchability, the authors report an association (non-causal) between 'local practice of untouchability and open defecation.'

Research has shown that untouchability and caste-based social exclusion are slowly being renegotiated in rural India but high caste Hindus continue to refuse to eat food or take water from houses of Dalits.[22] Using the effect of randomized caste-based political reservations on the likelihood of winning a government sanitation prize in Rajasthan, authors Lamba et al., (2014) find that villages reserved to be led by elected officials from lower caste (low-caste chairmen) are about two percentage points less likely to win a cash prize for cleanliness even though villages reserved for low-caste chairmen do not build fewer latrines'. The authors acknowledge that since the prize is awarded for people using latrines it could be the case that traditionally excluded chairmen (from lower castes) are less likely to be able to motivate villages from defecating openly. This could be because higher caste people are unwilling to listen to low-caste chairmen.[23] The authors conclude that villages 'reserved for SC sarpanchs are not any less likely to build latrines.' These results mirror observations from Chattopadhyay et al. (2004) that 'leaders will invest more in infrastructure that is directly relevant to the needs of their own genders.' Chattopadhyay et. al challenge the 'Downsian model' by showing that women elected as leaders under the reservation policy invest more in public goods more closely linked to women's concerns.'

Sanitation in India continues to be a challenge despite long-drawn efforts by the government. Government campaigns have shifted from being supply-driven in the 1980s to becoming more community focused and demand driven in the last few decades. However, change has been slow. The recent rhetoric around caste being a significant impediment to reducing OD is an important one to test, as it has large repercussions in how policy makers approach the sanitation puzzle.

DISCUSSION AND POLICY IMPLICATIONS

There are two competing forces which play into the decision of a Hindu household with regard to toilet coverage: (a) belief that feces are impure to their surroundings hence they should not build more toilets (b) belief that they can exploit existing caste hierarchy to hire services of SCs for manual scavenging, in turn increasing their likeliness to build toilet. My literature review shows that existing empirical evidence has not tested these competing forces rigorously. The

results of this paper point to the need for focusing on the relation between caste and toilet coverage, while being mindful of the competing forces at play. Untouchability as a phenomenon prevalent among Hindus is well established but further research on how this phenomenon impacts behavior of households as far as toilet coverage and toilet use are concerned, needs to be studied. This understanding is important if behaviors of households (both SCs and general category) need to be influenced.

These literature review points to various factor affecting toilet coverage but there is no evidence of a silver bullet in ending open defecation. Large scale surveys which include a random sample of districts throughout India would be warranted to test this hypothesis. In the absence of such data.one should attempt to use proxy variables to test whether predominantly Hindu districts in India are less likely to adopt toilets. If found true, after controlling for endogenous factors, one could claim that caste does have some relation to toilet coverage. The next steps would be to test whether the relationship is causal.

It would also be useful to test whether sex ratio (females to males) leads to a significant increase in toilet coverage. Policymakers have often used the narrative of 'safety for rural women', to incentivize building of toilets. However, it could be the case that a rise in sex-ratio alone does not have a sustainable increase in latrine ownership. Instead, it could be the empowerment of women (as seen in Chattopadhyay et. al) through education or appointments via elections that lead to better and healthier outcomes. If so, this would require a shift in the government's awareness strategy from one which merely talks of 'safety for women' to one which calls for 'greater participation of women' in decision making process.

This paper finds that some factor like literacy rates, access to water advocacy efforts to spread awareness higher wealth lead to a rise in toilet coverage.[24]However, there is no silver bullet on ending open defecation. The absence of long term studies makes it harder to comment on sustainability of toilet coverage. The goal of the paper was to review the literature on the growing narrative of caste being behind rural India's sanitation problems. This paper shows that it would be erroneous to jump to conclusions before understanding how caste plays into the behavior and ultimately decision of households to build toilets. While untouchability is a menace in the Indian society which successive governments have condemned, it continues to be practiced in pockets of rural India, largely those inhabited by Hindus. Further research which focus on testing the competing forces at play among predominantly Hindu households will help policymakers understand why despite multiple sanitation programs, rural India's sanitation woes continue to exist.

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