RESEARCHERS IN EXILE

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Acknowledgments

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The Scholars at Risk Network
Netzwerk Flüchtlingsforschung
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European Universities for an Open World
Science 4 Refugees
Chomsky.info
Refugee Research Network
Independent Social Research Foundation
Emerging Scholars and Practitioners on Migration Issues Network
Humanity in Action
Preface

For this inaugural New Research Voices volume we have selected 6 articles from 6 academic researchers working in different fields of research in different parts of the world. The contributing authors hail from 5 different countries (Syria, Iran, Ethiopia, the Democratic Republic of Congo and Thailand) and have contributed articles discussing the destruction of education in Syria, Koranic interpretations of homosexuality, authoritarian developmentalism in Ethiopia, the death penalty in Iran, the impact of American and Chinese foreign policy in Thailand, and the difficulties of conducting research in North Kivu in the Democratic Republic of Congo. While coming from very different fields the thread that binds these articles, and indeed the authors, together is the fact that all of the authors have been forced to leave their home countries to continue their academic work free from persecution and limitations on their freedom. These brave and tireless academics have all received assistance from champions of freedom in academia such as the Scholars Rescue Fund and the Scholars at Risk Network and sanctuary at various universities in Europe, the United States and Asia where they continue their fight for justice and a better world. New Research Voices is humbled to assist such outstanding scholars in promoting their work and hope that this volume will go some ways towards achieving their goals of promoting justice, freedom and fairness for all.

To support the research in this volume we have included interviews with each of the contributing researchers. These interviews elaborate on the researcher’s work and their efforts to contribute to academic discourse despite the difficulties they have faced as researchers in exile.

In addition to being presented in this volume these interviews are also available for download as podcasts on our website at http://newresearchvoices.org/interviews/.
Introduction to the Volume

The past year has seen global attention turn to the plight of millions of people fleeing their homes in Asia, the Middle East and Africa as they head westwards in search of a safe haven and the chance to start new lives. The struggle of millions of people fleeing war and persecution in Syria, Afghanistan, Iraq, turbulent North Africa and beyond has played out in a disturbing real time on 24-hour news television and social media across the globe. While this exodus is not a new phenomenon the fact is that 2015 has seen the largest population of displaced people globally since records began. According to the UNHCR, by the end of 2014, 59.5 million people around the world had been forcibly displaced – compared to 51.2 million a year earlier and 37.5 million a decade ago - with the number continuing to rise in 2015 and expected to rise further in the coming years.

The root causes of displacement and migration are firmly anchored in the age old maladies of competition for increasingly scarce resources, ethnic division, persecution and war. Social, political and economic persecution, and more recently climate change, have always played a role in spurring on migration but today’s world has seen these issues intensify the difficult realities for millions of people both in sending and receiving countries. As world leaders seem to converge to try to accommodate millions of people, and indeed deter millions more from seeking refuge, little attention is being paid to the annihilation of knowledge and the minds of the people who stand the best chance of contributing to their countries’ future rehabilitation.

Freedom of speech, thought and expression are obstacles that political forces and dictators who fear losing their power, be they religious clerics or dynastic rulers, see as their number one foe. Eradicating potential push-back from those who dare to speak out is a necessary step that such despots take to solidify their position and control. Academics, as the harbingers of ideas, represent a real and present challenge to theocratic and dictatorial induced ignorance and subjugation. Long the most exposed on the front-lines of resistance, academics are seemingly always the first to be purged when the power elites sense a threat to their despotic plans. It is therefore not surprising that as global unrest boiled over, 2015 witnessed the continuous persecution of academics around the world.¹

¹Scholars at Risk Network has identified 120 academics around the world who have been killed and a further 225 who have been imprisoned or faced other threats in 2015. Please see Scholars at Risk (2015). Academic Freedom Monitor. Available Online: http://monitoring.academicfreedom.info/
From time immemorial seizing power has meant seizing the cultural space. Universities in particular, with their long tradition of critical thinking and as springs for resistance movements, are prime targets for those in power who sense a threat to their station. From Greek scholars fleeing Constantinople to Italy in 1453\(^2\) to Syrian academic refugees fleeing the Islamic State in 2015, history is littered with aggressors attacking knowledge in their efforts to capture the public space. The Bolsheviks knew this and immediately after their rise to power in 1917 took measures to prevent challenges to their regime and eliminate political opposition. This laid the ground work for Lenin’s purge of professors and the intelligentsia. Later Stalin would purge the Academic Sciences replacing the old guard with a politically reliable intelligentsia.

In a similar vein the rise of Nazi Germany could not have occurred without the elbowing aside of respected university rectors, administrators and professors to make way for replacement figures from the Nazi party\(^3\). By the end of the 1930s Germany’s higher education system had been decimated and all but replaced with a subservient wing of the Nazi social machine\(^4\).

In a nod to Chairman Mao’s Chinese ‘Cultural Revolution’ the Iranian ‘Cultural Revolution’ (1980-1987) followed a similar course whereby scholars who threatened the zeal of political Islam and the revolutionary establishment were purged from academia. In the early years of the Iranian ‘Cultural Revolution’ the government closed down all universities and by 1983, when they reopened, all students and academics who were deemed ‘insufficiently Muslim’ had been removed from the education system\(^5\). As many scholars fled abroad\(^6\), the Islamization of the previously secular universities hardened with policies

\(^2\)The conquest of Constantinople, which had been the capital of the Eastern Roman Empire, by the Ottoman Empire followed a 53-day siege that had begun on Saturday, 6 April 1453.

\(^3\) The passing of the ‘Law for the Restoration of the Professional Civil Service’ in 1933 enabled the dismissal of politically distrusted individuals and groups from state institutions (including universities) and led the way for the ‘nazification’ of higher education in Germany.

\(^4\) By 1939 45% of German professors had been dismissed from their positions with many fleeing the country for refuge overseas or ending up in Concentration Camps. Please see ‘Falk, (2015). The Expulsion of the Professors from the Universities in Nazi Germany, 1933-1941.’ Available online: http://jbuff.com/c013102.html.


\(^6\) In the immediate years after the purge of academia it was estimated that there was a shortfall of 9000 academics at Iranian universities and 1 in 3 physicians and dentists left the country. Please see ‘Hosseini, (2013). June, 12, 1980 A.D.: Iran Shuts Down Higher Education.’ Available online: http://www.fouman.com/Y/Get_Iranian_History_Today.php?artid=1317.
such as requirements that men and women to sit in separate sections of the classroom taking root.
The few historical examples given above show a clear pattern where academia is one of the first bulwarks of society to be dismantled and replaced as new and destructive regimes seize power. It is an age old problem that repeats itself time and again. Indeed, it has been happening since learning and knowledge first became formalised and it is happening today as movements like the Islamic State murder professors and students on Syrian and Iraqi campuses\textsuperscript{7}. The public beheading of the famous Syrian archaeologist Khalid Al-Assad in Palmyra was perhaps one of the clearest displays of the Islamic State’s desire to literally cut down knowledge and capture the cultural space. Such barbarity is nothing new as the historical layers of humanities injustices testify to. The difference between times gone by and the present is that many more people are aware of what is going on in different parts of the world (often we know it within minutes due to ubiquitous social media) and as such our responsibilities as a universal humanity have changed.

The communications revolution, and in particular the rise of social media, has for the first time allowed us to see what is happening in the rest of the world. It has also provided a window for those that are effected by tyranny to see that there is a way out and there are people who are willing to help them. While in the past we might not have heard about individual repression and victims’ silence would have been a given, our global awareness has risen with increased interaction. Collectively, the rise of new social communications technologies and developments have contributed to the general public becoming more aware of human rights in different parts of the world\textsuperscript{8}. While more people are becoming aware of the difficulties others face around the world it doesn’t necessarily mean that the situation is improving for those who dare to stand up for their rights and the rights of others. It does, however, mean that as we become more aware of other people’s suffering we can attempt to support them and assist them in their quest for justice and dignity. This is certainly a burgeoning situation in the global academic community. The pervasiveness of internet based communication and knowledge sharing in an increasingly globalised educative world has created a certain responsibility we must all share in helping our colleagues in times of need.

\textsuperscript{7} The Council for Academics at Risk has collected testimony from academics who witnessed staff at the University of Anbar being killed for resisting Islamic State. Please see ‘Reisz, (2015). Academics Living Under Islamic State.’ The Higher Education Times 15/5/2015. Available online: https://www.insidehighered.com/news/2015/05/15/interviews-academics-living-parts-iraq-controlled-isis

\textsuperscript{8} For more on the interplay between human rights and communication media please see ‘Balabanova, (2014). The Media and Human Rights: The Cosmopolitan Promise.’ Rouledge Taylor and Francis Group, Inc.
The research presented in this Researchers in Exile volume is a testament to the will of global academia to ensure that those who struggle for truth and justice can have a voice. The contributors, while coming from different countries with differing political and social realities, all share a common bond in that they are world class researchers and academics who have had to seek sanctuary overseas in order to continue their fight for truth and justice. Through the assistance of organisations such as the Scholars at Risk Network and the Scholars Rescue Fund academics such as the ones in these pages get to continue their work and provide hope for a better future for their home countries and the world in general.

The volume includes contributions from academics from Syria, Iran, Ethiopia, Thailand and the Democratic Republic of Congo. While the political and daily realities of these countries vary greatly, as do the topics covered in the research, the common thread that binds the volume is that the contributors have all faced persecution for their work and have sought sanctuary at universities overseas where they continue, despite the many obstacles they have faced, to strive for a better world through their academic endeavors. Each research article is presented along with an interview with the academic which sheds more light on their struggles, their work and their hopes for the future. In addition to being presented here the interviews are also available for download as Mp3s on our website by clicking http://newresearchvoices.org/interviews-jan-feb-2016/. We hope that this volume will help to create stronger awareness of the difficulties some academics face around the world and that it will embolden those who face persecution and discrimination to continue their fight for justice and a fairer world.

Paul O’Keeffe and Zsuzsanna Pásztor - January 2016
Orphaned Minds: The Tragic Exodus of Syria’s Scholars

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Abstract

Immigrant scholars face many barriers and obstacles. When the immigrant is a refugee, these are multiplied. The journey of Syrian scholars in exile deserves more attention from the international scientific community than what it has thus far received. This journey tells a story of determined and perseverant scientists who struggle their way to their new careers under extraordinary circumstances. They are armed only with their hope and free thinking to overcome tremendous barriers that stand between them and their dreams. In this context, the most precious gift to give scholars is the chance to live in a safe and stimulating environment where they can pursue their professional and academic development. Preserving Syrian scholars is a moral responsibility of the scientific community, and is an investment in future social and science leaders.

Introduction

What began five years ago as a peaceful uprising, legitimately demanding justice, dignity and freedom for all Syrians, has now descended into the worst humanitarian crisis since the World War II. Assad’s savage assault on his people has resulted in a massive death toll that has exceeded 250,000 people (UNOCHA, 2015b). Thousands of prisoners of conscience continue to suffer under regime detention and routinely undergo horrifying torture Human Rights Watch, 2015. Over half of the population has been forced from their homes to become displaced and refugees (UNOCHA, 2015b). Fifty to eighty percent of the country’s infrastructure has been destroyed (UNOCHA, 2015a). The health system has collapsed almost completely after the systematic attack on hospitals and killing of medical staff, leaving thousands of Syrians deprived of basic healthcare. The education system is in ruins, resulting in massive brain drain and depriving an entire generation of education.

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Sooner or later, Assad’s war will come to an end, and Syrians will decide their own destiny and shape their democratic future. However, after this destructive war, which has fractured and fragmented the social structure, any democratic political changes will not be achieved without fundamental educational and social reconstruction. Quality democratic education is the one and only hope Syrians have to rebuild a culture of democracy, trust, equity, and tolerance, after the regime has succeeded in destroying these values. Scholars and educated youth form the core human capital upon which the rebuilding process and the democratic changes of the state will rely. There is, therefore, an urgent need for strategies, at the international level, to rescue what is left of the education system, namely the human capital.

In this paper, I first briefly revisit the status in Syria before the revolution focusing on the reasons behind the Syrian brain drain in the last four decades. Next, I analyze the root causes of the revolution, focusing on the role of the products of the education system, namely students, in this revolution. I then discuss the impacts of the destructive war on the education system in Syria, focusing particularly on the struggle of its human elements (students and scholars). Finally, I conclude with what I believe to be the way forward in strategies, at the international level, to mitigate the disastrous impacts of this war on Syria’s human intellectual capital.

The Status Before the Revolution: Syrian Brain Drain Predates the Syrian Revolution 2011

Although the violence in the last 5 years has intensified Syrian brain drain exponentially, the exodus of Syrian scholars predates the uprising in 2011 and goes back to the seventies and eighties. For four decades, the Ba’ath regime (first led by Assad the father and now Assad the son) facilitated Syrian brain drain through systematic targeting of intellectuals. The Assad regime has a long history of human rights abuses against its own people, especially intellectuals. Intellectuals, in particular, are sensitive to the oppression and persecution implemented by the regime, and the most accountable to lead any social movement toward democratic change. Hence, the regime believed that intellectuals pose a special threat considering their influence on the society as a whole. The Assad regime has maintained its power and silenced the dissenting voices by two means: the application of brutal force, and the indoctrination and molding the mentality of the population.
Criticizing or questioning the regime’s policies is never tolerated by the Syrian regime. People may be blacklisted and consequently disappeared or exiled for merely openly disagreeing with the regime’s policies (Qayyum, M. 2011). Through routine and systematic abduction, torture, and extrajudicial killing, the Assad regime not only suppressed dissidence and silenced active voices, but it also succeeded in spreading fear to others through indoctrination.

Through exploitation of the educational system, the Assad regime, on the other hand, indoctrinated the population by dictating how to be a good citizen in Assad’s Syria. Assad education system was carefully designed to strictly control information, and instill false beliefs and values in students. The education system raises students to be passive and obedient learners who absorb the knowledge delivered by their teachers as absolute facts, without question, and regurgitate this knowledge in examinations. Critical thinking is suppressed not only by the government, but also by schools, and even within the family by parents; dictatorship in education created dictatorship in the family, schools, and other establishments. This educational system has created fear of the regime and apprehension to question or challenge authority, and has contributed to discrediting an individual’s own thoughts. Strict censorship has become the norm in Syria to the extent that every man and woman have their own thought-police carrying out the act of censorship in a way akin to that portrayed in George Orwell’s “1984” (Orwell, G. 1949.).

The Revolution 2011: Smashing the Walls of Fear and Making the Unthinkable Happen

One would think that the walls of fear and the fractures in civil society created by Assad’s authoritarian regime make any attempt towards civil society engagement unthinkable. Assad was confident about his country’s position of being immune to any contagious awakening movement like that which spread across the Arab world fueled by the dignity uprising in Tunisia. But, Assad was wrong. He ignored the fact that, just like fear, courage is contagious too.

The fact that students, the direct product of the educational system, formed the main component of the Syrian uprising begs the question: How could the product of this ill and dysfunctional educational system play a critical role in the Syrian awakening?
Over the past decade Assad has taken a few modest steps to modernize and privatize the economy. The pure motives for this modernization were to benefit his relatives, loyalists, and allies on one hand, and to present himself to the Western world as an economic reformer on the other. While unintentional, this economic modernization wave did include social changes. Indeed, these steps, while benefiting Assad in the short-term, backfired and became crucial factors that later shook his throne.

Benefiting from the revolution of communication and technology industry (largely owned by Assad’s cousin, a prominent businessman), there emerged a new generation of tech-savvy youth who used their skills in info-tech to break the censorship and the restrictions on the flow of information imposed by the government. This new media was out of the regime’s control, despite all its desperate attempts to restrain the flow of information. In this context, the educated youth has undoubtedly been the integral element of the Syrian Spring; Young activists used social media to organize and prominently lead peaceful protests. Alongside the tech-savvy youth, there was a rise in young scholars who had been exposed to Western education, and had returned home to lead their universities. They played a pivotal role in changing the perception of education in their students’ minds. They facilitated a new learning process in which students progressively learn that there are no absolute concrete answers or truths, and that learning is about developing their own framework of thinking to generate their viewpoints and judgments. That was precisely what Assad’s education system has for decades striven to eradicate.

Literally, the Syrian uprising started with school children who, inspired by the Arab Spring, painted slogans on their school blackboards in Daraa (a city in the South of Syria) in March 2011. “The people want to topple the regime”, the boys wrote. As punishment, 15 of these children were arrested and tortured by the secret police. When their families marched to the governor's office demanding their release, the police opened fire and killed four protesters. This inhuman response ignited the protests that swept the country. Later, students in Syrian Universities erupted in demonstrations and strikes demanding dignity, freedom of speech, and justice for all Syrians.

Sadly, what began as a peaceful uprising five years ago, has become the worst humanitarian crisis since the Second World War. Five years of the unabated and brutal war by the Assad regime have destroyed all aspects of life in Syria. Education is no exception.
The Impact of the War on the Higher Education

The war has deprived hundreds of thousands of students of proper education. Hundreds of schools have been turned into shelters for refugees and others have been destroyed or used as headquarters and command centers by various armed groups. Universities’ infrastructures have also been damaged by Assad’s shelling or barrel bomb attacks.

Syria’s Lost Generation

Students suffer daily as they pass through checkpoints. Soldiers manning checkpoints have the absolute authority to arrest or kill suspected activists. The number of students who have been able to attend classes has dramatically decreased within the last five years. Many students have been killed; a small fraction of those deaths are documented, but the actual numbers are thought to be much higher. Larger numbers of students are forcibly disappeared. Thousands of students are still in detention, and thousands have fled with their families inside Syria or to neighboring countries. Other students have put their studies on hold in order to join groups or agencies that provide medical and humanitarian aid or in order to work to support their families after the loss of the family’s breadwinner.

After fleeing into neighboring countries, the students have been struggling to make a basic living, forced to give up their education. Measures have been taken by the governments of many host countries to facilitate the integration of Syrian students into their educational systems. However, the language barrier (in Turkey) and financial difficulties remain major obstacles. In most of the universities in the neighboring countries, students have had to retake classes they had already completed in Syrian, delaying their graduation, and increasing their financial burden.

Rescuing the Youth

There are several ways in which global and regional organizations and educational institutions can help Syrian students who have fled the violence in Syria and prevent the loss of this generation. Examples are: facilitating and expanding scholarships to Syrian undergraduate and postgraduate students, exempting Syrian students from tuition and fees, enrolling Syrian students in fee-free distance-learning programs, expanding reciprocity of Syrian educational credits. A plan at the international level is urgently needed and critical to protect the lives and future of Syrian students. The Syrian tragedy is beyond the capacity of one country or a few non-governmental organizations. It requires the international
community, including governments, private sector organizations and businesses, and local and international civil society to come together to place the Syrian refugees’ learning at the center of the global education agenda.

**Orphaned Scholars**

The war in Syria has forced hundreds of university faculty to hide, flee, or seek refuge for themselves and their families. Some academic departments have suffered the loss of the entire faculty cadres. Professors who have chosen to stay in Syria suffer like millions of Syrians from the lack of life’s most basic necessities, such as bread, potable water, and electricity, and above all safety. Because of the large number of the pro-regime informants, many faculties are exceptionally cautious to avoid any anti-regime activities.

Although life inside Syria has become unbearable for the vast majority of scholars, many of those forced into exile are in no better position as far as their professional careers are concerned.

Immigrant scholars face many obstacles. When the immigrant is a refugee, these obstacles are doubled. They may have been the brightest scholars, but during the times they were struggling to simply survive and protect their families, their native peers had been building their professional networks, forming their research methodology, and developing their professional careers in a facilitating and supportive environment. In this context, Syrian scholars become overlooked war-orphans, who have been violently deprived of their academic family and network.

The journey of Syrian scholars in exile deserves more attention from the international scientific community than it has thus far received. It is the story of determined and perseverant scientists who struggle to achieve their goals, trying to overcome significant barriers that stand between them and their goals under their extraordinary conditions of forced emigration.

Syrian scholars in exile experience several stages, with thickly layered obstacles to overcome, before they can succeed in their career. First, and almost immediately after arriving into exile, Syrian scholars who leave their country driven purely by existential causes, fall into a state of denial and confusion, feeling powerlessness and intense survivor
guilt, often mixed with uncertainty and despair. They defer their career plans in hope that their exile is temporary.

Only when they realize there is no prospect of returning home in the near future, do exiled scholars start to think about another uphill journey, chasing their dreams. The primary concerns for scholars in exile at this stage are how to fit into their new places and how to navigate their new academic system. The main scholars’ challenges here lie in finding the opportunity to demonstrate their capability and productivity, as well as other assets they can bring to any host institution.

Demonstrating productivity is an obstacle. For scientists from developing countries such as Syria, publishing in international peer-reviewed journals is a significant challenge. First, they have to overcome a setting where many of the conditions that are essential for the successful implementation of research are absent, such as the absence of a vision and awareness of decision-makers of the importance of research, the lack of expertise of trained support personnel, the lack of resources and the inefficiency of their use, and most importantly, the absence of intellectual freedom. Second, the prejudice in evaluating a piece of work coming from a developing country adds up to the obstacles that face scientist to publish their work internationally. Considering these difficulties and obstructions to publish in high impact-factor journals, Syrian scientists find themselves at a disadvantage when it comes to job and fund competition.

*The Light at the End of the Tunnel*

While we hope that the Syrian conflict comes to an end soon, there is an urgent need for a strategy at the international level to salvage what is left of the Syrian educational system namely the human capital. In this context, the most precious gift to give these scientists is the chance to live in a safe and stimulating environment where they can pursue their professional and academic development.

On the other hand, more direct means and other qualitative evaluation criteria may be important in accurately assessing the potential of Syrian scholars to succeed in their research, taking into consideration the cultural, economic, and research setting differences. For example, the capability of Syrian scholars to build proper research settings, to establish high standard research laboratories, and publish in international journals under the circumstances described above is a strong indication of the high degree of perseverance and
determination of those scholars, and points towards a potential for them to be international leaders in their fields, given the right conditions.

Providing funds and facilitating access to grants would enable scholars to re-establish their careers in their countries of refuge. It then becomes possible for them to protect the time needed to refine their research skills, publish their work, and build their professional network. Only under these conditions can scholars flourish and excel in their fields. In this context, preservation of Syrian scholars is a moral responsibility of the scientific community.

Finally, today’s smart investment in Syrian youth and scholars would generate a great return in the very near future: it is an investment in future social and science leaders. It is also an insurance policy for peace.

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References


Dr. Amal Alachkar is a Syrian Neuroscientist and Visiting Associate Professor at the Department of Pharmacology, University of California, Irvine. She is an expert on the neurobiological bases of neuropsychiatric disorders and founder of the first neuroscience laboratory in Syria at the University of Aleppo in 2010. She left Syria in 2011.

NRV: Can you tell us a little about your previous life in Syria and when and why you left the country?

Dr. Alachkar: I trained as a pharmacist in Syria. After I graduated I worked as a pharmacist in Syria for 2 years and then I was granted a scholarship to continue my PhD in Neuroscience in England, at the University of Manchester. I returned after completing my postgraduate studies to join the School of Pharmacy where I was promoted to the role of Associate Professor. I served as the Associate Dean for Administrative and Student Affairs. While I was doing a lot of teaching and administrative tasks I always had a passion for research. In particular, neuropsychiatric disorders. This is why I always had the dream of doing research after returning to my country. Finally, I succeeded in establishing the first Neuroscience lab in Syria at the University of Aleppo. We focused on different kinds of research – on the behaviour of animals, even looking at some genes in patients with psychiatric disorders. It took me a while before I saw the fruits of this project because the setting lacked a lot of basics for setting up research. I had a lot of challenges. There was a lack of vision from the policy makers about the importance of such research. That’s despite a lot of talk that Bashar Al-Assad was encouraging research and that we have to advance research. That doesn’t go beyond words. In practice there is minimum support for research in Syria. We are lacking the setting, the environment for research. The first thing you have to have is academic freedom. That’s lacking in Syria. So how can I create this debate in the minds of my students? In the end research means that you need people to work with. No researcher who is isolated can work. You need to work with others. You need to have this mentality -to question, to debate. The education system in Syria doesn’t encourage debating, because once you start questioning you will start questioning the legitimacy of the leaders.
When the demonstrations started I thought it was my moral obligation to get my voice heard. Some people thought I was really naïve because it wasn’t clear how things would go. Condemning the regime in this context means you might not only be arrested but you might also be killed. I was lucky in that I was protected by some powerful people in the faculty but I was surprised that in just two days after I spoke out against the regime I was interrogated by the secret police. It was clear, there was a message that university academics should just shut up. Dictatorships fear academia because they think that academics are the most influential. I was accused of inciting my students just because I said that there should be other ways that the regime should handle things, they should listen to people. We have demands, for reforms, more democracy, more freedom. The government should listen.

I was lucky that at that time I had the opportunity to come to the United States on the Hubert Humphreys programme. It is under the umbrella of the Fulbright programme. A few weeks before I was due to leave for this programme I was informed that I could not travel to the United States because at this time the United States was beginning to question the legitimacy of Al-Assad. It became a problem for me as I wanted to stay as I felt part of the uprising. It was important for me to stick with my students. At the same time, I knew it was very dangerous and their eyes were on me. This is why I made my journey through England telling them that I was going to England to visit my sibling there and from there I was able to come to the United States.

NRV: What role did academia play in the build up to the uprising?

Dr. Alachkar: Education was an important part of the uprising, not just in Syria but in the entire Arab Spring because it started with people who graduated from universities but they couldn’t find jobs. So it is mainly about the education system. In Syria it took a different pathway as it started with Middle School boys who painted on their walls the same statements that they heard from Egypt and Tunisia. Those kids were arrested and that ignited the revolution. It spread all over the country after people realised these little kids of 13 years of age were tortured. They were burned, their nails were taken out. That was the first spark of the revolution. It spread to the universities then. Students organised themselves, especially in the university dorms. It spread from there into the streets. Students were facing brutal attacks not only from the secret police but from the para-militias as well. Pro-Assad people. These are ignorant people who didn’t even understand what the students
were doing. They were occupied by ideas like ‘this must be stopped because it is dangerous’.
Unfortunately, in regards to the professors, they were full of fear. I always thought that we have secret police in our minds, preventing us from criticising, from openly thinking. That’s the result of this kind of education. It is cheaper for the regime to create secret police in peoples’ minds. You become the police of yourself. Only a minority of professors joined the cause of the students. I was one of those. Unfortunately, I knew a few professors who spoke openly and really suffered - either assassinated or the disappeared. A lot of them were tortured and had to leave the country after being threatened by the secret police.

**NRV: When you left, the education system was still running in some ways, and the political situation was different. What has changed since 2012 with the rise of ISIS in parts of the country and the continuing struggles? What is the current state of higher education in the country?**

**Dr. Alachkar:** Unfortunately, things have gone from bad to worse. Since two years ago when I wrote an article about Syrian scholars in exile the education system has totally collapsed. I don’t know what term I should use now, it’s worse than collapsed. It is dead. Some students are still going to the universities but the infrastructure has been damaged. Students cannot reach their institutes because they have to cross a lot of checkpoints. Some of these check points are the regime’s. Some are Isis’ or other groups’. They are putting their lives in danger daily. I have heard the students say that they go in the morning but they don’t know if they will come home in the evening. It is really amazing when I hear students say they went to the university and there were bombings and people dying near them. That’s the daily life. The people who stayed there are doing their best to survive. In the regions that are controlled by Assad people are silent. They cannot criticise they cannot be involved in any activities against the regime. Students who are outside of these regions have real difficulties. Some of them put their studies on hold. The worst situation is for people who are under ISIS control. Especially girls. They are deprived of education. ISIS believes their role is to be home makers, to be wives, to take care of children. They can be educated until the age of 15 but that’s it. They have changed the curriculums of schools. I don’t know what is going on with higher education. They suspended the previous secular curriculum, removing lots of classes such as music to fit in with their interpretation of Islam. It’s a terrible situation.
NRV: What can be done from the outside to reinforce some kind of future for Syrian academia and to try to help these students?

Dr. Alachkar: That depends on where the students are. There are students who fled and are still in the refugee camps in neighbouring countries. More than 50% of the refugees are in the age of education. That means the deprivation of this 50% will create an ignorant generation that will be unable to rebuild the country at the end of this tragedy. While they are in the camps they have to stop their studies. There might be a way to help them continue their studies through distance studies. Indeed, I have a proposal but I need some support from NGOs to support this project. I propose what I call University Without Borders Syria. This would allow students who are still in the camps to access free courses. The 63 best universities in the world post their courses online for free. If students can access those courses and if they receive onsite instructional lectures, small group discussions, how to use these courses etc... and those students are assessed on some criteria they could be provided with degrees. We need some kind of infrastructure in the refugee camps to enable this for the students. With the internet being everywhere nowadays I don’t think that is such a big problem. It needs some kind of support to combine these three methods of education to provide students with the education that they missed or they had to stop.

For students who have left to other countries and are in a position to go to university there are financial problems. Those students left the country with nothing. Some of them even left without taking luggage. Some of them even couldn’t take their documents. There is a way of getting around that by taking preliminary tests to see where they are. Instead of taking courses that they already took in Syria if we can help them by taking tests to see where they are and letting them continue based on these tests that would be great. Then we have the scholarships. There are now a lot of scholarships from all over the world. But that’s not enough. If we calculate the number - we have 3 million Syrian refugees. We are speaking about 50% of them who are in the age of education. Giving one scholarship here and there is not enough. It needs an effort at the level of the state.

NRV: Is there the political will to try to address that?

Dr. Alachkar: Well I see some political will in some countries like Germany. That’s why thousands of students are now heading there. Education there is free. That facilitates their lives there. They don’t need to work, to save to pay the fee. Also there is a great effort by
the government to take students into the universities by giving small scholarships. But it varies from country to country. I know my students who tried to come to the US to finish their Master degrees couldn’t come here with the first step - the visa. Governments can do more. We have a special case here. They have to work more on facilitating access of Syrian students to education in their countries.

**NRV: Has there been a lot of effort in neighbouring countries?**

**Dr. Alachkar:** The Turkish government has made an effort to integrate those students into the education system. There is more than one barrier. First is the financial. Those students without scholarships have to work. I know some students in Turkey who have to work the whole night to be able to support themselves. They left their families in Syria and sometimes they even have to support their families. On the other hand, there is the language barrier. The vast majority of Turkish universities use the Turkish language. We have some proficiency in English, but these students have to learn a new language from scratch. That is really a huge barrier for them.

**NRV: How has your own education and research benefited from having the opportunity to study and work overseas?**

**Dr. Alachkar:** When I came here I thought it would be 10 months and that’s that. I wanted to benefit as much as I can. Besides other activities of the Humphreys programme I established other connections here and published a lot. After I realised that I couldn’t go back to Syria I found myself at square one. I was a mid-career Associate Professor. I worked hard to establish myself and when it was time to harvest the fruits I had to start again. The thing is, this journey has enriched my experience. I’m very open, I’m very flexible. As much as I learn I also enrich the place that I am in. I came to the University of California, Irvine, on this fellowship from the Scholar Rescue Fund from the Institute of International Education and a matching fund from UCI. I joined the department of pharmacology and I’m working with Doctor Olivier Chevalier. I find it very much an enriching environment. At the same time, I helped enrich the research experience. I was working on one field but I was able to expand my knowledge and experience. I tried first to fit into this place and I guess that is what any migrant or research scholar should do – navigate the research system, the education system and find where they can fit. Be very flexible. Don’t think that you are born to do one thing and you can’t do other things. In a way I think outside of the box because I bring my understanding to their field of research.
When ideas come together they really make great things. It was a very enriching environment. I’m so happy at the level of my research. Indeed, the two projects that I initiated there were out of my narrow field. For example, I am now looking at the role of nutrition during pregnancy on psychiatric disorders. That is something I never worked on before but it came from some observations. The good thing here is that this environment opens minds to any avenues or pathways for research.

This doesn’t mean that I’m not struggling. Any migrant when they come to a new place struggles. But for scholars in exile the struggles are doubled. When I arrived I was struggling just to survive while others were struggling with methodologies etc. For me and my family there has been this uncertainty for the last 4 years. For the first 2 years here I was supported by the Scholar Rescue Fund and UCI and the last two years I was supported by UCI but that ends in a few months. So I’m struggling not just for me as a person and for my family but for my research as well. I love my research. Last year I wrote 12 grant proposals. None of them were successful but I still have hope. That challenge is faced by any scholar. I have the ideas and I need to implement these ideas but I need money to purchase chemicals etc. So it’s not only for me to survive as a person but to survive as a scholar. I always have hope that one day it will work. It’s a challenge. I enjoy this challenge I suppose. The enjoyment, the excitement of struggle. I don’t know how to explain that psychologically!

NRV: Is it dangerous/are there possible repercussions for you speaking out in public?

Dr. Alachkar: When I was in Syria of course that was dangerous. I’m the type of person to speak out. Maybe it’s because of the researcher personality that I didn’t count on the consequences. I feel it is a moral responsibility to speak out. Now this responsibility is growing. I feel safe now, my family is here. All my family is outside of Syria. This is why I feel the responsibility to have the voice of the voiceless heard. Syrian academics are scattered all over the world but they don’t get their voice heard. That’s why I feel it is my responsibility. Just like two days ago I spoke on the radio here about the refugees and about the tragedy about Syrian scholars. Last month I was in Texas doing the same. We can’t forget that there is a place called Syria where the people participated in global civilisation. The first alphabet originated in Syria. The first music note….and now ISIS is prohibiting music lessons. I mean we could find the most ancient written music notes and they were in Syria. So the Syrian people deserve to have more attention paid to their suffering. I’m proud to say I am one of those people who protested to demand more dignity. As human beings we deserve to have more dignity, more freedom, more democracy. Don’t forget about those
people. People in the west enjoy these values as granted but we have to think about people on the other side of the world who are struggling.

**NRV: What are your hopes for the future of Syria?**

**Dr. Alachkar:** Unfortunately, in the near future I don’t see a lot of hope. But in a few years this war will come to an end. This dictatorship will end and there will be a time when people can go back to their country. I was only reminded of this when I came here - we thought that our problem was only with the dictatorship and that when it will be removed we will enjoy that freedom, that democracy. But then I realised this is not enough. We need to change the mentality. We need to change the minds of people to come together, to accept the diversity to be more tolerant and this only comes with education. This is why it is so important for the international community to help Syrian Scholars. Without education it’s impossible to rebuild the society based on pluralism, based on diversity. Now it is high time to reflect on this tragedy but to hope for a better future for Syria. I’m sure international academia can help and enable Syrian scholars to one day go back and rebuild this society.
Thailand in Sino-US Rivalry at the Crossroads of the Thai Internal Conflict*

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Abstract

Thailand has been caught in the growing rivalry and competition between two powers—the United States and China. The two powerful nations have competed fiercely in order to strengthen their position inside Thailand. This competition has become increasingly intense following the Thai political crisis, which began in 2006 when the military staged a coup overthrowing the elected government of Prime Minister Thaksin Shinawatra. The fragile political situation in Thailand has provided an opportunity for Washington and Beijing to initiate their approach in order to achieve their goal of maintaining their influence in Thailand. For the United States, it has chosen to adopt an interventionist approach. In contrast, China has endorsed pragmatism while consolidating its ties with Thailand. The paper argues that the two different approaches have caused different impacts on the Thai political landscape. The interference on the part of the United States has to a great degree pushed Thailand further in the orbit of China. Meanwhile, ASEAN has been struggling to make any impact on the Thai political crisis. And this was because ASEAN’s own vulnerable position vis-à-vis its promotion of democracy.

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Introduction

The political crisis in Thailand started in the final years of the Thaksin Shinawatra administration (2001-2006), which finally led to a military coup in September 2006. But it was not the last coup Thailand had experienced. In May 2014, the military staged another coup overthrowing the elected government of Yingluck Shinawatra (2011-2014). Yingluck is the sister of Thaksin. Months before, anti-government protesters took control of business districts in Bangkok while putting pressure on Yingluck who was attempting to pass an Amnesty Bill that could set her brother free from corruption charges. The protests paved the way for the military to once again intervene in politics and suggested that the army’s political interests seemed to align with those of the protesters. Currently, Thailand is under the custody of the military regime of Prime Minister General Prayuth Chan-ocha, former army chief and leader of the coup makers. The enduring political crisis has effectively shaped the contours of the country’s foreign policy, especially in its relations with the great powers. The crisis has also provided a vital platform for these powers—in this case, the United States and China - to compete with each other in order to influence the behaviour and policy of Thailand at a time when the country has been experiencing political turbulence. It is however imperative to explain in a wider context the role of Washington and Beijing in Thailand’s protracted crisis and their competition for power and supremacy in Southeast Asia. Thailand continues to serve as a “strategic depot” for the two great powers to consolidate their sphere of influence in this part of the world. From this perspective, it can be argued that the Thai political situation has further intensified the level of competition between the United States and China, which has in turn readjusted the overall balance of power in Southeast Asia. This paper examines the different approaches of the United States and China in dealing with the Thai crisis. It asks: Which approach is more effective in the attempt to win influence in Thailand? It investigates the way in which the competition between the two great powers has come to dominate Thailand’s foreign affairs. In the final section, the paper briefly discusses the standing of the Association of Southeast Asian Nations (ASEAN) in Thailand’s polarised politics and seeks to elucidate whether Thailand has been able to exploit its position in ASEAN to dilute the overwhelming power of the United States and China over its domestic and foreign affairs.
The Eagle Versus the Dragon

Ian Bremmer has rightly observed that the United States and China are growing dangerously hostile towards one another. He questioned: Could this be worse than the Cold War? (Bremmer, 2010). The fact that the “list of irritants” in Sino-U.S. relations has grown in past years seems to validate Bremmer’s point. For example, back in 2010, burgeoning bilateral tensions almost led to a trade and currency war. U.S. Treasury Secretary Timothy Geithner claimed that China’s refusal to rapidly increase the value of its currency was hurting America’s economic recovery. Rejecting the claim, Chinese leaders stressed that the United States was wrong to blame China for its own economic woes (Yong, 2010). On top of this, the United States accused China of failing to protect the intellectual property of foreign companies. But economic issues were not the only flash points in Sino-U.S. relations. The two countries disagreed over sanctions against Iran in regards to its nuclear programme. The United States kept a watchful eye on the political development in North Korea—a country which has enjoyed a special relationship with China. Meanwhile, China criticised the United States for interfering in the Sino-Japanese conflict concerning the dispute over the ownership of the Diaoyu/Senkaku islands—the issue that stole the limelight during the 17th ASEAN Summit in Hanoi in late October 2010. In the Southeast Asian context, the United States was uneasy about the closeness between the Chinese leaders and their counterparts in Myanmar, Cambodia and Laos. Besides, the resurgence of the territorial disputes in the South China Sea, which involve China, Taiwan and four members of ASEAN—Vietnam, Malaysia, Brunei and the Philippines - has threatened peace and security in the region. The United States perceived the ongoing conflict as a threat to its own interests: the right to freely navigate the area of disputes. Then U.S. Secretary of State Hillary Clinton called the conflict “a leading diplomatic priority” for the United States during the ASEAN Regional Forum (ARF) meeting in Vietnam in July 2010 (Ten Kate and Gaouette, 2010). In 2012, China proved that its influence in Cambodia was well established when Beijing was able to convince Phnom Penh not to permit the issue of the Joint Communique which contained references to the South China Sea not entirely favourable to China. This was the first time in ASEAN’s history when a joint communiqué was not released toward the end of the conference.

But these problems are merely symptoms of troubled Sino-U.S. relations. The real cause of the problems lies in the power struggle between the two powers, one that has maintained its status as the world’s sole superpower and the other that has emerged as a new challenger to the current international order. In this essay, it supports the general argument that there is a
tendency that China’s rise, economically and militarily, will inevitably shift the regional order which the United States has helped sustain since the end of the Cold War. John Mearsheimer argued in 2005 that “A much more powerful China can also be expected to try to push the United States out of the Asia-Pacific region, much the way the United States pushed the European great powers out of the Western Hemisphere in the nineteenth century”. Southeast Asia has evidently become a battlefield in the fiercely competitive power game between the United States and China, as they both have tried, through different methods and strategies, to retain their domination over countries in the region (Bert, 2003). There is a possibility that China may use its newly gained capabilities to defy the American claim to leadership, particularly in Southeast Asia, and to reestablish regional hegemony of its own. Indeed, China has already extended its influence on neighbouring states that have been dominated by the U.S. interests previously, including Thailand. (Vogelmann, 2008; Khalilzad et al., 1990).

**Intervention versus Pragmatism**

In May 2010, U.S. Assistant Secretary of State Kurt Campbell, during his brief visit to Bangkok on his way to Naypyidaw, proposed a meeting between representatives of the Abhisit government and leaders of the pro-Thaksin red-shirted United Front for Democracy against Dictatorship (UDD). Defending his initiative, Campbell reflected on his country’s growing concern about Thailand’s violently escalating conflict, stating that this was because Thailand was a United States’ treaty ally. But the traditional political elites were not convinced. They viewed it as a move to manipulate the political situation in Thailand. Immediately, Thai Foreign Minister Kasit Piromya rejected Campbell’s role as a peacemaker, calling it a plot to meddle in his country’s domestic politics (Ashayagachat, A. 2010). In the end, the U.S. Embassy in Bangkok managed to arrange a working breakfast between Campbell and Jaturon Chaisaeng, former Thaksin cabinet member and a red-shirt leader, and Noppadon Pattama, former foreign minister and Thaksin’s legal adviser, without government’s representatives. The meeting deeply infuriated the leaders in Bangkok. They were astounded by the seemingly changing policy of the U.S. government which had previously been openly supportive of the traditional elite. Throughout the Cold War, the United Stated had forged a close alliance with the military, the bureaucracy and the palace, in their combat against the communists (See Fineman, 1997, p.3.). These intimate ties were however coming loose following the change of political landscape in Thailand in recent years. Realising that there were new players entering the Thai political domain not aligning themselves with the traditional elite, the United States embarked on diversifying its policy.
options and, at least on the surface, reached out to the red-shirted faction so as to ensure that its interests would not be affected if the political proxies of the red shirts faction won the next election. Shawn Crispin (2010) argued that the United States adopted an “interventionist approach” in order to maneuver the Thai political situation to its own advantages; and in doing so has befriended, as much as irritated, both sides in Thailand’s conflict. For example, while Campbell’s initiative may have symbolised the United States’ sympathy toward the red-shirted movement, it was also reported that the U.S. intelligence officials eavesdropped on Thaksin and warned the Abhisit government against possible sabotage during the red-shirts’ rally, supposedly at the order of Thaksin (Bangkok Post, 2010). This report disappointed the red-shirted leaders who felt that the United States could not be trusted. This interventionist approach was again evident in the aftermath of the 2014 coup when the United States has imposed a number of sanctions against Thailand, hoping to use them to conform the behaviour of the Thai military state.

On the contrary, China has strictly upheld a non-interference policy vis-à-vis Thailand. Since the coup of 2014, leaders in Beijing have concentrated on “making money rather than enemies” and are content to stay neutral in Thailand’s polarised politics. Crispin (2010) noted that China’s pragmatic diplomacy throughout the recent Thai crisis stole yet another march from the United States’ interventionist approach, as both countries have become locked in a subtle, but intensifying, competition for increased influence in Thailand and the region. While certain Thai political players are watching the United States through suspicious eyes, they feel more comfortable with China’s position in the conflict. Panitan Wattanayagorn, former government’s acting spokesman in the Abhisit administration once said (Crispin, 2010):

"Our interests and international relations are becoming more complex. We see advantages in the competition between superpowers. The United States has high stakes in Thailand and they actively pursue their interests...China is less active and uses an indirect approach and its handling of this situation was no different...China-Thailand ties are becoming more and more dynamic and China is very pragmatic, but very keen in getting information and reacting."

The above statement was reaffirmed by the Chinese Ambassador to Singapore, Wei Wei, who stressed that China may be anxious to learn what has been going on in Thailand, but it

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adhered to the principle of non-interference. He told this author, “This is Thailand’s internal affairs”. The clash between the two approaches signifies a compelling rivalry between the United States and China. Already, China’s non-interference approach has proven to be effective in cementing its ties with Cambodia, Laos and Myanmar, and has now been met with a favourable response from the Thai elite who have insisted on handling their own internal problems without outside pressure. The United States may have been a strategic partner of Thailand, but Washington’s hands-on approach has widened the gap in this partnership. Meanwhile, China has quietly bid to capitalise on that gap, presenting itself as an impartial power in the Thai conflict. The Asia Time reported, “One Chinese official, who spoke on condition of anonymity, suggested that the United States had blundered by intervening so overtly in recent Thai events and credited his embassy with taking a more nuanced approach to the crisis” (Crispin, 2010). Moreover, China has no pretense about promoting human rights and democracy. This firm posture has to a great extent guaranteed that China would not push for political reforms in Thailand, nor it would criticise the red-shirted pro-democracy agenda.

**Competing Diplomacies**

Thai-U.S. relations have in the past years turned somewhat erratic. The period saw the United States awarding major non-NATO ally status to Thailand. It also witnessed gross human rights violations in Thailand, which were a subject of concern of the Bush and Obama administrations. Whereas economic relations have remained one of the core elements of this bilateral relationship, the FTA negotiations were derailed by Thai domestic political factors. Thailand is indeed the oldest ally of the United States in Asia. The 1833 Treaty of Amity and Commerce set off this relationship which proved to be crucial in subsequent years when an American friend was needed to pull Thailand out of dangerous situations and to help it ward off enemies. For instance, the United States protected Thailand

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3 In a private discussion with Chinese Ambassador to Singapore, Wei Wei, on 11 October 2010, Singapore.

3 Thailand was awarded this status in 2003. As the United States’ major non-NATO ally, Thailand was now eligible to participate in certain counter-terrorism initiatives, get a priority delivery of military surplus (ranging from rations to ships), access loans on equipment and materials for cooperative research and development projects and evaluations, use American financing for the purchase or lease of certain defence equipment, and receive reciprocal training.

4 These included the war on drugs (under the Thaksin administration in 2003), the conflict in the Thai south which has erupted since 1994, and the current violent confrontations between the pro- and anti-government forces which culminated in May 2010.
from demands of war reparations by Britain in the aftermath of the Second World War (Randolph, 1986). It also granted generous financial and military aid to Thailand in the containment efforts against communism during the Cold War. In return, the Thai state was obliged to cultivate an anti-communist reputation to satisfy the U.S. government in order to justify the American aid grant (Fineman, 1997). The mutual benefit allowed the United States to reconstruct an anti-communist Thai state, which openly condoned the rise of militarism. In 1982, the Thai and U.S. forces commenced annual joint training exercises “Cobra Gold” to symbolise the U.S. military presence in Southeast Asia (Connors, 2006). From this historical point of view, the United States has found it “legitimate” to frequently intervene in Thailand’s domestic and external affairs, primarily to protect its own power position in the region.

It is important to note that the Thai-U.S. security alliance has remained the fundamental element in their relationship. This security alliance in the modern era is governed by two core agreements: the 1954 Manila Pact and the 1962 Thanat-Rusk Communiqué. The Manila Pact has its roots in the Cold War and involved eight countries—Australia, France, Great Britain, New Zealand, Pakistan, the Philippines, Thailand and the United States—and was committed through the Southeast Asia Treaty Organisation (SEATO), a supposedly identical twin of the North Atlantic Treaty Organisation (NATO), to stem communist expansion. SEATO was eventually dissolved in 1977 but the Manila Pact provisions committing the United States to protect Thailand from communism remain in force. The Thanat-Rusk Communiqué expanded this undertaking. It was signed by Thai Foreign Minister Thanat Khoman and his American counterpart Dean Rusk. It pledged each country to come to the other’s aid in the event of any external attack. These have underpinned Washington’s military support to Bangkok through arms, training and education. More essentially, they have given the United States a wide range of comparative advantages, especially in terms of scope and room to advance its interests vis-à-vis Thailand. China certainly does not have an equivalent defence treaty with Thailand which could be utilised to “legally” push its strategic interests while Beijing is dealing with Bangkok on a variety of issues.

The two agreements have equally benefited Thailand and the United States. On the Thai part, the kingdom gains most from the access to training and exercises essential to professional development of the armed forces. Thailand currently hosts approximately 60 U.S.-led military exercises annually through the Cobra Gold series. Its main benefit from
the alliance also lies in the access it provides to doctrinal support, education opportunities and advanced equipment sales. In the case of Thailand being confronted by external threats, U.S. support would undoubtedly prove vital. Likewise, as defence expert Robert Karniol argues, the United States also benefits from extensive training sites and facilities in Thailand. There is also Bangkok’s wider support—cooperation in combating terrorism, helping contain arms proliferation, hosting U.S.-led regional relief operations and sending peacekeepers to certain locations. As a result, Thailand was supposedly obliged to hand over suspected Russian arms dealer Victor Bout to the United States in November 2010 since the bilateral security alliance indicates the need for both countries to work together in the area of arms trafficking. While in recent years the United States has not pressed the Thai government to acquire more facilities and access under the security treaties in the way in which it has been doing in the Philippines, it has allegedly turned Thailand into a secure destination for situating secret interrogation facilities inside a Thai military base where terror suspects from Pakistan and Afghanistan were held captive. (Crispin, 2008) In sum, bilateral activities through existing defence agreements have brought various advantages to each partner while promoting broader bilateral cooperation.

But the current circumstances in Thailand have greatly complicated the United States’ interventionist approach, as it could never fully satisfy one faction in the conflict without displeasing the other. The complication multiplies as China’s rise poses as a challenge to the United States’ hegemony in the region. Demoralised by Thailand’s increasingly intimate courtship with China, the United States has exercised its supposedly legitimate right to interfere in Thai affairs as part of competing with China for Thai influence, while making use of its firm strategic partnership with Thailand as its own comparative advantage. Thailand and the United States have had a comprehensive relationship covering all important areas relating to politics, economic, security, defence, education, health and human security, science and technology, sustainable development and the environment. Both have had a forum for consultation and dialogue on their bilateral relationship called the “Thai-U.S. Strategic Dialogue”. Both also agreed to draw the Thai-U.S. Plan of Action which was to be a roadmap for moving forward the bilateral relationship. And certainly, the United States possessed one thing that China lacked — some moral authority. And for this reason, the United States once again has employed its intervening approach in the Thai political situation to firm up its position in Thailand and to fend off the influence of China.
Evidently, immediately after the coup, an army of Western countries voiced their concern about the disappearance of democratic space. Subsequently, they imposed “soft sanctions” against the junta. In the case of the US, as a treaty ally of Thailand and according to its laws, the US is obliged to penalize the Thai junta for undertaking a coup that overthrew an elected government. This is true with regards to any country receiving military aid from the U.S. when it experiences a coup. On the day of the coup, U.S. Secretary of State John Kerry (2014) said in a statement, “I am disappointed by the decision of the Thai military to suspend the constitution and take control of the government after a long period of political turmoil, and there was no justification for this military coup. […] We are reviewing our military and other assistance and engagements, consistent with US law.” Accordingly, the US government suspended financial assistance to Thailand by $4.7 million halting joint programs for Thai police training, which included firearms handling and a trip to the U.S. for senior officers.

Already, Thailand was excluded from the Rim of the Pacific Exercise (RIMPAC)—the largest international military maritime exercise in the world—held in June 2014 in Hawaii, in response to spiraling human-rights abuses in the wake of the military coup. In her interview, then American Ambassador to Thailand, Kristie Kenney, disclosed, “We take very seriously the whole human-rights aspect to this coup in Thailand. One of the things our government has done is look at our military engagements” (Campbell, 2014). In addition to sanctions, the United States adopted several punitive measures to punish the Thai junta. In July 2015, Washington announced that, owing to the continued allegations of human trafficking especially in the Thai sex and fishing sectors, Thailand was to be relegated to the lowest rank in the US’s Trafficking in Persons Report (TPR) for the second consecutive year, the same category as Syria, Iran, and North Korea (Parpart and Pratruangkrai, 2015). This announcement was another blow to Thailand’s reputation and could result in further economic sanctions both at the government and business levels. It should also be noted that during the U.S. Independence Day party hosted by Chargé d’Affaires Patrick Murphy in Bangkok on 4 July 2015, none of the coup makers were invited; this was meant to send a strong message of the U.S.’s rejection of the coup. And now, it is clear that while the Cobra Gold went on, it was downgraded as part of the US soft sanctions against the Thai junta.

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The American position towards Thailand triggered other democratic nations to use international sanctions as a way to pressure the junta to loosen its firm grip on power. The European Union initiated its own sanctions against the NCPO by announcing that it would freeze ongoing bilateral cooperation, including the suspension of all official visits to and from Thailand. In more specific details, the EU has halted its Partnership and Cooperation Agreement with Thailand, which was finalized in November 2013, but was yet to be ratified. The Agreement was designed to strengthen cooperation in a variety of sectors including “tourism, employment, education, migration, transport and environment.” It also aimed to promote a political dialogue between the two sides. Additionally, the EU has shelved the negotiations with Thailand on the Free Trade Agreement. Bilateral trade between the EU and Thailand stood at 32 billion euros, or $42 billion, in 2012. Such a move would cost Thailand many business opportunities in Europe. The EU has also imposed a travel ban for all members of the NCPO. The Council of the European Union released its statement on 23 June 2014, urging the military to restore the legitimate democratic process and to respect and uphold human rights and fundamental freedoms by freeing all political detainees. Failing to do so could result in “further possible measures” against the NCPO. The EU has been known for its periodic uses of sanctions to address a myriad of issues. In the context of Southeast Asia, the EU had long imposed stiff sanction measures against Myanmar when it had been under military rule. As a part of the EU’s attempt to change the behaviour of Myanmar’s regime, it exploited international platforms to alienate the generals in Naypyidaw, such as exclusion from the Asia-Europe Meeting (ASEM) process. The results were of course a mixture of successes and failures. Meanwhile, the Australian government, on 31 May 2014, issued a statement confirming the postponement of bilateral military operations with Thailand. It said, “Australia has postponed three activities for coming weeks in Thailand: a military operations law training course for Thai military officers; a reconnaissance visit for a counter improvised explosive device training exercise; and a reconnaissance visit for a counter terrorism training exercise. The Australian Government has also put in place a mechanism to prevent the leaders of the coup from travelling to Australia.”

Obviously, the US has shown that it wanted to become more assertive in its relations with Thailand. In January 2015, U.S. Assistant Secretary of State Daniel Russel visited Thailand

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and met with Foreign Minister General Thanasak Patimaprakorn, as well as former Prime Ministers Yingluck and Abhisit. His tour in Thailand turned controversial after he urged the military government to lift the martial law and to return power to the Thais soon. Also his remarks came in the aftermath of Yingluck being impeached in a case of her mishandling of a rice-pledging scheme. Observers believed that the United States wanted to send a strong message of its disapproval of the military government, its slow political reform and its harassment against the opposition. Immediately, Russel’s comments were harshly responded by the junta. Prayuth called Russel’s action as interference into the Thai domestic affairs (Parameswaran, 2015). Meanwhile, ultra-nationalists expressed their anger against the United States; they stormed the Facebook pages of the US Embassy in Bangkok and of President Barack Obama, sending repeated messages of Thailand being an independent country and will not take an order from the Americans. At the same time, the Thai Committee of Foreign Affairs, under the Thai Parliament, summoned the Chargé d’Affaires Patrick Murphy even when it had no right to do so. The Thai reaction caused much concerns for Washington. In return, the State Department summoned the Thai ambassador to Washington warning that the drama could cause a huge impact on bilateral relations.8

The US’s current position regarding the Thai situation has deeply infuriated the leaders in Bangkok. They were astounded by the seemingly changing policy of the U.S. government, which had previously been openly supportive of the traditional elite. Throughout the Cold War, the US had forged a close alliance with key institutions in Thailand but this alliance has become loosened in recent years. The United States realised that there were new players entering the Thai political domain who are not aligning themselves with the traditional elite. Therefore, it sees the need to diversify its policy options and reach out to the red-shirted faction as part of its obligation to promote democracy, but more importantly to ensure that it will not put “all eggs in one basket.” This was evident in the fact that the US diplomats have visited more frequently the remote regions of the red shirts in Thailand. Again, I argue that the United States has adopted an “interventionist approach” in order to maneuver the Thai political situation to its own advantages; and in doing so has befriended, as much as irritated, both sides in Thailand’s conflict.

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8In my private discussion with an officer of the State Department, via email, 12 February 2015.
China’s tactic has been cautious and very diplomatic. Thailand and China established its diplomatic ties in 1975. Throughout the latter half of the Cold War, Thailand and China formed a loose military alignment against the advancement of Vietnamese communists in Indochina (Paribatra, 1987). After the end of the Cold War, bilateral relations have remained healthy thanks to the absence of territorial disputes, the firm ties between the Thai royal family and the Chinese leadership, and the well-integrated Chinese community in Thailand. Thaksin, a model of a successful Thai-Chinese, took advantage of his Chinese ancestral roots and a new surge in public awareness about China to craft a China-favoured policy to satisfy domestic enthusiasm for a closer relationship with Beijing. A 2006 poll showed that more than 70 per cent of Thais considered China as Thailand’s most important external influence (Kurlantzick, 2006). The Sino-Thai FTA, the first between China and an ASEAN country, took effect on 1 October 2003. The FTA was invented to slash tariffs for fruit and vegetable flows in each other’s market. Thailand claimed that, as a result of his initiated FTA, bilateral trade reached US$3.1 billion, a 23 per cent increase in 2007 when compared with that of 2006.9

Thailand has subsequently constructed an alliance with China in a similar way as it has done with the United States. The Cobra Gold exercise lent its form and purpose to Thailand’s military rapprochement with China.10 Since the early 1980s, Thailand has purchased armaments and military-related equipment under this partnership at “friendship prices”, much of which effectively amounted to, in the words of Anthony Smith, “military gift aid” (Smith, 2005). Although some of these armaments from China were merely scrap, they symbolised close military ties between the two countries. Sino-Thai military links are among some of the most developed in the region—second only to Myanmar, China’s quasi ally. To demonstrate such close links, the Marine Corps of China’s People’s Liberation Army trained with Thai Marines in an exercise which lasted for three weeks (26 October-14 November 2010), in the Gulf of Thailand. Some analysts claim Thailand is intentionally balancing its military and financial dependence on the United States by nurturing better relations with China (Ehrlich, 2010).

9 Source: Department of East Asian Affairs, Ministry of Foreign Affairs of Thailand.
10 Ian Storey argues that Sino-Thai military relations have a long way to go before they start to rival that between the United States and Thai militaries, who conduct more than 40 joint military exercises every year (Storey, 2008, p.7.).
At a deeper level however, Sino-Thai defence exercises and other military exchanges, although progressively advancing over the years, have quantitatively and qualitatively lagged far behind the U.S.-Thai security relations. In early 2010, China proposed joint military exercises to the Thai leaders with an all-expenses paid buffet of air, naval and land drills throughout Thailand’s jungles and coasts. Patrick Winn of the *Global Post* asserted that the People’s Liberation Army even suggested a replication of America’s centrepiece exercise, a full-on coastal assault led by amphibious vehicles, gunships and helicopters circling the Gulf of Thailand. Despite its ambition, the People’s Liberation Army still lacks the American gear and expertise that Thailand now enjoys, Ian Storey argued. Storey, a fellow at the Institute of Southeast Asian Studies, also noted that a typical Cobra Gold exercise—summoning 12,000 troops and spanning two weeks—dwarfs the largest Sino-Thai drill: a 2005 naval operation that ended in less than four hours. Basically, China does not possess the same military capabilities as those of the United States, and certainly lacks sophisticated military know-how to lure Thailand away from its American friend. It may be true that the overall Sino-Thai relations have greatly improved over the years and that the scale of Chinese military exercises with Thailand will probably increase in the future. But Thailand’s relationship with China is different from that with the United States. It is much less about security, but more on politics and business. Although China has rapidly modernised its army in the past decades and augments its military budget annually, it will take a while before the country could confidently challenge the US’ military supremacy in Thailand. In any case, it is expected that Thailand will not allow its defence ties with China to be similar to the Thai-U.S. military relations. Surachart Bamrungsuk, a military specialist at Chulalongkorn University, averred that Thailand remained highly protective of Cobra Gold and its friendship with the United States. Because of incomparable values and firm commitment on the part of the United States as stipulated in the two key defence agreements, Bangkok will likely not attempt to jeopardise its military ties with Washington. Yet, at the same time, the Thai government sees nothing wrong with nurturing an intimate relationship with China in order to diversify its policy options.

Quietly, Thailand is sliding into China’s warm, embracing arms. Most Thai cabinet ministers and powerful businesses in Thailand have significant investments in China. Thailand’s Charoen Pokphand (CP), one of Southeast Asia’s largest companies, has been doing business in China since 1949. Bangkok Bank still has the largest foreign bank branch on Shanghai’s Bund waterfront, only recently have a few other foreign banks gained token footholds on China’s preeminent address (Fullbrook, 2004). Activities between Thai and
Chinese business conglomerates are regularly conducted, with the exchange of visits and the sharing of business information. Thailand has also welcomed China’s soft power with arms wide open. More Thai students are now keen to learn Mandarin, prompting China to dispatch a large number of language teachers to Thailand (International Herald Tribune, 2006). Clearly, Thailand’s foreign policy toward China has been implemented on the basis of a win-win formula, based on their principal rule of “respecting each other’s sovereignty”. To confirm this, Thailand decided to expatriate nearly 100 Uighur migrants back to China—an exercise that might have appeased the Chinese leadership but bearing a huge cost on Thailand’s internal security (Sawitta Lefevre and Hariraksapitak, 2015). On 17 August 2015, a bombing took place near the Erawan Shrine in central Bangkok killing 20 people and injured 125—an act that seemed to link with the Uighur terrorist network. In return, Beijing has avoided intervening in the Thai domestic crisis. Business is still a key word in this bilateral relationship. China has hoped that it would be able to cooperate with Thailand on mega-projects like building the high-speed train, in competition with other prospective investors, like Japan. The project is worth as much as $23 billion. (Hodal, 2014.)

**Consequences on Thai Foreign Policy**

Standing in between the two approaches—interventionist and pragmatic, Thailand has refreshed its traditional diplomatic strategy: playing one power against the other in order to maintain a degree of autonomy in its internal and external affairs, just like it once pitted the British against the French during the colonial period. Accordingly, Thailand is in the process of strengthening its ties with China to neutralise the United States’ hegemonic position in the political domain. Likewise, it is seeking the United States’ protection against any foreseeable threat that accompanies China’s rise. Taking into account the complication of Thai politics, a question must be asked: Is the Thai strategy functioning well? In many ways, this strategy has proven beneficial to certain parties in the Thai conflict and for Thailand in the context of international politics. America’s interventionist approach has driven Thailand further into China’s orbit. Closer relations between Thailand and China are being celebrated at the expense of a growing disagreement in the Thai-U.S. partnership. Reportedly, the United States was unhappy with certain Thai moves, including the Thai decision to hold a joint military exercise with China. Whereas the United States made known of its dislike of Thaksin, a position that has brought about a sense of resentment among his red-shirted supporters, China continues to be friendly with the former prime

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minister as well as his opponents. Through the Thai crisis, China has allowed Thaksin to get in and out of the country, and every time assigned a high-ranking diplomat to look after him throughout his visit.

However, Thai-Chinese relations are not without problems; and this is how the United States is able to assert its role and entrench its influence in the kingdom. Beijing may have gained Thai influence with its non-interference policy, but some members in the red-shirted camp have been talking about the persistent economic and social disparity and the unfair distribution of national wealth, which they believe, is under the control of the wealthy Thai-Chinese elite. It is too early to determine if this assumption would cause an impact on Thai-Chinese relations. But certainly, China’s rising economic power has already threatened its overall trade relations with Thailand. The impact of the Thai-Chinese FTA could be measured by the increased trade volume at 27 per cent for Thai exports and 14 per cent for those of China. However, Thailand’s trade deficit with China stood at US$2 billion one year after the FTA was implemented (Worasakyothin, 2006). A rapidly growing two-way trade is heavily weighted in China’s favour while poor Thai farmers and manufacturers, often identifying themselves with the red-shirted movement, have struggled to compete with China’s cheaper products. In the realm of regional politics, the image of a Chinese threat has the potential to eclipse China’s effort to build trust, and thus to gain influence, in the wake of the Thai crisis.

As a result, Thailand has stepped up its game to contain China’s rising threat. For example, Thailand’s contract farming programme in Laos was said to be initiated to offset similar projects between Laos and China. Currently, Laos produces corn, soybeans and cardamom under contract farming for export to China (Zola, 2007). Laos itself has been seeking to reduce its dependence on Thailand and reaching out to China as well as Vietnam to help rejuvenate the moribund economy. After diplomatic normalisation in 1988, China has overwhelmed Laos with financial and technical assistance in an attempt to pull Vientiane into its orbit and away from Thailand’s influence. The United States’ presence has to a great extent delayed China’s advancement of its influence in the region and is therefore complementary to Thailand’s policy of balancing China. In another instance, Thailand has cooperated with ASEAN and the United States in counteracting the perceived Chinese threat, particularly in the case of territorial claims in the South China Sea (Valencia, 2010). Although Thailand is not one the claimants, it supports the signing of the Declaration on the Conduct of Parties in the South China Sea in 2002 which stresses the need to resolve the territorial and jurisdictional disputes by peaceful means, without resorting to the threat or
use of force, through friendly consultations and negotiations by sovereign states directly concerned. But overall, again as a claimant, Thailand has no clear position vis-à-vis the South China Sea dispute and had no opinion in regard to Phnom Penh’s failure to address this issue in 2012.

Ultimately, Thailand is obliged to accommodate with the United States and China, especially if this could mean protecting the interests of certain political factions. But it is also willing to set one power against the other so as to contain its scope of political crisis and to allow greater room for maneuver in its foreign affairs. Thailand is therefore not expected to make any sudden lurch away from the United States and toward China, or vice versa.

A Role for ASEAN?

In April 2009, the red-shirted protesters stormed into the venue of the ASEAN Plus Three Summit in Pattaya and forced the cancellation of the meeting. Leaders of various member countries had to flee the scene, some via the hotel’s roof and other through the backdoor exit. That incident raised a quintessential question of whether the non-interference principle should continue to be tightly upheld. So far, some ASEAN members have insisted on maintaining such principle, apparently to protect their own power interests at home. The Thai government rejected the plan of the Foreign Correspondents’ Club of Thailand to host a press conference on human rights violations in Vietnam because this could be considered as interfering in Vietnam’s affairs (Chachavalpongpun, 2010). At a deeper level, Thailand is well aware of its own controversial human rights record and thus strongly endorses the non-interference rule to shield itself from outside criticism. Meanwhile, none of ASEAN nations came out to condemn the coup of 2014. It seems once again that democracy is an odd fellow of this organisation. This goes against an inspiration to promote democracy of ASEAN as reflected in the Bali Concord OO and the ASEAN Charter and the condemnation of unconstitutional ways of power usurpation in the Vientiane Action Program.

Moving away from Thailand’s domestic politics, ASEAN members have entertained different worldviews and adopted different strategies to suit their national interests. It can be argued that, unlike during the Cold War where a common enemy could easily be identified, ASEAN has been unable to produce a coherent standpoint in a myriad of critical issues confronting the organisation. Some perceive China as their biggest threat, while others may not share the same perception. Some maintain their suspicion of the U.S. presence in the
region, while others regard Washington as an indispensable force that guarantees regional security. Is Thailand ready to rely on ASEAN to counterbalance the United States and China? The answer is rather downbeat. In fact, the existing crisis has compelled Thailand to become more inward-looking. Successive post-coup governments have been preoccupied with safeguarding their own political survival. As a consequence, their confidence in ASEAN mechanisms has reached its lowest point. The Abhisit government rebuffed ASEAN’s offer to mediate its conflict with Cambodia at the peak of the territorial dispute over the Preah Vihear Temple, and insisted on managing the issue on a bilateral basis. The Yingluck government was too preoccupied with safeguarding its own position from political storms at home and thus neglecting the importance of foreign policy and ASEAN. It might be true that the U.S. reengagement with ASEAN and its new membership of the East Asia Summit (EAS) form a part of the organisation’s strategy to dilute the Chinese’s influence on the region. And in theory, Thailand should be able to take advantage from this same strategy, employing the hands of ASEAN to keep the United States and China at arm’s length. Unfortunately, Thailand has failed to exhibit its leadership in ASEAN. Similarly, ASEAN is incapable of representing itself as an alternative source of a well-integrated regional block that could stand shoulder to shoulder with the United States and China.

Acknowledgement

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Interview with Pavin Chachavalpongpun

Dr. Pavin Chachavalpongpun is an Associate Professor at the Center for Southeast Asian Studies at Kyoto University of Japan where he teaches politics and international relations. His research focuses on Thailand's political development since the military coup of 2006 and the future of democracy in the post-Bhumibol period. He is a critique of the military junta and his passport has been revoked following the 2014 coup.

NRV: Pavin, can you tell us about your work and the reasons why you decided to leave Thailand?

Dr. Chachavalpongpun: In fact I have not left Thailand because of the coup. I have been living outside Thailand for around twenty years. So there was only a short period in 2002 when I returned to Bangkok after finishing my PhD in London, and at that time I was working as a diplomat. In 2003, the Foreign Ministry decided to send me to station in our embassy in Singapore, and after 7 years I decided to resign. Since that time Thailand had not been my home and now I can't go back to my home country. Then I moved to Kyoto University in 2012 and since then I have been very critical of the military and the monarchy. It has been part of my job, as an academic, I have written critical articles about these key institutions in Thailand. In 2014, when there was a military coup, the latest one, that overthrew the elected government of Yingluck Shinawatra, the ministry decided to summon me twice, and of course I rejected the summons, because first I did not recognize the legitimacy of the military coup, and secondly I believed that I did nothing wrong but just did what an academic had to do. So because I rejected the summons, they issued a warrant for my arrest around June of 2014. Not long after that, in July 2014, they revoked my passport, forcing me to apply for a refugee status with the Japanese government. So right now I am a refugee in Japan, being unable to return to Thailand. But that has not stopped me from being critical of what is happening in Thailand.
NRV: How difficult is it for you to continue your work as an academic being in exile?

Dr. Chachavalpongpun: Yes and no. Since I have worked in this field, politics, I also have to deal with people and since I cannot return to Thailand, I find it difficult not to be able to access my sources of information, especially first-hand information on Thailand. On the other hand, I don't think it is going to be that difficult these days with the emergence of social media and the Internet. I have a lot of followers on Facebook and I have sources that provide me with crucial information through these social media and e-mails. So in many ways I know what is going on in Thailand, and in some cases I even have deeper information than those someone living inside Thailand.

NRV: Our audience might not be aware of the Shinawatras and the Red shirts and Yellow shirts, and on the situation in Thailand. Can you give us a brief on the background of the Thai crisis?

Dr. Chachavalpongpun: This is what I would say briefly: Thailand had long been under the domination of the old power. People would call it the network monarchy. Yet, it does not only consist of the monarchy, but also the military and other extra-constitutional institutions. And Thailand had been under that political structure for so long, until in 2001 Thaksin Shinawatra came along and had tried to challenge that old political structure with his competitive political script. So basically Thaksin had become a new political alternative in Thailand. But I must say that decades before the arrival of Thaksin, Thais witnessed some kind of socio-economic transformation in the country, in the sense that there had been an expansion of the middleclass, people had better access to economic and political resources. It happened not to the extent of what Thaksin have given them later on, but that would be enough for them to become politically active and Thaksin made it happen faster. So that's why in 2001 and onward, you would see an intense competition between the old and the new political networks. Someone might interpret it as a competition between elective and non-elective institutions, where the elective institution is represented by Thaksin coming to power by the elective system. On the other hand, you have the non-elective institutions represented by the military and the monarchy. So as a result you saw the overthrowing of the Thaksin regime in 2006, just because the old power realized that Thaksin had become a threat for the old power position. After 2006 Thaksin's popularity has remained and his political proxies kept coming back, with the latest return to power in 2011 with his sister, Yingluck, and that was the testimony of his political popularity. But the 2014 coup is something quite special and quite unlike that one of 2006. Because in 2006 they talked so
much about eliminating the Thaksin threat, but then in 2014 it was not just about the threat, but it was also about the fact that Thailand was facing the royal succession. This has been in my argument, in almost everything I have written so far: just because the network monarchy had been dominating for so long, those in the network fear that there would be facing uncertainty after the King passes from the scene. And that drove them to make sure that they must be able to control, or to take charge of the royal succession, so that once the royal succession takes place, the old power can continue to maintain their political interests. That has been the situation. I hope that was brief enough.

NRV: Can you just add something on the Red Shirt/Yellow Shirt situation and for those who are not aware of it which fraction is which?

Dr. Chachavalpongpun: The Yellow shirts came into the scene around 2005, just one year before the coup in 2006 against Thaksin. They are mainly driven by the Thai elites - who associate themselves with the old power. They fear that with the existence of Thaksin’s influence, they would lose their interests, not only the political interests, but including economic interests and also social status. They picked yellow because yellow is a colour of the king, because the king was born on Monday, and yellow is the colour of Monday. In many ways what they did see was them trying to politicize the monarchy. They tried to legitimize their protest on behalf the monarchy, because they used the royal symbols in order to - once again - justify their protest. And with the silence of the monarchy, I could conclude that the monarchy seemed to have endorsed the Yellow shirts, because they have remained silent. And eventually they won the first battle when Thaksin was overthrown.

In the aftermath of 2006, there was another group of people, especially those who had been politically marginalized. They simply protested against the coup. Every time when they went to the polling station, they selected someone whom they wanted to represent them, but their representatives have been always overthrown by the leaders in Bangkok. They had enough, so that's why they started together with an anti-military with an anti-coup agenda. And they picked the red shirt as their symbol. The colour red could mean so many things- it could mean life, blood; it could mean rebelling against all kinds of authoritarian establishments. Eventually we could see that the yellow shirt represented people mainly in Bangkok, the middle and upper-classes, whereas the red represented those who are marginalized. But generally speaking people do cross these colour boundaries. This is a very crude synopsis of the situation.
NRV: In the article you deal with the struggle between China and U.S. to try to become the chief regional influencer, which kind of uses Thailand as a proxy. With Thailand’s governmental instability in these recent years how is the situation playing out?

Dr. Chachavalpongpun: You mean in relation to China and US?

NRV: Yes, how their power struggle is playing out to influence who is in power in Bangkok and maintain this power?

Dr. Chachavalpongpun: Since the coup, it seems like it was an obligation for western democratic nations, including the United States, European Union and Australia to punish Thailand. I put in the spotlight the case of the U.S., because the U.S. has remained the most important ally of Thailand. And this is not just a simple alliance between the two countries, but we have a military treaty with the United States. We have one of the oldest relations in Asia with the United States. So in many ways, the U.S. has remained so important to Thailand. But after the coup, the western sanctions have driven Thailand closer and closer to China. I think the leadership in both countries (China and U.S.) realised this kind of political game. The Chinese leadership wants to make friends with the Thai Junta for economic interests - when it comes to democratisation and human rights they don't care about it anyway, so the relationship can be quite straightforward. And we can also see, that the Chinese government has been very interested in investing in big projects in Thailand - for example the high-speed railway that could bring a lot of money to both sides, in particular for China.

The United States can be a bit more complicated because of its obligation to impose sanctions against Thailand. But at the same time Washington also realised that pushing Thailand too much, meaning imposing harsher sanctions would push Thailand even further into the arms of China. So at the end you would see a kind of reluctant, hesitant position of the United States, wanting to do a little bit more but at the same time stepping back a little bit. To give you a better example, the Cobra Gold is the most important military exercise in the Pacific between Thailand and the United States, and it is very important for Thailand in particular because of the money that comes into the pockets of the Thai military from the United States. If the U.S. truly wanted to prescribe the behaviour of Thailand, it could have suspended altogether the Cobra Gold. But instead the U.S. did not suspend the Cobra Gold
because it was worried so much about a cosying-up of relationship between Thailand and China.

So in terms of leadership I tried to answer your question. I think for the Chinese leadership business and a better relationship between Thailand and China would be good not just in terms of bilateral relations, but China would also want to use Thailand as a main base in order to expend its influence into the greater Southeast Asia.

Lastly, about the United States: it seemed to me that the U.S. for many years had failed to really come out of the Cold War, in the sense that during the Cold War the U.S. forged these close ties with the military and the monarchy. And even after the end of Cold War, the U.S. realised that they didn't have to do anything as long as its relationship with the military and monarchy remained strong. But of course, Thailand's political and economic landscape has changed so much, as I said, new players such as Thaksin have emerged. The U.S. at the beginning did not quite understand what was happening in the wake of the coup in 2006, which is clear if you read the Congress reports. They didn’t understand until recently, when Obama started to re-engage with Thailand and with Southeast Asia.

**NRV: So the United States tries to modify its traditional approach to Thailand in a way and has become less critical?**

**Dr. Chachavalpongpun:** The U.S. has always had this interventionist approach, that is something very different from the pragmatic approach adopted by the Chinese. I guess that there could be some obligations as the leader of the democratic world - the "white man’s burden". I think deep in their minds they still have that mentality when they deal with Thailand. Coming to interfere, telling Thailand what is good and what is not good. Frankly speaking I don’t see anything so bad about it. Thailand is a part of the international community. For the right reasons it might not be a bad thing (to be interfere by the US). Currently, as I can see, the US is trying to diversify its foreign policy with Thailand rather than putting all its eggs in one basket.

**NRV: The Chinese approach, the non-political economic approach. Is it that they don’t want people telling them what to do in terms of Human rights and so on?**

**Dr. Chachavalpongpun:** I think it is a combination. I think China has played this game rather well. Being less political or maybe even totally apolitical. China is open to all sides in Thailand’s political divide. Thaksin is also a frequent visitor to China. Yingluck also visited
China after she was toppled. China doesn’t want to close doors against the red shirts or Thaksin. It wants to play with everyone. The US can’t play that role. It is a closed door for the military. Therefore, I think China has played this game very cunningly.

**NRV: Does the Junta even care that there is a deterioration in relations with western countries?**

**Dr. Chachavalpongpun:** Well, this is a hard question. I find it so difficult to analyse what the Junta has been thinking. It would be absurd to say they do not care. I think they do care, but their behaviour doesn’t convince me. They could do something so stupid, so blunt against the Americans. Especially now after what has been happening in Myanmar, Thailand could learn from this neighbour. But this has not been the case. They think that maybe they can rely on China for some things. I think it comes down to incompetency among the military elites. I don’t want to use the term stupidity, but sometimes the answer could be that they are so incompetent.

**NRV: How does the terrorist attack in Bangkok last year play into the Junta’s relationship with China? What is the connection there?**

**Dr. Chachavalpongpun:** Again this shows the short sightedness, the pitfalls of Thai diplomacy as displayed by the junta. They just believe that in pleasing the Chinese government, they can do anything and that the Chinese will piggyback them politically, and economically. They do not realise that this is not so much about human rights, but an issue of international terrorism. They did not think it through. They said some horrible things about the Uighur refugees coming to Thailand. They were just basically naïve and in the end there are dreadful consequences.

**NRV: How do you see the Thai, China, US relations playing out in the future?**

**Dr. Chachavalpongpun:** We must admit that the level of competition and rivalry between the US and China will continue to intensify. The South China Sea conflict and so on adds to the trend. This will be the trend for the next decade or so that they compete to maintain their status as super powers. In Thai diplomacy Thailand’s leadership will continue to play with the wind or as they call it Bamboo diplomacy where you go with the flow, which has proven successful so far for Thailand. The current situation seems to work.
NRV: What about the internal political situation in Thailand?

Dr. Chachavalpongpun: I think it is sad and almost hopeless. The military government has proved that they can do anything to suppress dissent voices. Even a group of students taking a train to a park (built by the current military government and fallen into corruption controversy) can be arrested. I would say that Thailand in 2016/2017 will experience stillness. Nothing will change. A lot of people still have a little hope with the constitutional drafting and the election or in the post-election period. There is this wait and see attitude.

NRV: And what about the Shinawatras? Do you see them staging a comeback?

Dr. Chachavalpongpun: I had the privilege to interview Thaksin one on one for three days last year and I asked him this question if he wanted to fight. Of course he said yes. I think in many ways the Shiawatras want to make a comeback. A lot of their assets have been confiscated. At some point they might want to prove that they are innocent (of corruption charges). There are a lot of things going on – personal interests. Or if you want to give them some credit then maybe they want to come back to make Thailand a better place (laughs). I think they will come back. They still believe that right now there are no better alternatives in the Thai political scene. They are still confident that they can still win. This mentality is not great for Thailand as the people feel they are stuck. When there are no other alternatives they will go for the Shinawatras again and again. This blanket amnesty (proposed during Yingluck Shinawatra’s government) shows that they took the public for granted as well.

NRV: And the future for you?

Dr. Chachavalpongpun: Apart from doing what I’m doing - not much. Japan has been an excellent home for me. I’ll continue to do what I’m doing. I have a permanent job, a home. Things look pretty ok compared to other exiles who are in a much worse situation.
Same-Sex Desires and Acts in Islam*

A Methodological-Theological Reflection on Kugle’s and Naraghi’s approaches ¹

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Abstract

Although the study of “homosexuality” as a ‘new’ phenomenon might be unacceptable from a world religious perspective, including Islam, religious investigation of “same-sex desires and acts” which is somehow similar to homosexuality, and which has existed since ancient times, is plausible. With regards to investigating an Islamic approach, while most traditional Muslim scholars have condemned same-sex desires and acts, some revisionist Muslims have proposed more tolerant perspectives over the last two decades. Scott Kugle and Arash Naraghi are two of these scholars who are struggling to establish a more tolerant interpretation. They believe that Islam, in particular Qur’an, has accepted the reality of difference and diversity within human society, including sexual diversity. Their support of same-sex desires and acts is based on ‘essentialist epistemology’. In this paper, I shall try to examine Kugle’s and Naraghi’s methodological processes to demonstrate the similarities and differences of these two approaches. I shall then address the benefits and limitations of their interpretations, including the limitations of the essentialist epistemology, due to provide the subject with a critical philosophical reflection built on an innovative paradigm shift in Ijtihad.

Introduction

Scott Kugle,² a scholar who converted to Sunni Islam, and Arash Naraghi,³ a Shi’a theologian, both engage in an enlightened interpretation of the Qur’an: according to it, ¹ An earlier version of this paper has been presented at the conference Human Rights of Iranian LGBT held in Düsseldorf, Germany, in 2014 by the International Gay and Lesbian Human Rights Commission (IGLHRC) and it has been published in the conference book.

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same-sex desires and acts, or ‘homosexuality’ based on the term used by them, is permissible in Islam or at least it has not been prohibited (Kugle, 2014, 2010, 2007; Naragh, 2010b, 2010a, 2006, 2004). This is contrary to patriarchal/traditional commentators. Nonetheless, despite this permissive/ non-proscriptive outlook, both Kugle and Naraghi are informed by the Qur’anic verses, particularly the oft-stated story of the tribe of Lut, and they are aware that these traditional and patriarchal understandings of the Qur’an do imply the illegitimacy of same-sex desire and acts in Islam. Both, however, established new premises for understanding Islam and the Qur’an. These were backed up by citing some traditional Muslim jurists such as “Ibn Hazm al-Andalusi (994-1064).” These experts argue that the verses in question do not denote the prohibition of the same-sex acts: they assert that divine wrath descending upon Lut’s tribe was due to a wider range of actions such as murder and robbery which constituted their infidelity; also, their transgressions extended to the rejection of Lut’s Prophethood and coercive sex or rape (Naraghi, 2010b, p. 3- 9; Kugle, 2010, p. 49- 56). Furthermore, Naraghi explains that even if these verses do denote the impermissibility of same-sex desires and acts, it is possible to re-interpret this manifestation (dhohor); and even if the interpretation is impossible, it can still be claimed that this Qur’anic verdict (their ratio legis) is contingent (arazi), thus only belongs to the time of Revelation, rather than being intrinsic (zati) which infers a universal application i.e., overtimes and places (Naraghi, ibid, p. 14).

Kugle and Naraghi came to similar conclusions about the permissibility of same-sex desires and acts in Islam. However, they applied two different methodological processes. In the next section, these will be examined, showing the similarities and differences of Kugle’s and Naraghi’s approaches.

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3 Arash Naraghi is Assistant Professor of religion and philosophy at Moravian College, PA. He received his Ph.D. in pharmacology from Tehran University (1991), and his MA and Ph.D. in philosophy from University of California, Santa Barbara (2008).
Kugle’s and Naraghi’s Approaches to the Islamic Interpretation of Same-Sex Desires and Acts (Differences and Similarities)

Since Naraghi investigates sexual desires and acts from a philosophical perspective, and not from within Islamic sources to propose a new understanding and interpretation of the Qur’an about the permissibility of same-sex desires and acts, particularly with respect to the verses about the tribe of Lut, he outlines multiple philosophical, ethical, and theological principles. Based on one of his principles that pivots on justice, religions, including Islam, must negate discrimination. In his earlier article “A Reflection on Sexual Minorities,” (Naraghi, 2004) Naraghi, while trying to deliver a new, more tolerant interpretation of homosexuality beyond religious perspectives, implicitly advises religious scholars to take his philosophical and ethical reflections seriously, and to rebuild responses to this case that are more compatible with the humane demands and ethical concerns of those involved (ibid, p. 27). According to Naraghi, following this advice is plausible on the basis of independence of “validity of moral judgments —ontologically, epistemologically and psychologically—from divine laws.” (Ibid, 2006, p. 1) In accordance with this perspective, religious verdicts (Shari'a laws) on every case, such as homosexuality, should be understood as consistent with moral principles or, at the very least, must not be inconsistent with morality. Furthermore, with a much stronger systematic argument and by applying ‘liberation theology,’ Naraghi makes an effort to discover the rationale behind the Qur'anic approach using historical context (Naraghi, 2010a, 2010b). Kugle, however, investigates the subject of same-sex desires and acts often from within Islamic sources and scriptures, although he tries not to judge the patriarchal interpretation of Islam; he too remains an adherent to the liberation theology method. Kugle, as an expert in theology, evaluates the ideas of traditional scholars on multiple grounds including interpretation (tafsir), tradition (Sunnah/hadith), jurisprudence (fiqh), and morality.

Kugle’s Theological Approach

Kugle, on his behalf and occasionally representing homosexual Muslim activists, explains that debates about homosexuality in Islam must be centered around liberation theology. This focus has the potential to create and expand new horizons in the discovery and interpretation of Islamic scriptures and resources on homosexuality (Kugle, 2010, p. 37-39; 2014, p. 47).
Kugle considers ‘liberation theology’ as an approach whereby religion might be understood as a “distinct way of talking about God.” (Kugle, 2010, p. 37) He believes that with this method, it is possible to work “from within religious traditions to stand against the drive to power of patriarchal and priestly elites who speak for those traditions.” (ibid) Consequently, Kugle considers that, contrary to patriarchal interpretation, it is possible to reach a different understanding of Islam. His progressive approach resides in seven principles (ibid, p. 41): (1) The inherent dignity of all human beings as bearing the same breath as God; (2) The sacredness of life such that all persons may fulfill their highest spiritual aspirations, i.e., those of well-being in this world and salvation in the next; (3) The ethic of pluralism; (4) Order with justice; (5) Validity of God’s speech; (6) Synergy of Faith with reason, such that the Qur’an must be understood in the light of observed experience, scientific exploration, and rational argument about human nature; (7) Love is the goal.

Then, Kugle examines the tools of interpretation of the Qur’an. According to him, earlier exegetists have applied some of them already, to which process modern Muslim intellectuals have added others. These tools include:

“(1) Striving for linguistic accuracy so that all interpretations of the Qur’an that conform to the grammatical conventions of Arabic are possible and constitute authentic meanings of the text; (2) maintaining the Qur’an’s primacy – in its own use of language, its own retelling of narratives, and its own principles – rather than falling back on cultural prejudice, pre-Islamic patterns, or related scriptural traditions; (3) affirming the Qur’an’s integrity, so that its interpretation will not be limited to a word-for-word translation, a phrase-by-phrase explanation, or a verse-by-verse assertion but will refer back to other uses of terms or ideas in the whole Qur’an; (4) clarifying the Qur’an’s context, for, though Scripture is eternally relevant, the context in which the Qur’an was revealed shapes the language and form in

4Liberation theology is based on a socio-political movement that some Christian theologians, had addressed, rethinking their understanding of Christianity and the New Testament in favour of the poor and the oppressed. These theologians questioned the church (particularly Catholic church) monopoly as the only source of understanding and interpretation of the Holy Book, this situation having resulted in regulations and laws only in favour of the dominant groups. Others including the oppressed and the poor thus found this opportunity to read and interpret the Holy Book for themselves. This fresh understanding could indeed be different from the Church’s rigid interpretation and official readership (To become familiar with this movement, see: http://www.landreform.org/boff2.htm). Among Muslim scholars, Hamid Dabashi (Dabashi, 2008) and Farid Esack (Esack, 2005, 2002) are two who offer a liberating interpretation of the Qur’an or Islam.
which its message is expressed; (5) focusing on principles, because ethical principles are the
core of the Qur’an’s guidance, and interpretation brings them forth from the language of the
Qur’anic message; (6) restraint in imposing rules until one has fully explored whether a rule
is in accord with underlying principles conveyed in the Qur’an; and (7) embracing moral
optimism, for our understanding of the Qur’an is not determined solely by the technical
tools of interpretation (like grammar, linguistics, Arabic poetry, history of the early Islamic
community, and comparison with other scriptures) but is also shaped by our attitude.” (ibid,
p. 41-42)

With these principles and tools in mind, Kugle examines the Qur’anic verses including
Hujurat 13, Shoura 8, Rum 22, Nisa 4, and, following Khaled Abou El Fadl (El Fadl, 2002,
p. 13-22), indicates that the Qur’an has accepted diversity in humanity as part of God’s
creative will (Kugle, 2010, p. 43-44; 2007, p. 139-145). In other words, if sex and gender
variants are also part of this diversity, then Qur’anic verses on the acceptance of differences
in humanity should be seen in this light too. It is noteworthy that according to these verses,
this valid and accepted diversity comes from the differences within nature as a product of
God’s inspired creation. Now, is homosexual orientation and act part of this natural
diversity based on His creation? Kugle’s answer to this question is yes. Relying on modern
science and results of scientific tests, he argues that homosexuals are born to their sexual
orientation (and that their sexuality is part of their inherent personality); thus they exemplify
the Qur’anic teaching of diversity and difference in humanity and human society (Kugle,
2010, p. 45-48). With this perspective, Kugle, similar to some previous intellectuals, such
as Ibn Hazm, tries to reinterpret the verses on the tribe of Lut. However, his interpretation
does not pivot around their same-sex proclivities. In fact, according to Kugle, divine wrath
befalling Lut was not only due to this but it was a consequence of their disbelief (kufr), of
their denial of Lut prophecy and of other ‘evil’ doings. Even if their same-sex conduct is
also to be considered one of their graven sins, it is clear from the textual and external
evidence that their transgressions overall were not just confined to this act (known later as
sodomy (liwat) in the Islamic jurisprudence), but also ran to rape and lustful acts while they
were married to their wives too (ibid, 49-56).

However, despite the above, Kugle knows that to ascertain Islamic perspective or verdict
(hukm) about same-sex desires and acts, the mere understanding and interpretation of the
Qur’an is not sufficient. Although the Qur’an is the first and most senior Islamic authority,
there are other sources. These include the reports attributed to the Prophet Muhammad
(Sunnah), legal reasoning by analogy (qiyas), and the consensus of jurists (ijma’). Researching into these sources, Kugle attempts to explicate a reliable positive interpretation of same-sex desires and acts.

In the chapter on Sunnah/hadith, Kugle firstly explains that all reports (hadiths) on same-sex desires and acts are solitary reports (khabar al-wahid). This means that they have a chain of transmission that, at some point, relies on the word of one narrator that cannot be substantiated by any other. Thus there is no hadith mutawatir (with successive and multiple chains of narration). Secondly, none of these reports (hadiths) are reliable, whether this was due to defective agency (e.g. fabricated chain of transmission or unreliable narrators) or due to ‘defective’ content e.g., weak text owing to conceptual ambiguity, contentious text due to lack of embedded information, or misapplication of the context (Kugle, 2007, p. 150-153; 2010, p. 84-124).

In addition, the quality of these reports (hadiths) is eroded by conflict and inconsistency. Furthermore, and more specifically, the study of oral Sunnah based on the Prophet’s life found no hadith about Him punishing an individual in an actual historical event. Therefore, no reliable story about the punishment of same-sex conduct remained, or even existed hence to substantiate later practices. Rather, the only context-laden report of punishment is hadith received from the companions of the Prophet (Muhammad’s disciples and the later followers of those disciples). Their logic resides in a legal analogy with fornication (zina). From this it can be concluded that the penalty for homosexual intercourse is also death. However, the reliability of this logic in terms of the analogy of adulterous heterosexual intercourse with homosexual penetration, (i.e., as similarly adulterous), was not properly established: it is, therefore, not possible in the interpretation of religion to accept their ijtihad— (ijtihad being independent or original analysis based on intellectual effort and ethical discretion) (Kugle, 2010, p. 98-100).

In terms of other sources, Kugle also examines homosexual desire and act, known as sodomy (liwat) and musahaqah in the Islamic jurisprudence from the perspective of traditional scholars. He recounts from this the numerous serious conflicts, as well as, derivatively, the contentious nature of classical fatwas on same sex desires and acts. By immersing himself in the jurisprudential debates of various Islamic schools of thought, he examines and challenges their reasoning and approach. An effort is made to counteract traditional interpretations of the Qur’an by rekindling his previous argument that the Qur’an
does not condemn homosexual acts and desire. Furthermore, in response to traditional arguments on the basis of reports (*hadiths*), Kugle re-quotes his argument that they are not reliable enough to confirm the impermissibility of same-sex desires and acts. Logic of *qiyas* and analogy, according to Kugle, also cannot be applied and relied on (Ibid, p. 145-146). The only remaining source is consensus (*ijma‘*) as an independent reason alongside the Qu’ran and Hadith. However, applying examples of contentious historical debates among Muslim jurists, Kugle argues that it is impossible to arrive at a meaningful consensus (Ibid, p. 167-172).

Analyzing the institution of marriage in Islam and considering the love as the main element of it, eventually Kugle, unlike Kecia Ali (Ali, 2006, p. 94- 95), comes to conclude that Qur’an does not discriminate same-sex mates and, therefore, “[h]omosexual pairs could also … be considered mates [from a qur’anic perspective]” (Kugle, 2010, p. 193). Based on this new interpretation of Qur’an, Islamic marriage (Nikah) could justifiably be extended to the same- sex mates. According to Kugle, as all kinds of sexual relationship out of Islamic Nikah are not permissible/ lawful, by extending the Islamic marriage to the same- sex mates, homosexual Muslims may lawfully get together and have sexual relationship.

**Naraghi’s Ethical – Philosophical Approach**

Based on liberation theology, Naraghi believes that justice as one of the most significant principles is the spirit of the Qur’anic culture, and that Muslims’ understanding of the Qur’an must pivot around it, (justice). Hence from the moral viewpoint, according to Naraghi, any interpretation tolerating discrimination on the basis of sexual orientation is inappropriate. In this way, a Muslim’s understanding of the Qur’anic passages on same-sex desires and acts should be consistent with the principle of anti-discrimination (i.e. that pertaining to sexual minorities) (Naraghi, 2010b, p. 1).

To understand the Qur’anic teachings on said same-sex desires and acts, Naraghi as a philosopher of religion places emphasis on the following principles: Ethics is reason-based, prior to, and independent of religion (Naraghi, 2010b, p. 1; 2006, p. 1). The principle of justice should be laid out as an essential principle in understanding the Qur’an (Naraghi, 2010b, p. 1; 2010a, p. 7). It is always necessary to rethink, rebuild, and refine the understanding of religion, including Islam (Naraghi, 2010a, p. 7). The age of patriarchal interpretation of the Qur’an is over (ibid, p. 3).
Some Islamic laws are intrinsic (zati) to Islam and are applicable to all times. However, some are contingent (‘arazi) and are true only in a specific period, i.e., to the time of Revelation (ibid, 2010b, p. 12-13).

According to these premises, Naraighi proposes a new interpretation based on which, human rights and dignities of sexual minorities must be observed (ibid, p. 1). To prove the Qur’an’s openness and consistency with such rights, Naraghi examines two different approaches: positive (ijabi) or maximum consistency, and negative (salbi) or minimum consistency (ibid, p. 2). Contrary to patriarchal interpretations of the Qur’an, Naraghi claims that there is no Qur’anic text that directly prohibits same-sex desires and acts. If the Qur’anic narrative condemns abomination (al-fahishah) committed by the tribe of Lut, according to Naraghi, based on several reasons, “abomination (al-fahishah)” is not associated with homosexuality (Naraghi, 2010a, p. 1).

Notwithstanding this, Naraghi is aware that many traditional exegetists believe that the Lut verses denote the negation of same-sex desires and acts. And it seems that these verses, on the surface at least, imply such a prohibition. On the other hand, in his previous work prior to and independent from religion, Naraghi explained that homosexuality is not necessarily inappropriate. Also, according to Naraghi, the Qur’an should not impose discrimination and unjust treatment of people on sexual grounds. How can this preliminary interpretational dilemma be answered? In order to reach an understanding expression of the Qur’an consistent with negation of discrimination on the basis of sexual orientation, Naraghi tries to resolve the dilemma between his ethical approach to sexual orientation and a basic understanding of the Qur’an’s position. He does this by applying the two methods touched on above: the first method involves an interpretation of the Qur’anic verses that is distilled from sexual and gender discrimination issues. In this method, the exegetist establishes “positive or maximum consistency.” The second method applied by Naraghi suggests that those Qur’anic verses with discriminatory sexual implications belong to the past, and have no relevance to issues in the contemporary era. In this method, the interpreter needs to reach “negative or minimum compatibility.” (Naraghi, 2010b, p. 2)

Through the deployment of the first method and on the basis of extra- and inter-textual evidences, Naraghi analyzes the Lut verses. He tries to show that the Qur’anic narrative on their society does not condemn same-sex desires and acts. He eventually concludes that firstly, while the Lut narrative condemns sodomy (liwat), it does not condemn
homosexuality as a modern concept, and secondly, even if it can be accepted that some evidences substantiate these verses, those evidences can be easily reinterpreted (ibid, p. 11).

Then, by applying the second method (the one that carries negative or minimum consistency), Naraghi tries to provide another solution for this dilemma. According to this method, Naraghi assumes that the Qur’anic verses condemn same-sex desires and acts, and that therefore these verses cannot be reinterpreted. However, he suggests that, like the modern approach to cases such as polygamy and slavery (such as those by several Muslim intellectuals such as Fazlur Rahman). It is possible to apply the second method after all. This is called “historical empathic critique of scripture;” and it can be used to re-examine the Qur’anic verses about the tribe of Lut. According to this method, it is possible to re-consider the Qur’anic verdicts on homosexuality, women, polygamy and slavery as a reflection of Arabic culture entering the Qur’an at the time of Revelation, and thus, part of the “first world” of the holy text (i.e., not pertinent to other, especially modern times). These, then, are the verdicts that are contingent to religion (‘araziat). With this approach, a believer can remain a devout Muslim without submitting to all those socially archaic laws (ibid, p. 14).

Eventually, Naraghi understands that some believers/commentators might not accept the possibilities of these two methods, and would subscribe to an unconditional consistency of the Qur’anic verses, thus remaining in condemnation of homosexual desire and act. These believers, according to Naraghi, may consider those Qur’anic passages inalienable expression as the ones which cannot be interpreted because they would argue that the message there in belongs to the second world of the holy text (zatiat-i din), i.e., that applicable to all eras. In this case, Naraghi advises these believers to adopt a tolerant approach. Towing the same line as Abraham, he advises patience and empathy towards homosexuals, and not to be “eager towards punishing the sinful,” particularly the “sin” which doesn’t hurt others… and to “avoid humiliation and violence towards them.” (ibid, p. 15)

Critical Reflections on Naraghi’s and Kugle’s Methodological - Theological Process

Although the prominent strengths of research by Kugle and Naraghi can inspire future research, some methodological limitations do challenge the overall picture. Here, I try to address both the adequacies and limitations of Naraghi’s and Kugle’s approaches:
1. Kugle and Naraghi have applied liberation theology as the foundation of their research. This strengthens both their methods. Naraghi assembles *apriori* premises, which are critical to a classical understanding of the Qur’an. Similarly to Naraghi, Kugle also outlines such principles. The former, however, tries to illustrate the relation of these *aprioris* to an understanding of the Qur’an, while Kugle does not clarify how and for what purpose he applies these precepts. To establish his argument, Kugle deploys *ijtihadic* method [traditional method of understanding Islam]. It is not clear, however, how, for him, this method speaks to liberation theology,

2. The essence of liberation theology, for both Kugle and Naraghi, is the negation of discrimination on each and every ground, and in consistency with justice. But neither of these scholars clarifies tools and methods used by this construct to reach a new understanding. Furthermore, neither Kugle nor Naraghi elucidates the similarities and differences of liberation theology with traditional methods, and how they might cohere.

3. Both Kugle and Naraghi, whether they were aware of each other’s study or not, have conducted an in-depth research on the Qur’anic verses about the tribe of Lut. By cultivating the story of that community, they have drawn from it denotative, connotative and implicit prima facie cases. In this process, both scholars challenged the traditional commentaries of the Qur’anic passages concerned, and produced a new and more consistent interpretation of the history of Lut’s community. This exegesis suggests openness and flexibility of the Qur’an about homosexual desires and acts.

4. Research on Islam and Islamic exegesis requires proper tools and methods. *Ijtihadic*, as a unique technique, has been widely accepted among Muslim intellectuals to discover and

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5It should be noted that there are, at least, two different analyses of *Ijtihad* among Muslim scholars. In the first analysis, *Ijtihad* is a method of endeavour whereby Islamic laws of Shari’a are derived from reliable sources, such as Qur’an, hadith/ Sunnah (oral tradition of the prophet / the prophet’s example), consensus (ijma’), and reason (‘aql). In the second description, Ijtihad involves drawing on personal opinion (ra'y) or analogy (qiyyas), i.e., in cases that are not covered by the Qur’an and hadith. Shiite scholars do not believe in the second meaning of *Ijtihad*. Sunni scholars, on the other hand, whilst holding both meanings to be true, emphasize the second, i.e., *qiyya* or personal opinion. (See Al-Jassas, Ahmad Ibn Ali, 1994, *Al- Fosul Fi al- Usul*, Ed. AjilJasim, Vol. 4, Kuwait: Wezarat al- Oghaf, p. 23 and 273; Ibn Qudameh al- Maqdisi, Moaffaq al-Din, 2002, *Rozat an- Nazirva Jannat al- Manazir*, ed. Abdal Karim Namlih, Vol. 2, Beirut, Lebanon: Moassasah al- Rayan Lettebatva an- Nashr, p. 333-4 and 338-41).
understand Islamic teachings. The method has the potential to accommodate critical perspectives, models and new apparatuses. It is thus crucial for researchers to apply this method, both positively (*thobutan*) and substantively (*ithbatan*). For the former quality, *thobutan*, it is positively essential because both Reason and *Shari’a* support it. For the latter quality, *ithbatan*, its substantivity is fundamental because it facilitates a dialogue with traditional scholars.

Therefore in accordance with *ijtihadic* methodology, a Muslim scholar should not limit his religious understanding of the problem of homosexuality to the Qur’anic passages about the tribe of Lut. Accordingly, each and every religious source should be examined to arrive at a new interpretation. Without such a thorough examination, no exegesis is reliable and trustworthy; hence a robust argument or religious verdict is one which is also supported by a diversity of religious sources beside Qur’an. These include reports (*hadiths*), consensus (*ijma’*) and reason (*’aql*). Kugle, in contrast to Naraghi, has applied these criteria in his research, and, methodologically, this is his strength.

5. One of the inadequacies of Kugle’s methodology is his Sunni-inspired approach to *hadith*, which is different from Shi’a approaches for several reasons. While Sunnis claim that there is a hundred-year time-lag between oral and written *Sunnah/hadith*, Shi’a scholars assert that infallible Imams rectified this. Shi’as, thus, created the science of codicology (*’Ilm al-Fihrist*) alongside the science of narration (*’Ilm al-Rijāl*). In fact, historical codicology traces the documents and reports to the age of the Prophet. Sunnis, on the other hand, never adopted this approach to *hadith* because until the time of the second Caliphate, they were prohibited from writing down the *Sunnah* and *hadith*.⁶

6. To reach a new understanding of the Qur’an, Kugle’s arguments pivot on the significant principle of the need for consistency of religious interpretation with new scientific findings; from his perspective, the Qur’anic interpretations that are incompatible with scientific findings are invalid. In the same vein, Naraghi’s argument emphasizes the independent status of ethics and its primacy over religion. According to him, the interpretations that are inconsistent with moral principles are not reliable. These views could be valid if the nature of science and ethics were non-paradigmatic—meaning a science or ethics absolutely free of

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⁶ My notes from class with Ayatollah Sayyid Ahmad Madadi. To become familiar with his views, you can visit Ayatollah Madadi’s website (in Persian):http://dorous.ir/persian/article/8762/
predispositions, methodological bias, motifs, etc. In the present day, however, this is questionable for, conversely, since the middle of the twentieth century, the paradigmatic character of science has been accepted by a wide array of philosophers of science, feminists, critical paradigm thinkers, interpretive paradigm thinkers, and Christian scientists (see Blaikie, 1993). From this by definition apparently unlimited perspective, we cannot engage a thorough discussion about ethics and science. In other words, when we discuss ethics, which paradigm of ethics is pertinent? In the same way, when we discuss sciences such as biology or psychology, questions arise about their specific paradigm, i.e., to what school of thought are they affiliated?

7. As indicated earlier, Kugle’s and Naraghi’s approaches are essentialist. Regardless of untenability of Essentialism according to a number of scholars (See Halperin, 2002; Phillips, 2010, p. 47-60), in terms of what is permissible in Islam, essentialist epistemology limits these approaches to only homosexual conduct, and not other types of sexual activities. Thus Kugle’s and Naraghi’s arguments cannot apply to the wider diversity of sexuality, i.e., bisexuals and homosexuals who do not view their sexual orientation as essentialized (inborn).

Conclusion

This paper endeavoured to discuss two main approaches on the permissibility of same-sex desires and acts both in Sunnite and Shiite Islam. Although, regarding the plausibility of the permissibility of this subject in Islam, the paper agrees with the two approaches, it does not comply with them methodologically and theologically. Based on the critiques have been proposed in this paper, it seems that both approaches, despite paving the way fora fundamental re-examination of religious perspectives on same-sex relationship, marriage, commitment, and contracts as new life styles, do contain several inadequacies. Therefore, I, alternatively, propose a new approach inspired by “the Ijtihadic Paradigm of Religious Science;” so-called “paradigm shift in Ijtihadic hermeneutical method on Same-Sex Desires and Acts” to be examined for the future research.7 The key feature of this approach is its paradigmatic nature; similar (as established) to science, its methods and findings are

7The Ijtihadic Paradigm of Religious Sciences is a process that I have cultivated through the discovery, understanding, and promulgation of Islamic teachings from Islamic resources. To become familiar with this perspective, see: Alipour &Hasani, 2010.
paradigmatic in nature. Therefore, the macro foundations, general principles, sources, reasons, process of knowledge production, theory, and the construction of a model based on relevant foundations and sources, all, are inspired by the paradigm shift in Ijtihad. From this perspective, the knowledge produced by this paradigm can be distinguished both qualitatively and quantitatively, from that of other paradigms.

Being inspired by the paradigm shift in Ijtihadic hermeneutical method, the future planned research endeavours to examine the foundations, principles, and methods of multiple Islamic schools of thought. It also tries to assess them on the basis of adequate resources and reasons for this paradigm per se, and to provide a perspective which is substantively (ithbatan) more effective, and epistemologically more truthful. Beyond essentialist and constructivist epistemologies, the paradigm shift in Ijtihad will enable the scholar to analyze the im/permissibility of both homosexual and bisexual desires and acts.

The paradigm shift in Ijtihad substantively has more potential than the two other above-mentioned methodological processes, i.e., that mission being to engage in dialogue with traditional scholars. These debates, regardless of the productive milieu of religious science or knowledge, aim to open new horizons for Islamic communities and Muslim believers, and thus beckon for sexual minorities tranquility and peace. They also seek to establish grounds for decriminalization of homo/bisexual desires and acts in the Islamic Penal Code. This goal can be realized, however, only by engineering a discourse acceptable to traditional theologians as well. This method, then, will pave the way for traditional scholars to understand this modern subject in such detail that new fatwas might be issued in favour of sexual minorities.

References


NRV: Can we start off with you telling us a little bit about yourself, your research and how you came to become a Researcher in Exile?

Dr. Alipour: Hello and thank you for inviting me for this interview. I hold a PhD in comparative philosophy. I have also studied and taught Islam at the seminary of Qom for 18 years. I have published in different fields including philosophy of Illumination, epistemology, ethics and philosophy of Islamic jurisprudence (Usul al- Figh). Since 2013, due to political and ideological pressure I had to leave the country and since then I am doing my academic job outside of Iran in the west. Since 2015 I have received the opportunity to academically work on the subject of philosophy and theology of sexual diversity in Islam and in particular same sex desires and acts in Islam.

NRV: The common understanding, at least in western societies, is that Islam is prohibitive of homosexuality, to put it mildly. Is this a fair assessment of mainstream Qu’ranic interpretations of homosexuality and how do the majority of the Muslim Ummah perceives homosexuality and sexual diversity? Is there a big difference between regular people's views and those of religious leaders regarding homosexuality?

Dr. Alipour: This is a good question but before I answer this question let me briefly explain the term ‘Ummah’. This term which originated in the Qu’ran has mostly been used to refer to the Muslim population at the time when the best scenario was an idealistic approach for having one united nation of all Muslims. There is no doubt that nowadays such an approach
does not work. First of all, because there are really different Muslim communities and cultures in reality and second of all because the theories of Islamic diversity have been proposed by some revisionist scholars, such as Khaled abu al- Fadl, theoretically draw a different interpretation of Islam with different schools. Therefore, I think that it is better for Muslims to take the responsibility toward the reality and try at this stage to tolerate other Muslim communities and schools of thought. And then tolerate other religions as well as beliefs. I think that this is the only way that we can live all together in peace in this new world with dignity and respect.

Back to your question. I think this question is a bit broad because when we talk about Muslims views towards homosexuality or sexual diversity, at first we should determine which group of Muslims. This subject could be looked at how does Muslim society in general view sexual diversity and homosexuality. By asking this question one is either willing to know about the history of Muslim culture or contemporary Muslim cultures regardless of Islam. Muslim culture has been shaped by different factors, and religion is only one of the many. Work has already been done from this perspective such as sexuality in Islam by Abdelwahab Bouhdiba, Before Homosexuality in the Arab-Islamic World by Khaled El-Rouayheb, Islamic Homosexualities by Murray & Roscoe; etc. Sometimes when we ask this question one may aim to get an answer from the Islamic perspective – from an Islamic ethical- theological approach.

How do Muslim people, based on Islamic theology and ethics, view homosexuality and sexual diversity? To answer this question, we have to distinguish between regular Muslims, Muslim activists, Muslim Imams and Muslim scholars – both traditionalists and revisionists. Regular Muslims mostly follow Imams or preachers within their community or society and Preachers, following traditional scholars, mostly believe in condemnation of same sex desires and acts. They preach that sexual diversity in Islam is forbidden, or haram. But then let’s go to the level of Muslim scholars. At this level, on the one hand unfortunately most traditional scholars are conceived to be against sexual diversity. However, in my view they do not have a clear idea about what this phenomenon is. On the other hand, fortunately, plenty of work has been done during the last two decades by revisionist Muslim scholars including me who believe in sexual diversity in Islam. We also have Muslim human rights activists who usually take the responsibility to support the cohesion between Islam and sexual diversity. But the revisionist voice has not got much attention by regular Muslims.
Therefore, these activists could not influence the Muslim culture as much as has been expected.

NRV: Is the way Muslim people handle sexual diversity changing? And if so, is it getting better or worse?

Dr. Alipour: I must acknowledge that there are changes. Again because of diversity within Muslim societies. This change can be positive or negative. First of all, we have Shia Islam and Sunni Islam. Shia, in my opinion keeps the door open for Ijtihad, Ijtihad is a special method for understanding Islam. So potentially there is more capacity to change positively towards sexual diversity. It is already being changed on the transsexual issue in Iran – somehow in a positive way. In Sunni Islam there are different schools that can deal with sexual diversity in different ways (for instance, Hanafi school can deal with sexual diversity easier than Hanbail or Maliki). We should also consider the geographical differences. For example, Muslims in Pakistan and Saudi Arabia have a harsher position that Malaysians or Turkish Muslims who are getting a more tolerant approach towards sexual diversity.

NRV: Can you introduce the article by telling us a quick summary of it and what the main findings are.

Dr. Alipour: For the last two decades’ revisionist scholars have offered new interpretations of Islam urge for increasing tolerance. Among these scholars who study in this field Naraghi and Kugle are, in my opinion, the most important. In my article I have tried to discuss these two modern approaches on the permissibility of same sex desires and acts in both Sunni and Shia Islam. I agree with them on the main idea but I do not comply with them methodologically and theologically. From the critiques I have mentioned in the article it seems that both are, despite paving the way for a fundamental re-examination of same sex desires and acts do contain several inadequacies, I propose another approach inspired by the Ijtihadic paradigm of religious science – the so-called paradigm shift in Ijtihadic hermeneutical method on same sex desires and acts to be examined for the future. I didn’t discuss this in detail in the article.
NRV: Your article deals with less well known Qu’ranic interpretations of homosexuality – Kugle’s philosophical approach which renders interpretation of homosexuality as a natural condition – part of God’s creative diversity, and therefore not something sinful, and Naraghi’s more justice orientated interpretation which is centered on ethical independence and thus something that should be understood in context. How important are these views in how Muslims and non-Muslims understand the Qu’ran and changing social acceptance of homosexuality?

Dr. Alipour: Its true these voices are less well-known Qu’ranic interpretations. They have not received much attention from Islamic scholars and ordinary Muslim populations in their public debates. But they are new voices in this subject and this is why I chose them. They would have more of an impact if they followed a more understandable method and language. It is important to have more new research and interpretations on this issue. Through this way I think we can achieve the goal of convincing Muslim homosexuals to be satisfied with being homosexual and being Muslim. Also to prepare the societies to be more accepting or to tolerate sexual diversity. This is the only way I think we can succeed.

NRV: In your critique in the article you raise a point about which paradigm of ethics and science are relevant for this discourse. And you yourself propose a theory of "paradigm shift in Ijtihadic hermeneutical method on Same-Sex Desires and Acts". It got us thinking how universal are Naraghi and Kugle’s tolerant views or your approach considering the Islamic Ummah encompasses many different cultures and sects within itself. How can it even be possible to reach an Islamic consensus towards same- sex desires and acts?

Dr. Alipour: Again I must repeat there is no Islamic Ummah. As you mentioned we have many different cultures and sects within Islam. I don’t have any concern to propose any universal approach. Scholars are not in a position to say to anybody that he or she has to change their beliefs or the way of thinking. Also based on the paradigm shift in science and knowledge that I believe in, there is no way to bring a universal approach. The only thing that we as scholars can do is explain and then justify our interpretation of Islam that accepts sexual diversity. This way we may show to other Muslims, tradition scholars, preachers, activists that this new approach to same sex desires and sexual diversity is much stronger and closer to the Islamic sources than the traditional one. In this way we can achieve accepting sexual diversity or at least tolerating it.
NRV: If we look at Iran, why doesn't Ayatollah Khomeini prohibit transsexuality but does reject homosexuality? How is this explained in the Quran? Does the Quran literally reject homosexuality, and if it does, in what words?

Dr. Alipour: If we go to the Qu’ran, no the Qu’ran does not talk about homosexuality. In regards to Khomeini we should be careful. I have heard many times this claim the Khomeini prohibited homosexuality, which is not true. Khomeini like other traditional scholars condemned liwat or sodomy. Liwat is only one kind of sexual activity between two men and as I have already said it is now clear, at least in the west, that homosexuality or bisexuality are totally different than liwat. Why Khomeini could bring a fatwa for transsexual Muslims but he didn’t for homosexual or bisexual Muslims is in my opinion because Khomeini didn’t bring this issue. While because of the classical term hermaphrodite in Islam as well as the Iranian transsexual struggles, he discovered these new terms and it gave him inspiration to go back to the original and valid sources of Islam and apply this method of Ijtihad again on the new phenomenon of transsexuality. Therefore, he could issue his fatwa in 1987 allowing transsexuals to get sex reassignment surgery. Khomeini issued new fatwas for some other issues like playing chess, listening to music. These things are forbidden in Islam. I mean the majority of traditional Muslims say these things are forbidden. Khomeini could bring new fatwas allowing these subjects. Unfortunately, the same thing has not happened in relation to homosexuality and bisexuality. I’m not going to say that if Khomeini encountered homosexuality or bisexuality he would certainly bring fatwas allowing them. Maybe he would, but It is not important for now. I mean it must not be important for Muslims that a Mofti, such as Khomeini, did not issue a fatwa on a special case. What is important is that they should consider if the new phenomenon like homosexuality or bisexuality nowadays could be permissible or halal based on this methodology. For instance, I have tried to understand the logic behind Khomeini’s fatwa on transsexuality and apply the same logic and methodology on homosexuality and bisexuality. In the end, What I’m trying to do is explain that we must use the capacities of both traditional and revisionist methodology. This is how we can make a new Islamic approach more reasonable and justified as well as more acceptable and desirable by regular Muslims.
NRV: As with all important research articles we are left with more questions after reading it than we had beforehand. For you what are the main questions that Islamic scholars need to start addressing in respects to homosexuality and Islam?

Dr. Alipour: That is really a controversial issue. From what I have observed most of the new approaches on same-sex desires and acts have used words that are unfamiliar to the majority of Muslims communities. This is because they use a language and methodology that is unfamiliar for traditional scholars, preachers and grassroots Muslims. Most of these researchers, except Kugle, did not completely use the requirements of Islamic theological and ethical methodology, therefore these new approaches have not been trusted by Muslim followers. In my mind the main issue at the moment is to make Muslim revisionists aware of these problems and encourage them to find more common language and methods for their interpretation of Islam and this subject.

NRV: Are there any other important points that you would like to draw attention to in this interview?

Dr. Alipour: The only thing I would like to add is that unlike Sunni scholars, Shia scholars are unfortunately not that interested in this topic to publish something, specially, in English. We only have a few scholars who has joined the modern debate on sexuality in Islam and in particular same- sex desires and acts in Islam. I would use this opportunity to kindly ask Shia scholars to seriously work with other scholars to contribute to this important debate or discourse of the modern world.

I would like to add that since we have been looking at this topic for the last two decades within Islam we are getting more reliable results that looking at it purely from the eyes of western scholars. Look at the two main books published on this in the last two decades. One from an Orientalist approach from western tourists who travelled to the Muslim countries in the early 1990s. The book Sexuality and Eroticism Among Males in Muslim Societies written by Schmitt and Sofer and the other a different perspective from within Muslim societies in the early 2000s Illegal Citizens: Queer Lives in the Muslim World by Afdhere Jama. I as a person who was raised in an Islamic society and has contact with different Muslim homosexuals and bi-sexual communities strongly acknowledge that the Illegal Citizens illustrated the reality of Muslim homosexuals and bi-sexuals life but Schmitt and Sofer’s book did not. It even some times made big mistakes. It confuses the reader between
Muslim sexual minority groups and people who only do same sex with foreigners, for money or even lust, because of hardly having any access to the opposite sex and so on.

**NRV: What does the future hold for you as a researcher?**

**Dr. Alipour:** I am optimistic. First of all, I do believe that Muslim revisionists and activists will do more and more academic research in this field as they have done in these two last decades. My plan is to focus and work on this subject for, at least, the next 5 years and to try to bring more to this discussion on sexual diversity and Islamic queer theology, especially from a Shia perspective.
Lawyers in Death Penalty Cases*

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Abstract

How can lawyers perform their responsibilities to defend their clients regarding human rights and criminal justice in Muslim states in which Islamic law is practiced such as Iran? To answer this question, we have a look at the criminal justice systems in Islamic countries. Evidence, investigations, interrogations and trials are based on traditional Islamic law and lawyers are not a part of the legal procedure. Consequently, not only do judges never care about lawyers’ defenses but also sometimes their defenses bring about some evidence against themselves. The presence of the lawyer in the criminal procedure is a result of having a modern approach to the realization of a fair trial. Fair trials never happen without the opportunity for lawyers to carry out their own duties perfectly. In the Islamic criminal code and its criteria to gather and have access to evidence, there is no place for lawyer’s practicing based on the standards of fair trial. This article looks at the fairness of trials in Iran, explains some of the provisions in the code of criminal procedure and the compromised role lawyers play in death penalty cases.

Lawyers in Death Penalty Cases

All Iranian lawyers, just after the verdict is pronounced, have frequently heard a magistrate say to a person who is condemned to death: “We have resolved the issue of the offence you have committed. Now, if God forgives you the rest of your sins, you will escape hell.” The prison administration employees frequently have the same attitude towards prisoners

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awaiting execution. This is one of the reasons why lawyers complain bitterly about the Iranian criminal system.

Nonetheless, the features of this system please the judges who perform their duties within the judiciary. The law of the 4th May 1981 (§ 5), which sets the conditions for the recruitment of judges, is based on Article 163 of the Constitution\(^1\), making competence in religious law a necessary criterion for recruitment. According to the Constitution and the law on the recruitment of judges they must be in possession of the \textit{ejtehād}\(^2\). If the judge is not a mujtahid, his appointment is subject to the permission of the \textit{Velayat-e faqih}\(^3\) or the \textit{Rahbar}\(^4\). This right of authorisation was delegated by the latter to the head of the judicial authority who currently exercises it. For this reason, this class of judges is called “authorised”. Naturally, the system used is based on Islamic penalties, i.e. prescribed penalties (\textit{hudud}), retribution (\textit{qisas}), blood money (\textit{diyah}) and discretionary penalties (\textit{tazirat})\(^5\). The death penalty is an integral and inseparable part of the laws of the Sharia.

Let us now leave substantive law aside\(^6\). The Islamic Criminal Procedure is too basic and traditional to be applicable as such. However, academic collaboration between university professors and heads of the judicial authority (mostly clerics) on the one hand, and pressure from human rights activists and the completely inadequate application of international human rights texts (that the Iranian state has nevertheless committed to comply with), on the other hand, have created a criminal procedure which contains elements from religious law and some procedural fairness standards. This ratified procedure is now in force. The rules of

\(^1\) Constitution, Article 163 “The conditions and qualifications to be fulfilled by a judge will be determined by law, in accordance with the criteria of Feqh”. The complete text of the Constitution is available at http://fisiran.org/en/resources/legaldoc/constitutionislamic.

\(^2\) Interpretative effort of sacred texts from which jurisprudence is taken (TN).

\(^3\) Guardian of jurisprudence (TN).

\(^4\) Supreme leader (TN).

\(^5\) These are the four types of penalties provided for by traditional Islamic law depending on the offence committed. The Hudud are automatic penalties laid out in the Koran; Qisas is the equivalent of Talion; Diyah or “blood money” is financial compensation that the family of the victim may accept in lieu of Qisas; finally, Tazir is punishment meted out at the judge’s discretion (TN).

\(^6\) Substantive law defines all rights and obligations of individuals, while procedural law determines how to assert these rights.
Iranian criminal procedure, similar to those of substantive law, are strongly influenced by Islamic requirements and present specific features that are unique in the world. They are established by reference to the basic Islamic requirements. In such a system, the death penalty is widespread and common. Criminal judges are often “forced” to pronounce death sentences, by stoning in particular, even when they have no preference for this type of penalty. Thus, at the conclusion of a case in which I defended three women between 2009 and 2011, the judge made it clear that he had been obliged to pronounce a death sentence. These women were charged with handling drugs. The three of them had young children and came from families belonging to the poorest classes of society. None of them had a criminal record. Yet, for the only reason that substantive law with respect to drugs does not take extenuating circumstances into account, the judge was “unwillingly” obliged to pronounce this verdict.

This situation repeated itself when I was working on a case of voluntary manslaughter. In the presence of a qasamah, the judge had no absolute certainty, from what he knew of the case, as to the guilt of the accused. Yet, despite his doubts on the merits, he was forced by the existence of qasamah to impose a penalty of qisas-e-nafs.

The rest of this article explains some provisions of the Code of Criminal Procedure (CCP) and judicial proceedings that result in the death penalty in Iran.

**Criminal Proceedings Leading to the Death Penalty**

I once defended a woman, Shadi, who was accused of having extra-marital sexual relations. She was arrested when she was on a trip for a few days with a man other than her husband. She never admitted to having sexual relations with this man, but the five judges of the court were convinced that a man and a woman traveling together would inevitably end up having sexual intercourse. The accused was sentenced to stoning on the basis of this assumption. On learning that his wife might be stoned, the husband, who nevertheless resented her, was outraged by the verdict. He got in touch with me, asking me to do everything possible to save his wife. In his opinion, stoning was an extravagant and totally disproportionate sentence for the charges against Shadi. Whilst defending her on appeal, I argued in court that the judges in the first trial, without any justification, had only considered the

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7 A group of fifty people from the victim’s family (TN).
8 Death sentence pronounced by virtue of qisas, that is, the law of Talion (TN).
assumption of a sexual relation. At the end of the procedure Shadi had escaped stoning but she had been very close to being executed and this case remained etched in my memory. In this case, it appears that Shadi was sentenced to stoning in virtue of unverified assumptions by the judges, based on appearances. The exercise of justice needs more than such conjectures to establish a crime. It needs absolute proof. But in Iran, the admissibility of evidence in favor or against the accused only depends on the goodwill of the judge. This is explained by the fact that Sharia considers justice to stem from God and His Prophet. The judge is therefore their representative on Earth. Since Iranian laws reflect this Islamic perspective on justice, they give a great deal of credit to the religious intelligence of the judge. The NIPC places this above all other evidence. This may produce an increase in death sentences pronounced without sufficient evidence. In criminal matters, the two most important legal texts are the IPC and CCP. Both codes are shaped around religious principles for the identification of a crime (considered a religious fault) and the construction of evidence (based on reasoning under religious law). Both of them establish, in the same way, a classification of crimes and evidence for various criminal categories. The only difference between these codes is that the CCP gives more details about evidence under religious law. Evidence of a general nature is also addressed, but in both categories the religious aspect is clear. Confession, which is primarily a moral or religious practice, is therefore very important at all stages of the procedure, starting from the investigation up until judgment. This is important also during questioning for e.g. drug offenses and financial crimes, which are punishable by death.

It is clear that in the context of the Iranian judicial system, all crimes have a divine aspect, a general aspect and a particular aspect. The divine aspect consists of the violation of the provision of Sharia. Evidence is divided into two categories: elements within religious law and others. Thus, under pressure from a qasamah, a death sentence (qisase-nafs) is easily pronounced.

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9 Moghtadai, M., Justice in Islam, Qom, 1997-1998, pp. 9 and 11. When he wrote this book, the ayatollah Moghtadai was in a high position in the Iranian judicial system.

Another case in which I defended a man accused of murder illustrates this perfectly. During a brawl between a group of nineteen people and another of twelve, a man from the first group was killed with a stone that hit him in the head. The family of the victim identified a member of the second group as the murderer because he had fled from the neighborhood soon after the incident. The court had no evidence to convict him, but the very fact of his presence in the neighborhood at the time of the brawl and his subsequent flight were enough to raise the court’s suspicion. Therefore, the family of the victim was asked to present fifty men before the court who were willing to swear that this person was the killer. Fifty men were sworn in and the court sentenced the accused to execution (qisas-e-nafs).

In the penal system, as illustrated in the examples above, the use of the death penalty and its application are very questionable and decided in the absence of procedural standards or clearly identified methods. During my twenty years of practice in all Iranian courts, I have witnessed two different situations: those who deserve the penalty (if it is not death) but escape it, like the father who only spent a year in prison for killing his daughter; and those who, on the contrary, have been wrongly convicted and executed, including some of my clients!

To clarify this point, let us consider the laws that deal with voluntary manslaughter and drug cases, and the penalties prescribed (Hudud) which lead to the greatest number of death sentences. The evidence for the most serious crimes - such as voluntary manslaughter, drug trafficking, rape, sexual crimes and other crimes punishable by death - is gathered without any rational method and applied to the crime or to the establishment of proof. Thus, in a case of voluntary manslaughter, the judge may rely on his own conviction to pronounce a verdict of qisas-e-nafs. In drug cases, the accused has no right to appeal a death sentence. One must only send the file to the office of the Attorney General or to the office of the President of the Court of Cassation for the order of execution to be issued. The Attorney General acts as the representative of society against the accused. He is not an appellate judge and his office is not an appeal court. Therefore, the study of the most serious cases that today give rise to the largest number of death sentences is vitiated by serious violations of the principles of procedural fairness.

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11 IPC (2013), Articles 312 and 313.
12 Law against drugs (1997-1998), Article 32. 55
Having defended several people in these courts, I have witnessed botched investigations that were conducted without consideration for the defense, and sometimes even without a lawyer. I have also attended investigations in the provincial courts of cassation. The running of the ordinary courts - particularly public hearings, in the presence of a jury and with the right to counsel - makes the likelihood of compliance with the principles of fairness of the procedure higher.

**Judicial Proceedings Leading to the Death Penalty**

In this setting, by judicial proceedings we mean the way in which the criminal sector of the judicial system interprets the law and investigates cases in order to apply the death penalty. We know that the death penalty is used in cases that the Iranian State and judiciary regard as the most serious, and is done so to root out “corruption” from society through application of prescribed punishments (hudud). This way of thinking prevails at all stages of the procedure that a case follows. In Iran, all those who are destined to become magistrates and receive specialised training to achieve this are religious people, or at least, flaunt their religion. It is interesting to note that Iran is among the few countries that have established special yearly courts for their judges. In this way judges can be dismissed for various reasons, including corruption and ethical lapses\(^\text{13}\).

It appears that the investigation and interrogation procedures are influenced, on the one hand, by the weakness of the laws of criminal procedure and, on the other, by the judicial procedures effectively applied by the officers conducting the interrogation, the prosecutor and the courts.

For example, the CCP does not allow lawyer involvement between the arrest of the accused and the issuance of the indictment for all criminal cases, particularly the most serious ones and those that affect national security\(^\text{14}\). This code firmly rejects any intervention of the lawyer in the process of investigation. In my experience, in the first days of their detention, those arrested by the police or security services are always victims of bullying, torture, humiliation and generally terrible detention conditions. Naturally, they do not have the faintest idea of what their rights are and the officers intimidate them and put pressure on them until they confess. On entering detention, the accused is not notified of his right to

\(^{13}\) Law against drugs (1997-1998), Article 32. 55

contact a lawyer to talk with him about the case, to be silent or to speak with his family. The prisoners are eventually informed of their rights by their fellow inmates or by their families, when the latter take on their case. Recently the Iranian criminal procedure law has been changed and it has increased the accused’s rights, but in practice the accused does not have access to their rights.

The conditions in which the trial is conducted are more satisfactory than those of police interrogation. During the trial, the accused has the right to counsel, who, however, takes on the case at a time when all the evidence against his client has already been gathered. In court, the lawyer can only use the national laws to defend his client. In my experience, although Iran is a signatory to the Convention on the Rights of the Child\textsuperscript{15} and the International Covenant on Civil and Political Rights\textsuperscript{16} - conventions that, once signed, become equivalent to Iranian laws\textsuperscript{17} - if the lawyer attempts to rely on these texts to defend his client, the court ignores his rationale. I have tried many times, always in vain. In conclusion, during the judicial proceedings and especially for the most serious crimes, the accused is completely unaware of his rights. At the end of such a trial, the verdict is anything but fair.

Another important point is the fact that both parties do not have the same opportunities to express their views. The plaintiff as well as the prosecutor may intervene in the case and the plaintiff has the unconditional right to a specialized lawyer. The prosecutor and the lawyer send a representative to the court. This role is usually assigned to a magistrate, the deputy public prosecutor. Any accused risking the death penalty also has a lawyer, but the lawyer is not on a par with his counterpart and the prosecutor. In murder cases, and particularly when public opinion is on the side of the prosecutor and the plaintiff’s lawyer, the position of the accused and his lawyer is particularly fragile. In addition, if the accused is poor, he will be assigned a court-appointed lawyer. The defense provided by court-appointed lawyers is not comparable to that of lawyers chosen by the accused. Furthermore, there is a high possibility that the court will choose a lawyer who does not have the capacity or the will to ensure proper defense.

\textsuperscript{15} Available on www.ohchr.org.

\textsuperscript{16} Ibid.

\textsuperscript{17} “Treaty stipulations which have been, in accordance with the Constitutional Law, concluded between the Iranian Government and other government, shall have the force of law” (Civil Code, Article 9).
In a case in which I was defending a young man accused of rape, the Vice-President of the Court of Cassation had written with a green pen on the last page of the record: “To be given priority,” even though nothing justified this. The 13th Chamber of the Court of Cassation, in which the judges are clerics, did not take into account the specific elements of the case. I argued that the woman who had accused the man in the first place subsequently acknowledged, in her testimony, that the rape had not taken place. The court sentenced the young man to death, citing the prescribed punishments (*hudud*). The sentence was executed in 2012\textsuperscript{18}.

**Conclusion**

Finally, considering the previously mentioned cases and the numerous drug trafficking cases I have had to plead, one can conclude that the investigation and the trial in appeal and cassation are not conducted in accordance with the relevant international procedural standards. There is no possibility of appeal against a death sentence in drug cases. In some cases, I have even witnessed life imprisonment sentences being changed to death sentences on appeal. The law against drugs, passed in 1997-1998, gives the prosecutor in drug cases a more important role than usual (Article 32). In fact, during the proceedings, it assigns equivalent rights to those of an advisory authority or an appeal court, even though the prosecutor is not impartial!

Therefore, the judicial authority is not independent and judicial proceedings, in fact, give no guarantee of fairness. Death sentences are pronounced and executed even when there are grounds for doubt.

\textsuperscript{18} I still have the court’s sentence and the testimony of the woman who accused him of rape.
Interview with Mr. Hossein Raeesi

Hossein Raeesi practiced law in Shiraz, Iran for 20 years and served as a two-term board member of the Fars Province Bar Association and was the founder and former head of the Human Rights Committee of the Far Province Bar Association for eight years. He is also the founder of Neday-e Edalat (The Voice of Justice) Legal Association in Shiraz. In his professional practice, Mr. Raeesi has defended as a pro bono attorney political prisoners, journalists, women and children who were sentenced to the death penalty. In 2012, Mr. Raeesi relocated to Canada to escape undue pressure from the Iranian Government. Since then, he has been collaborating with human rights organizations in several countries regarding various issues, including: Sharia law and human rights; the death penalty in Islamic legal systems; domestic violence; and global networks dedicated to protecting children. Mr. Raeesi is a Visiting Scholars Fellow at the University of Ottawa.

NRV: Can you tell us a little about your life and work in Iran, why you decided to leave and your work in exile?

Mr. Raeesi: I was a human rights lawyer in Iran and practiced law in very difficult circumstances for over 20 years and I had the chance to support many poor people, women, children, minorities, Iranian Jews, some people who had converted to Christianity, some students who were under pressure from the government and after 2009’s election I had the chance to support many Iranians who were under pressure because they had joined protests against the government. After I came to Canada, I also had the chance to support Iranian society remotely through articles, interviews and writing books and manuals to support Iranian civil society.

Since I started as a human rights lawyer, the Iranian system has never accepted human rights practice in the judicial system. I knew the Iranian government wouldn’t tolerate me practicing human rights law. Based on this knowledge I decided to connect with people outside of the country - just in case I received a lot of pressure, I would have the chance to leave the country. These connections would help me to immigrate whenever I had to. I postponed this but in 2008 for the first time a case was opened against me because of my job, my career. I didn’t do anything wrong even based on the Iranian judicial system. I
stayed there and followed up on my clients’ cases and so on. Slowly the pressure got bigger and I tried to leave the country.

In 2010 I submitted an immigration case to come to Canada. I came in 2011 with my family but returned to Iran after a month. Then the government opened two new cases against me. Someone from the inside of the government told me I was under high risk and I should leave. I believe if I stayed there, I could not practice law based on my methods as after the 2009 election the Iranian government and judicial system decided to discourage lawyers from political cases. We saw many Iranian lawyers put in jail at that time. About 10 lawyers who had practiced human rights law were put in jail at that time and some of them are still in jail today. The Iranian judicial system even now never tolerates Iranian human rights lawyers. We have many lawyers but we don’t have more than 15 very famous human rights lawyers.

NRV: What are the requirements to become a lawyer in the Sharia system?

Mr. Raeesi: Sharia is the traditional system in which no position has been determined for lawyers. Consequently, there is a mixture of Islamic law and civil law in countries that practice Sharia law. In Iran there is a kind of civil system like French law. Based on this we don’t have lawyers inside the Sharia system. I am not a human rights lawyer based on the Sharia system. The Iranian system is based on the procedural system. I became a lawyer based on the procedural system based on the French system. Lawyering is a modern role, not a traditional.

NRV: In the article you mention that criminal judges are often forced to pronounce death sentences by stoning. How does this ‘forcing’ work and what happens if the judge refuses to pass this particular death sentence?

Mr. Raeesi: It is worth mentioning that my focus has not narrowly been on stoning but broadly speaking it has been all forms of death sentences in Sharia. In practice nowadays we don’t have many cases of stoning. But we do have it in the Iranian penal code as a kind of death penalty for adultery. Judges often focus on pronouncing the death penalty as the product of two Islamic laws Qisas (retaliation in kind) and Hudud (limit). Qisas is the sentence of execution for the crime of murder. If there is a sentence of murder the judges cannot prescribe another punishment, even if it is manslaughter. The chance of being sentenced to a lighter sentence is not there for the judge. The judges are not allowed to pass another sentence. In Hudud, if there is a doubt, the judge does not have the freedom to give
a sentence that is different from what Islam has prescribed. If the crime is provable and the maximum punishment is stoning, the judge doesn’t have the option to prescribe a minimum sentence.

NRV: As is often the case there are rules for the rich, rules for the poor, rules for women and rules for men. How pervasive is this in the Sharia system?

Mr. Raeesi: The rules in Sharia are sometime protective and sometimes discriminatory. For example, giving money to the poor, or there are rules that discriminate against women such as in inheritance rules or the value of a woman’s testimony, or the discrimination against non-Muslims. But it is not just in Muslim countries. In many countries the poor face the highest sentences and the risk for poor people to receive the death sentence or jail is higher for the poor than the rich.

NRV: You mention 'disciplinary courts for judges' in the article. Can you give me some more information on what these are and how they work?

Mr. Raeesi: The disciplinary courts have long existed and deal with judges’ offences. The number of these courts has increased and cannot be compared to any other place in the world. There are approximately 10,000 judges in Iran at the moment and we have at least 3,000 complaints against them each year. This figure is too high. The judges of the disciplinary court are usually pointed by the judiciary. The judge is either absolved or sentenced depending on the outcome. They usually get deductions from their salaries. It seems to me that our system is sick and the results are not based on the reality since there are numerous complaints against judges and based on this, we know something inside of the judiciary system is corrupt and must be reformed.

NRV: Bullying, intimidation and torture are pervasive during the detention phase, the court system doesn't respect individual rights and the verdict is often unfair. How aware is wider Iranian society of this? Is there much of a push back against the Sharia system? In the future will Sharia remain untouchable?

Mr. Raeesi: The society is usually unaware of such events and the fact that they occur. Journalists and the media have no access. Most of those exposed to such cruel behaviour during detention are afraid of talking about what has happened to them. The society is somehow passive. Legal activists cannot talk about Sharia and criticise it or else they will be
threatened. In cases where there is bullying, intimidation and torture, nothing happens. Another example is a proposal for equality for men and women in the last decade, when a lot of people were arrested. My idea is in line with modern Islamic scholars’ perspectives in terms of reforms. But many traditionalists believe that Sharia cannot be changed.

NRV: A few of the cases you bring up in the article deal with drug related offenses. As may be known to the audience Iran has the highest per capita number of opiate addicts in the world. In your view what are the social factors that encourage such high drug use in Iran and does the Iranian judicial system deter people from using drugs?

Mr. Raeesi: One of the main problems in Iranian society is drug addiction and drug trafficking. We have a high number of prisoners who are involved in trafficking and a high number of addicts. The main reason I think is the lack of access to entertainment facilities and the low costs of drugs. When many drugs are available and it is easy to access them and people don’t have a chance to drink alcohol, go to the cinema easily and so on, they will do drugs. E.g. in my town, Shiraz, after the revolution we have a huge population (the Iranian population has doubled since then), and we don’t have any new cinemas. The people don’t have access to social facilities. They need entertainment. The relationship between girls and boys is prohibited and so on. Access to drugs is easy and it has become normal to have a high rate of drug use. Beyond these problems, we have economic problems such as unemployment. Taking drugs only once is labelled a crime in Iran and the sentences for that are whippings and fine. They don’t consider all aspects of the issues. It is a huge mistake. Addicts are usually sick people who need help. It is closely related to the lack of public freedom in the society.

NRV: On a personal level are there consequences for you to speak out like this?

Mr. Raeesi: I left my country before the government sentenced me to jail. Speaking out in Iran about the problems we have, specifically about the legal system, is banned, you can’t talk. After you talk, you are charged for crimes against the state and national security. A case in point is Article 500 of the penal code that says criticism and talking about the structure of the government and leadership is a crime against the state. I’m here to become more powerful. I’m not going to lose my livelihood. I’m an international human rights activist now.
The Vices of Authoritarian Developmentalism in Ethiopia

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Abstract

The most significant policy framework that has been shaping the political and economic dynamics in Ethiopia is the doctrine of the developmental state model. The rhetoric is a new form of policy direction that has been advanced by the Government of Ethiopia since the aftermath of the controversial election in 2005. The policy aims at boosting legitimacy of the regime on the ability of the developmental state to deliver roads, schools and exaggerated rates of gross domestic product (GDP) growth. After the adoption of the developmental state model, the political repression against opposition parties, the media and civil society groups has been intensified. The paper explores the implications of the authoritarian developmental policy of the Ethiopian government in deepening political repression in the country.

Introduction

A new political dispensation began to unfold in Ethiopia since the change of regime in 1991. The Tigreyan People’s Liberation Front (TPLF), under its umbrella organisation, the Ethiopian People Revolutionary Democratic Front (EPRDF), assumed state power in May 1991. The swift control of state power happened with the blessing of the United States Government in a bid to prevent the kind of chaos that had devastated Liberian and Somalia (Lyons 1996:122). There were mixed feelings when the new forces entered the capital. On the one hand, there was a huge sense of hope for change, especially among the ethno-regional political forces hoping for an end to what they call ‘ethnic exploitation’, democratisation of the Ethiopian state and prospects of economic development.

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The revolution was a complete reversal of the centralisation stance and sense of unity that had crystallised for decades. The National Conference on Peace and Reconciliation in July 1991 was organised as the foundation for a transitional period after the regime change. However, the conference had excluded many of the political groups from participation (Solomon 1993:150; Alemante 1992: 205). The conference largely included selected individuals and over 20 political organisations (Aalen 2002:7; Lyons 1996:123). In 1995, EPRF adopted a new constitution that provides for the establishment of a federal democratic state, multi-party democracy and protection of fundamental and democratic and human rights.

The highly anticipated promises for democratisation and protection of human rights were not realized in the last two decades. A close study of the ideological merits and polices of TPLF/EPRDF is essential in assessing the dynamics of impediments of Ethiopia’s transition to democracy and functioning of the federal system. Since 1991, the destiny of the country seems to be closely linked to this organisation and its ideological ideals. The party is responsible for the adoption of the highly controversial ethnic federal system and the innumerable Marxist inspired policies that have been used to control all political, social and economic institutions in the country. The polices of TPLF/EPRDF have far-reaching consequences in shaping the country’s political discourse. The ideological principles perused by the vanguard party are mainly aimed at preserving the hegemony of the party in decades to come. One of the most important rhetoric that has been regulating the political discourse in Ethiopia is the doctrine of the developmental state. The doctrine is a new form of policy that has been advanced by TPLF/EPRDF, particularly since 2006. The model aims at boosting legitimacy of the regime on the ability of the developmental state to deliver roads, schools and exaggerated rates of gross domestic product (GDP) growth. After the 2005 election fiasco, the regime vigorously emphasised the concept of the developmental state.

In the last few years, the aggressive application of authoritarian developmentalism has had numerous implications for the country’s democratisation and federalisation process. The developmental state rhetoric is now in full swing in light of the huge foreign land-lease deals, exaggerated growth figures, the mega-dam building and the road construction (Abbink 2011:598). Much of the news pieces and documents released by the state have focused on developmental issues. Other issues related to democracy, maladministration, economic challenges and other relevant issues have been entirely excluded from the media.
coverage. In addition to the reports of economic growth released by the Ethiopian government, the World Bank and other international organizations affirmed that the country had scored more than an average of seven per cent annual economic growth in the last eight years. The paper explores the impacts of the developmental state policy of the Ethiopian government on the democratization process and protection of human rights. It particularly addresses the impacts of the application of the developmental state model in the last decade on institutional building, multi-party democracy, development of civil society and freedom of expression.

The Theoretical Background of the Adoption of the Developmental State Model in Ethiopia

The term ‘developmental state’ referred to the phenomenon of state-led macroeconomic planning where the state had autonomous political power as well as control over the economy (Caldentey 2008:27). The model is particularly associated with the leading role played by the government in promoting industrialisation in Japan and other Asian countries such as Korea, Malaysia and Singapore (Caldentey 2008:27). The strategies involved in achieving economic development include ‘the active use of subsidies, tariffs, infant industries and other protectionist measures such as distribution of monopoly rights, development of national capacities through research, development, education, training, stimulus to foreign technology acquisition and public–private cooperation practices’ (Caldentey 2008:31).

The inherent backdrop to the theory is that neo-liberal ideals do not work unless some degree of economic development is primarily achieved. According to this assumption widespread poverty and the absence of a democratic civic culture render neo-liberalism incompatible with the realities of poor countries. Democratic reform is only to be undertaken after some degree of economic development has been achieved. Countries such as Singapore, South Korea and Malaysia had followed this model before they opened up their systems to a wider democratic political space. For some time, they were largely repressive regimes that focused only on economic development while being less accountable and transparent. It was only after they had reached some degree of economic development that they undertook democratic reforms.

TPLF/EPRDF seems to be attempting to imitate the developmental state model to bring about economic transformation in Ethiopia. It is believed that TPLF/EPRDF developed the
model combining the work of economists such as Mushtaq Khan, Dani Rodrik, Howard Stein, and Joseph Stiglitz on the key role of the state in achieving economic development and the Chinese economic success (Vaughan 2011:623). Before the doctrine was adopted as state policy in Ethiopia, it first appeared as a scholarly work by the late prime minister. The preliminary draft of Meles Zenawi’s change of policy was presented in advance at a development forum organised by the Initiative for Policy Dialogue in 2006. In his draft thesis, African Development: Dead Ends and New Beginnings (2006), the late prime minister indicated that the neo-liberal paradigm is not working in Africa and argues that the best way to achieve development is the paradigm of the developmental state where the state will have strong power and involvement in directing the political economy of the country (Meles 2006:10). Meles argued that it is difficult to bring about development in the typical time frame of an election term and that there has to be continuity of policy if there is to be sustained and accelerated economic growth. Though many of the South-East Asian countries implemented the developmental state model through restricting democratic rights, Meles argued that it is possible to achieve developmental state ideals without being repressive. He cited the grand coalitions in Japan and in the Scandinavian countries that stayed in power democratically for longer periods.

As the neo-liberal market economy is labelled negatively as rent-seeking or anti-democratic, TPLF/EPRDF claim to have resorted to the developmental state as the only means of economic development in the country (Batch 2011:650). Under the version of the developmental state doctrine developed by Meles Zenawi, the party and the state become the principal investor and decision-maker in economic matters while the private sector only plays an intermediary role between the two actors (Batch 2011:651). Though the monograph presented by the late prime minister claims that it does not represent the policy of the government, the paradigm shift to developmental state implemented in full swing across the country and it has become the official state policy since 2006. The shift of paradigm to developmental state has brought about radical political and economic measures. Not only has the regime undertaken a number of measures that stifle democratic development such as new laws that restrict the operation of civil society groups and the media as well as anti-terrorism law, other fundamental economic measures related to land lease and private sector investment have been undertaken.

In addition to the huge impact the developmental state paradigm has had on the functioning of the federal system, there are different issues to be raised in relation to the relevance of the
model and its possibility in bringing about economic transformation in the Ethiopian context. The primary concern about the use of the model in the Ethiopian context is whether lasting economic development can be achieved through a model that rules out the democratisation process. Though Meles Zenawi argued that the developmental state model is not necessarily undemocratic, the experience of the countries that implemented the model, as well as the restriction of the political space in the last few years, indicate that the developmental state model in Ethiopia is implemented through repressive means.

The developmental model, which is aimed at bringing about economic development through undermining democratic values is in direct contradiction with the widely accepted view that the most important tool for economic development is ‘the existence of a democratic system of government as democracies not only out-perform dictatorships when it comes to long-term economic growth, but also outdo them in several other important respects . . . And they produce more equitable societies. Authoritarian regimes, by contrast, ultimately produce economies that are as fragile as their political systems’ (Rodrik 2010). As evidence, proponents of the democratic model argue that the few countries that developed spectacularly during the past 50 years were under democracy rather than under dictatorship (Przeworski 2004:21). In most cases, not only are authoritarian governments unable to bring about economic development, or even if they bring about some changes, there is no guarantee such economic promises are sustainable and the gains of economic development may be consumed by the high level of corruption due to the absence of an efficient system of transparency and accountability.

According to scholars, the myth of 'stability' of dictatorships is not also a reality, ‘because they rule by force, they are highly vulnerable to any visible signs of dissent . . . Since in dictatorships policies depend on the will, and sometimes the whim, of a dictator, they exhibit high variances of economic performance. Some generate miracles, some disasters, and many generate both’ (Przeworski 2004:21). Alternatively, scholars recommend turning instead to up-and-coming economic superpower countries like Brazil, India, South Africa, and Turkey, which have already accomplished their democratic transitions and are unlikely to regress (Rodrik 2010). These countries achieved economic development without necessarily denying democratic rights.

The Jasmin revolution that ousted the Tunisian president Ben Ali, Egypt’s Hosseini Mubarak, Libya’s Ghaddafi and other Middle East countries has proved that the
authoritarian developmental rhetoric is not sustainable. Though both Ben Ali and Mubarak had brought about significant economic developments through repressive regimes, growing public consciousness of democracy has resulted in the downfall of entrenched regimes. These are indications that the old style of grip on power in the name of achieving economic development does not work in a technologically developed and interlinked world.

When we assess the success of the Asian tigers that brought about difference through the developmental state model, they were more or less unitary states without complicated heterogeneity as is the case in multinational countries such as Ethiopia. In countries such as China, it is not challenging to maintain stability because of the high degree of linguistic homogeneity and cultural unity. Even in the case of China, without democratic transformation, the lack of institutionalised mechanisms for voicing and organising dissent will eventually produce conflicts that will overwhelm the capacity of the regime to suppress (Rodrik 2010).

In the African or Ethiopian context, a complicated ethnic and religious diversity needs accommodation through political consensus. In such countries, the appropriate political means that need to be undertaken is a democratic system of government. However, this does not mean that there exist the necessary conditions that enable these countries to build a full-fledged democracy. Since a high level of poverty and illiteracy are deeply entrenched in sub-Sahara African countries, a well-developed democratic system is not a short-term objective in these countries. However, the other myth that asserts that repressive regimes are much better in bringing about change is a more disastrous option for Africa. Due to the untold repression the people suffer in many parts of Africa, conflicts and frequent change of regimes have occurred in the last few decades.

In addition to this, despite the absence of a democratic system in the Asian countries that pursued the developmental state model, these governments had some credibility among the middle class who contributed to bring about economic transformation. This is because the developmental state model requires a highly qualified bureaucracy and civil service that discharge its responsibility efficiently. In China, for instance, the government has been able to mobilise elites under nationalist rhetoric by mobilising the people to reassert China’s traditional position of dominance in the world. Due to the strategy of raising Chinese nationalism, when the Chinese government opened up its free market system, millions of
Chinese came back to their homeland to invest and work there, displaying a high sense of nationalism.

In the Ethiopian context, the regime in power does not have the support of the middle class, the technocrats as well as among Ethiopians in the Diaspora. Significant proportions of expatriates could not be convinced to come back to their country to help the development endeavours due to the huge political deficit. The commitment of the most educated elite is unlikely to be realised without some degree of political consensus and freedom in the country. In addition to this, the regime has a bad record in terms of crediting pan-Ethiopian nationalism which is also an essential element to bring about consensus in the country on the notion of the developmental state model. The economic policy in the country also lacks the framework needed for achieving the developmental state model. The Ethiopian political and economic environment operates as a centrally planned economic system rather than adhering to the principles of the developmental state paradigm. Rather than helping to create a conducive investment environment for the private sector, the regime continues to rely heavily on party-affiliated companies and public enterprises to achieve its developmental objectives.

In addition to the absence of the critical factors needed to implement the developmental state model in the Ethiopian context, the international situation that enabled Asian countries to achieve economic prosperity through the developmental state model has been significantly altered. During the time of the cold war, due to the fact that western countries were wary of the expansion of communism, they were generous in terms of providing assistance and facilitating investment opportunities in the regions where they had geopolitical interests. The developmental state policy in these countries could not have brought about the desired result had it not been for the helping hand of western powers that were determined to stop the expansion of communism. This situation has been seriously changed since the end of the Cold War. Not only the geopolitical interests have greatly lessened but also the economic crisis in many of the western countries has restricted the lending hands of the west.

The only economic miracle under the so-called developmental state model after the end of the Cold War is China. But as has been indicated earlier, the degree of homogeneity and the cultural harmony in the country has enabled the regime to bring about economic development without opening up the political space. In many respects, the case of China is
an exception rather than the norm. Due to China’s exceptional situation, scholars warn that it is dangerous to draw too many conclusions from such specific instances since they are rare and there is nothing to show other to generate them (Przeworski 2004:20). In addition to this, despite China’s impressive economic achievements, it has become clear that economic development cannot be maintained without democratic reform in the end.

**The Impacts of the Developmental State Policy on Democratic Institutions and Separation of Powers**

The highly centralised feature the Ethiopian state contradicts the very fundamentals of a democratic federal system of government. Except in the case of former socialist federations where the central party controlled the activities of the regional units, diverse party interests coexist within federations. The complex relationships within the ruling party and its ideology are thus the major source of the centralised and patronage relationships existing between the federal and regional governments. It has been observed in the last two decades that the principle that governs the patron-client relationship between the TPLF/EPRDF, regional members and affiliate parties has severely hampered a genuine democratization process in the country (International Crisis Group 2009:17, Paulos 2007:285).

The regional governments do not have any discretion to reject the policy adopted by the federal government or the right to devise their own policy framework. In many cases, the regional councils adopt federal policy decisions even without altering the words in federal policy documents. After the policy decisions at federal and regional levels are finalised, each local administration is required to implement the policy. According to studies, *kebele* local administrations have particularly become a useful method of control and political repression.¹ Since the *kebele* administrations are controlled by cadres of the governing party, ‘the *kebele* chairman and leaders closely follow the TPLF/EPRDF, rather than being representative voices of the community’ (Yilmaz and Venugopal 2010:12).

The adoption of the developmental state policy has significantly contributed for affecting the intergovernmental relations between the central and regional governments. The doctrine assumes a government-led economic development strategy that leads to total monopoly of

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¹Citizens must go to kebele officials for a whole range of administrative functions, including any kind of government documentation. In some cases, citizens must seek kebele permission to repair their homes. If the kebele authorities do not consider a citizen favourably, daily life can become extremely difficult’ (Human Rights Watch 2010:15).
the entire political and economic system by a single political force. The aggressive application of the model in the last few years has further narrowed down the limited political space by granting unlimited power to the federal government to interfere and control social, economic and political activities in the country. Due to such unprecedented control by the government, much of the economic, social and political activities in the country has forced citizens to be co-opted into the TPLF/EPRDF state and party machinery for jobs or to improve their livelihoods.

In addition to this, the aggressive use of the developmental model rhetoric has suffocated state structures and the intergovernmental relations of the federal system by narrowing down the political space needed for the accommodation of diverse political interests in the country. The recent practices and measures undertaken in relation to ensuring development in the country have been observed in terms of curbing some of the constitutional autonomy of regional governments. In the last five years, the federal government has taken over much of the power of the regions to administer the land through the pretext of delegation of some of their rights to the federal government. At present, the federal government is increasingly controlling agricultural and industrial plots of land in the regions through a dubious process and the land is being distributed to foreign companies by the central government.

The emergence of the developmental state rhetoric in the last few years has also been instrumental in terms of paralyzing the separation of powers principle among the three branches of the state. Primarily, the developmental state doctrine has narrowed down the political space by granting unlimited power to the government to interfere and control social, economic and political activities in the country. In the pretext of executing development projects in health, education and other economic sectors, the government has controlled major economic activities in the country. To eliminate civil society groups and activists that challenge the authoritarian tendencies of the regime, the government has enacted new laws that provide a wider governmental power to crack down dissent. The new laws that have been enacted since 2007 relating to terrorism, land lease, civil society and other measures have increasingly placed the executive branch of the government beyond any control. The parliament is highly dominated by the ruling TPLF/EPRDF while all the other political forces are excluded from the political process. The parliament does not have any control over the overwhelming power of the executive branch of the state. In addition to this, the judicial review power of the courts over the government is very limited due to the
lack of clarity of the power of the judiciary over interpreting the constitution and lack of independence of the judiciary.

After the adoption of the developmental state, TPLF/ EPRDF has practically used the civil service as a party apparatus. The tendency of compromising the competence of the civil service in favour of political loyalty greatly undermined the effectiveness of the civil service. According to a Human Rights Watch study, the civil service has become highly politicised since 2005, ‘Civil servants are subject to propaganda meetings ostensibly to learn about government policy, but in reality this is part and parcel of a process of indoctrination and ultimately a request or threat to join the EPRDF’(Human Rights Watch 2010 28). As a result, TPLF/EPRDF has produced an army of civil servants who are determined to show absolute loyalty to the party rather than to their job prescriptions or to the public at large.

The way the regime attempts to mobilise public support is through requiring absolute loyalty to its policies without leaving any room for manoeuvring. According to studies, non-TPLF/EPRDF members or non-supporters are reportedly more likely to be transferred to undesirable posts and to be bypassed for promotions and there is lack of transparency in staffing decisions (United States Department Human Rights Report 2010). Due to ideologically structured government, civil servants and other professionals are recruited in contradiction to the civil service law that provides that the only criterion to fill a vacancy is the qualification of the person. In the last few years, the trend of compromising quality for loyalty has been on the increase in the various government departments. Despite the fact that the regime does not admit the politicisation of the civil service, an interview made with civil servants at federal and regional levels revealed that the most important factor in joining the civil service is loyalty to the ideology of the ruling party while qualifications have a secondary importance. Citizens have also increasingly been co-opted into TPLF/EPRDF state and party machinery for jobs or to improve their livelihoods.

The Impact of the Developmental State Policy on Multi-Party Democracy

Though TPLF/EPRDF is formally committed to a ‘stable multi-party democratic system’, its decision-making, organisational principles and discourse reflect the Marxist-Leninist philosophy that has guided the TPLF since its foundation in 1975. Political opponents are always presented by TPLF/EPRDF as ‘anti-people’ and ‘enemies of the country’. The various party documents of TPLF/EPRDF indicate that the key to development is a one party state. The vision that aimed at maintaining hegemony is manifest in the various
repressive measures taken against opposition party members that include extra-judicial killings, imprisonment and intimidation. Opposition parties are not allowed to operate in rural areas that are considered to be within the power base of the regime, since rural Ethiopia is entirely controlled by the regime. It is unlikely a strong opposition party could emerge without engaging in political activity in rural areas where 85 per cent of the population are residing.

The repressive mechanism used by TPLF/EPRDF has also enabled it to manipulate the country’s resources to the disadvantage of opposition groups. Since the ruling party controls government resources, it uses them for advancing party activities while the opposition parties do not have any means to conduct advocacy work. During elections, the ruling party uses vehicles, machinery and staff from government offices for party activities and uses their power to create obstacles to mobilisation by opposition parties’ (Pausewang, Tronvoll and Aalen 2002:12). It is clear that elections conducted under such an ideological regime will not meet the standards of liberal democracies (Tronovoll 2019: 460).

Since the adoption of the developmental state policy after the 2005 elections, the repression against oppression party members and supporters highly intensified. Not only most of the leaders of the opposition party were imprisoned but also the political space was highly shrunk since 2006. The 2010 general election was undertaken in the absence of any meaningful political participation of opposition parties and the public. In an election held in a very restrictive political landscape, EPRDF claimed to have won 99.6 per cent of the parliamentary seats in 2010. In May 2015, the regime claimed that it won all the 547 parliamentary seats. At present, TPLF/EPRDF controls almost all-political, social and economic life in the country.

**The Impact of the Developmental State Policy on Civil Society Organisations**

Civil Society Organisations (CSOs) have become now the most important institutions to build a vibrant democratic society and create a bridge between the government and the public. Ever since the occurrence of famine in the country in the 1970s, there has been a steady increase in the number of CSOs in the country. There had been also some professional and labour associations during the time of Emperor Haile Selassie I. However, the regime change in 1991 led to the creation of significant numbers of professional associations and trade unions. As of 2009, there were 4,700 organisations registered with
the federal justice ministry and an estimated 7,000 NGOs are active across the country (International Crisis Group 2009:20).

Despite the volume in the number of CSOs in the country, Ethiopian regimes in the past and present encourage only CSOs that engage in activities related to relief and rural development rather than those that engage in advocacy activities. Government officials and accuse the CSOs of being mouthpieces of opposition parties as well as criticising them for not engaging in major problems within the country such as degradation and poverty (Paulos 2006:15). Furthermore, CSOs are also accused of working to please foreign donors as well as the government rather than focusing on advocacy for democratic empowerment and the protection of human rights (Paulos 2006:26).

The increasing numbers of CSOs suddenly came to a halt in 2005 when they received a serious blow in the aftermath of the elections. The government crackdown on CSOs following the 2005 election crisis was largely due to the increasingly assertive role of CSOs immediately before the election. During the election, due to the unprecedented openness allowed by the regime, many CSOs were engaged in voter education campaigns in many parts of the country. This resulted in the registration and high turnout of voters for the election which helped the opposition that was marginalised during past elections to command higher public support compared to the past. TPLF/EPRDF was not happy about the role of CSOs that gave significantly increased support to the opposition parties among the public.

After the adoption of the developmental state policy in 2006, there has been a total monopoly of the whole system by a single political force, while independent voices in the country are silenced. After the election of 2005, TPLF/EPRDF came up with a new law that restricted the role of CSOs in policy advocacy. The official justification provided by the regime for the new law was to make CSOs more accountable and to prevent foreign powers from meddling in the internal affairs of the country. The CSOs law that was enacted in 2009 gives the government broad powers to oversee, sanction and dismantle entities it considers troublesome. The law makes any work that touches on human rights or governance issues illegal if carried out by foreign non-governmental organisations and labels any Ethiopian organisation that receives more than 10 percent of its funding from sources outside of Ethiopia as a ‘foreign’ entity. By enacting such a rule, most local CSOs were prohibited
from engaging in advocacy, human rights, democratic governance and conflict resolution activities.

The late Prime Minister Meles Zenawi’s perception of civil society groups is that ‘NGOs can only lead to a fragile democracy which does not permit alternative paths to develop. Instead, what Africa needs is a ‘paradigm shift’ from neo-liberalism to an agrarian democracy, where the NGOs would have minimal roles’ (Alemseged 2009:180). The late Prime Minister, who was the architect of the TPLF/EPRDF ideology, further asserted that the ‘proliferation of NGOs and domestic voluntary organisations is a form of pluralistic patronage which can only lead to a fragile democracy’ (Alemseged 2009:180). Such perceptions with respect to CSOs are in line with the inherent ideological conceptions of TPLF/EPRDF that restricts the role and scope of CSOs.

The Impact of Developmental State Policy on the Independent Media in Ethiopia

The mass media are often referred to as the fourth branch of government because of the power they wield and the oversight function they exercise in democracies. In the contemporary dispensation, the significant impact of the media has contributed much in terms of holding government actions accountable and demanding the transparency of the state. The role of the media is particularly irreplaceable when the other institutions of government such as the legislature and the judiciary are weak or corrupted to facilitate abuse of power. In the Ethiopian context, when TPLF/EPRDF came to power in 1991, a national charter that recognised freedom of speech was adopted and a law was issued on freedom of the press. Soon after the issuance of the law, different newspapers, magazines and books hit the market. Citizens welcomed the trend since the action taken to open up the sector to independent media was a watershed moment, because it had been unthinkable during the past regimes.

However, the distribution of the private press was limited to Addis Ababa and other major cities compared to the role of the electronic media that is by far the most important means of mass media in rural Ethiopia. Despite the call to open up the electronic media to the private sector from the beginning, it took almost a decade for a law to be enacted that regulates private electronic media to be allowed. To date, the broadcasting proclamation is yet to be fully implemented. Only a few FM private radio stations are permitted to operate in the capital city Addis Ababa. Many of those established are allegedly pro-government or shy away from issues they deem unpleasant for the government. Licenses have never been
granted to private shortwave radio and television broadcasters that could reach the general public in rural areas. The government provides various justifications for the delays, although the real justification behind this is the threat posed to its grip on power by the free media.

The common accusation directed by the government to the private media is that they were irresponsible and were political activists devoid of neutrality. This accusation may have been partly true in light of the fact that the vocal newspapers received their inspiration from the ideals of the opposition parties. However, the major reason why they were perceived as affiliated to opposition parties seems to have been associated with the substantial violation of human rights in the country and public grievances that motivated them to publish news items critical of the government rather than having a direct attachment to the opposition groups. Such accusations of partisanship are also questionable considering the myth of the notion of independence of the media. As far as the press operates within the limits of the law, whether they function as political activists or supporters of government is largely irrelevant. For instance, how could we justify the independence of the Washington Post or New York Times? These newspapers are accused of showing partisanship towards either liberal or conservative attitudes. The New York Times is usually viewed as being part of the liberal press, while The Washington Post is viewed as being conservative. The debate on their neutrality will always exist. Such value judgement issues are left to the preference and judgement of the readers rather than to regulation of the law.

Ideals of the developmental state have obviously direct implications on the emergence of a vibrant press. Due to such an ideological sensitivity of the regime and an attitude that considers free media unfriendly to the system, the Ethiopian press has suffered a series of measures undertaken by the government. There have been frequent arrests and trials of editors, reporters and publishers, and the subsequent closure of many publications, often leading to journalists fleeing the country. The critical private media has virtually disappeared following the crackdown on the opposition after the 2005 elections. In addition to this, the Amharic programmes on Voice of America and Deutsche Welle reported that their broadcasts have been intermittently jammed since 2007. The government has also blocked all political Ethiopian websites that are critical of the government.

The most disturbing and sweeping law that undermines freedom of the press is the newly enacted Anti-Terrorism Proclamation adopted in 2009. This proclamation in particular provides a broad and ambiguous definition of terrorism that could be used to criminalise
non-violent political dissent. The proclamation provides that any form of support for acts of terrorism entails a serious criminal penalty. Accordingly, whoever publishes or causes the publication of a statement that is likely to be understood by some or all the members of the public as a direct or indirect encouragement or other inducement for them to commit, prepare or instigate an act of terrorism is punishable with rigorous imprisonment of up to 20 years. The proclamation further provides the intelligence agency with the power to intercept communications by the person suspected of terrorism. Admissible evidence in the case of terrorism in court includes hearsay or indirect evidence or any form of evidence whose source is not to be disclosed. The police may also arrest without a court warrant any person whom they reasonably suspect to having committed or to be committing a terrorist act.

All the rules enshrined under this proclamation potentially violate presumption of innocence, freedom of expression and association, right to privacy and the right of peaceful demonstrations of citizens. The fear that the government may apply the legislation to crack down on dissent has also been confirmed when the government levelled different terrorism charges against many politicians, journalists and civil society activists. Given the bad human rights record of the regime, it invoked the provisions of the anti-terrorism law to crackdown on the private media. In fact, a number of newspapers have been closed down and threatened by the Anti-Terrorism Law and many journalists have either fled the country or have been charged and sentenced with harsh penalties.

**Conclusion**

The most significant impediment to the democratisation of the Ethiopian polity and protection of human rights is related to the introduction of leftist ideology in the 1970s that has been firmly maintained by the TPLF/EPRDF. The leftist political ideology, including the recently adopted developmental state policy, is premised on absolute control of all political space. It discourages the establishment of independent political and civil society groups, limits civil liberties and freedom and controls the media. Primarily, it is doubtful if this model could work in the Ethiopian context where an ethnic federal system is in place and there are diverse political interests. Due to the fact that Ethiopia has been following an ethnic federal system to accommodate ethnic diversity, the system could not function properly in the absence of genuine democracy. Since TPLF/EPRDF has adopted a federal system that grants ethnic groups the right to self-determination including secession, arresting ethno-regional demands on the pretext of achieving development has the potential to ignite political instability in the country. The federal system that has been adopted in
Ethiopia by its nature functions solely on the basis of consensus and the opening of the political space to various political groups. In addition to this, the developmental state rhetoric that aims at bringing economic development through encircling democracy seems to be out dated since the waves of democracy at the international level have a significant impact on people under repression. Thus, the best possible avenue for Ethiopia’s future is the one where economic development and democracy should go hand in hand.

References


Interview with Dr. Semahagn Abebe

Dr. Semahagn Abebe is an assistant visiting professor at the Human Rights Institute at the University of Connecticut, an author and an outspoken critic of the Ethiopian regime. His article is entitled The Vices of Authoritarian Developmentalism in Ethiopia.

Can you tell us a little bit about your life in Ethiopia, your decision to leave and where your journey has taken you?

Dr. Abebe: After I graduated from Addis Ababa University in 1996 I worked in many different governmental institutions. First I worked at the Ministry of Justice, then I worked at the National Commercial Bank. Then in 2003, I joined the Ethiopian Civil Service College as a lecturer where I taught different courses – human rights, criminal law, criminal procedure, all sorts of legal courses. The College is established for teaching members of the ruling party. From the beginning it was a strained system as whenever we talked about freedom of expression, torture and so on there were threats from the students as well as the university officials. There was some level of tolerance towards dissidence until the 2005 election. The election was relatively free and fair compared to past elections and the opposition groups and civil society groups used the opportunity to mobilise the people to participate in the elections. But at the end of the day, the regime was not willing to give up power. They rigged the elections, hundreds were killed and thousands imprisoned. After 2005, there came a very repressive system in the country. The government stopped tolerating any level of dissent in the country, human rights activists were imprisoned and so on. I supported the democratisation process in 2005 but it did not happen. The College where I worked had become very restrictive. The students would even report you to the university administration for speaking out for human rights. On one occasion they told me they didn’t have any place for me on the campus. There wasn’t any chance for me to work in another part of the country as they wouldn’t give me a release. My target was to leave the country. The problem is that it is very difficult to get a visa to leave the country. I had some
contact with a professor in Germany and I told him my story and he knew my academic background. He helped me secure a scholarship in Germany.

In 2007, I left the country and started my PhD until 2012. During that time, I tried to participate in the political changes by writing blogs and supporting freedom of expression and working with different civil society organisations. I was expecting some changes to happen but they didn’t. When I was finishing my PhD I was very worried as I knew I couldn’t go back to the country. The political situation was worsening and also I didn’t have any opportunity. Finally, I contacted the Scholars at Risk Network. They accepted me and placed me at the Irish Centre for Human Rights in Galway where I taught a course on human rights and international trade and worked on my book which was published by Ashgates Publishers and is about Ethiopian ethnic federalism and democracy. Later on, I came to McGill University at the Centre for Human Rights and Legal Pluralism where I taught a course on democracy, human rights and development in Africa as well working on various other projects. Now I am at the Human Rights Institute at the University of Connecticut where I work on different research projects as well as teaching various courses.

NRV: Your article is critical of the developmental state model employed by the ruling EPRDF (Ethiopian Peoples Republic Democratic Front) as its chief economic model. Can you briefly tell us about this model and the impact this model is having on the lives of ordinary Ethiopians?

Dr. Abebe: After this concept became very dominant in the Ethiopian political system, I started to read up about it and try to understand it. It is a political and economic policy adopted by Asian countries in the past – Malaysia, Indonesia, South Korea. During the Cold War those countries focused on state led economic development. These countries were largely restrictive in terms of providing political space to the people. Also now China applies this kind of model where they try to liberalise the economy but restrict the political system. As we know, the late Prime Minister Zenawi came up with a PhD proposal called ‘African Development - Dead Ends and New Beginnings.’ The main thesis of this policy shift was that neo-liberal policies do not work for Africa and the state should have a monopoly on the political space. There must be some level of economic development achieved before any level of democratic developments can occur. It is an authoritative repressive developmental model. He promoted the control of the economy by the government as well as establishing different public enterprises to control the market. A single party system should prevail in the country. Unless one party stays in power to execute
these policies, Meles argued, the developmental state cannot be realised. First, this proposal was presented as his own idea but in 2006 the government adopted this policy immediately. After that, there has been serious political shift. First, new laws to restrict the political space - freedom of expression against the media, a law that restricts the activities of charities and an anti-terrorism law which has been interpreted to attack journalists and activists. The restriction of the political space is the most serious impact of it. Then, the monopolisation of enterprises by the government such as the Agriculture, service sectors and so on. The private sector has been excluded by the system. The private sector is largely controlled by people who are members of the party or/and connected with it in some way. Otherwise they can’t have some kind of benefits. The opposition parties and also journalists are in prison, being tortured or living abroad. It has had a huge serious impact on human rights in the country. It is completely closed for any kind of dissent in the country. It has undermined the democratisation and the protection of human rights.

**NRV: You mention diversity as one of the main reasons why the developmental state model can't work in Ethiopia. Why is this a problem in a country with a strong authoritarian government?**

**Dr. Abebe:** When you see the historical and theoretical aspects of the model, it developed in countries with a unitary governance and there was also a significant homogenous people. There is also a very significant differences between those countries and Africa where, a single group could not mobilise a single people for a specific purpose. In Africa, we have very different linguistic, ethnic groups, different political parties and civil society groups. The cultural, ideological and sociological differences to countries such as Ethiopia is immense. In particular, Ethiopia’s constitution in 1995 was adopted and essentially established an ethnic federal system where ethnic groups have the right to self-determination and cessation. They are allowed to cede from the government without any excuse or procedure. The country has been divided along ethnic and linguistic lines. Regional governments are structured according to ethnic and linguistic lines. Historically, federal systems work with multi-party democracies, civil societies and protection of human rights. The Ethiopian government is doing the opposite. It is a very centralised federal system. It has contradictory approaches. On paper, it says they have the most decentralised system. On the other hand, everything is controlled by the government. The regional governments have come under the mercy of the federal government and in particular the ruling EPRDF party apparatus. This completely cannot work in this country. Ethiopian
democratisation and economic prosperity can only be achieved with parallel
democratisation and protection of human rights.

Otherwise, this kind of supressing of ethnic and linguistic differences and controlling of the
political space will lead to conflicts. Ethiopia is a country of 100 million people and 80
ethnic groups and this supressing cannot be sustainable. You have a different culture and
different historical background in different regions. It cannot work without democratisation.
There has been significant resistance in the last few months against the authoritarian
developmental policies of the regime. E.g. the policy to expand the limits of Addis Ababa
city into Oromia is perceived as risking the rights of ethnic groups - 140 people have been
so far killed, thousands are in prison over this policy.

The developmental state economic policy can only work without democratisation and
human rights. Imposing the policy cannot work. The political system is occupied by one
minor group, the Tigrean Peoples Liberation Front (TPLF). They overthrew the military
regime in 1991 and have been in control since. I think, their policies are to maintain the
status quo as the system benefits TPLF members and supporters. They use different
ideological policies to remain in power. In the long run, it will lead the country into a deeper
political crisis.

**NRV: How are the developmental state policies filtering down to affect the ordinary
lives of local Ethiopians.**

**Dr. Abebe:** Since this model was adopted in 2006, the government immediately started to
claim there was double digit economic development in the country. The government is
trying to have a new source of legitimacy. They lost all legitimacy during the election in
2005. Particularly, Zenawi and other EPRDF members decided that the only way they can
stay in power is to claim there is significant development in the country. During the time
when they started to report high GDP growth in the country, government agencies in the
region particularly in agriculture, health and education, were forced to have a very
unrealistic plan for districts and regions for the economy. When I spoke with some of the
local officials, they privately told me these plans were unrealistic and not based on their
capacity. When they started to report they weren’t achieving the plans, the government said
that if they didn’t achieve the plans then it is the fault of the local government. They were
held responsible and some were dismissed from their jobs or got warnings to report
effectively. After that time on, all local governments started to report exaggerated levels of
achievement in the different sectors. The GDP assessment is based on unrealistic reports coming from regional governments. Even the IMF and World Bank don’t have any proof that development is happening in the country. Of course, there is some development but it is not the 11% the government claims. They don’t have any independent data collection system. They take some samples and try to verify it and adjust it by a few percentages. E.g. they say the economy has grown by 7% or 8% rather than 11%. When you see the drought, the high cost of living, the famine that effects 20 million people, the imprisonment of people, the thousands of people that die as they try to escape into Yemen and Italy, you know it the exaggerated economic growth isn’t true. Time will tell that the economic growth is not a reality.

**NRV: Why do you think there isn't more of an outcry in the west towards the Ethiopian authoritarian government's practices?**

**Dr. Abebe:** I think western policy towards Ethiopia is very complicated as well. The whole region of the Horn of Africa is so unstable; the most strategic interest of the west is controlling terrorism in the region. For example, we have Al Shabab in Somalia, conflict in South Sudan. The west relies on Ethiopian security forces. They consider Ethiopia as a stable country in the region. Even if they know it is repressive and the government doesn’t respect human rights, they don’t want change as the government is serving their needs. On the other hand, the history of Ethiopia, with conflict and famine, the west views the existing economic changes as very good compared to the past. They try to justify the existing stability in comparison with the history of the country in the past. They say, even if the government is repressive, at least it is trying to provide health and education and so on. Basically, I think, they want this government in order to justify their interests in the region.

**NRV: How do you see Ethiopia's future?**

**Dr. Abebe:** In my book, I have addressed this. Since 1974, after the imperial regime was removed, the country has been on a downward spiral. The regime that came to power after the revolution didn’t have any base as there was no kind of ideal conditions for implementing a communist system. It has brought devastation to the country. Private property was destroyed. Any contrary ideas were not allowed. Hundreds of thousands of lives have been lost in conflicts such as the one with Eritrea next door. There have not been many changes in reality on the ground since Zenawi came to power, only more division between ethnic groups. We cannot be mobilised to achieve significant human rights and
democratisation movements any more. The pseudo-democracy they implemented is not working. There is no civil society. The economic and political system is controlled by the TPLF. The majority of people aren’t benefiting. I think, if this kind of repression continues, the country will have a very serious problem. This could result in the killing of hundreds of thousands of people. This may lead to intensified ethnic conflicts and finally maybe even the disintegration of the country. These kind of repressive regimes are not really sustainable - like in Egypt, Libya and so on. Maybe different ethnic, military groups might emerge to occupy the political space. If the regime opens a political space and tries to have some dialogue on the country’s problems and the west uses its leverage, we could possibly avoid all of this.

NRV: Are there any consequences for you as a researcher in exile for speaking out against the regime?

Dr. Abebe: I am paying the price. Basically, since I am engaged in activism and human rights promotion, I can’t go home. The government is known for bringing charges against its critics -particularly terrorism charges for anyone who doesn’t agree with them. You lose your roots, your connections, your family. The life you know goes. The other impact is on our families back home. This kind of contribution may result in the government trying to attack your family. That is very serious. They even have people around the world who try to undermine you. These are the prices that you pay for doing the right thing.
Fieldwork Risk Management in Challenging Security Environments in the Democratic Republic of Congo

A Chronological Story of Investigating Rebel Governance in North Kivu (March – April, 2014)

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Abstract

While providing some background on the convoluted conflict crisis that has gripped the Democratic Republic of Congo (DRC) since its independence this article traces the chronological steps taken into investigating research into former rebel strongholds in North Kivu in the Democratic Republic of Congo (DRC) in 2014. The article narrates the difficulties faced by the author in carrying out research in the region, including his arrest, detention and release from prison on suspicion of being an agent for foreign interests in the region. The chronology of events also sees the author trying to be extorted by officials and his subsequent escape from the DRC to Uganda.

Introduction

Since the end of the Cold War, the decline of interstate wars and the proliferation of intra-state conflicts in the most widespread forms of civil wars, have revived the debate on the post-bipolar armed conflicts and state building practices. Focusing mainly on the origins of civil wars and the motivations that drive alleged rebels to take up arms against an established government, mainstream approaches have de-politicised civil wars by analyzing them in terms of "irrational violence" or “anarchic wars” between civilizations (Kaplan,
1994, 2001); or labeling them as barbaric "new wars" qualitatively different from those supposedly "old wars" (Kaldor, 1999); or even as "economic warfare" where the greed for economic resources by so-called rebels plays a major explanatory role (Collier, 2000a, 2000b; Collier & Hoeffler, 1998, 2004). In other words, civil wars have often been presented in these approaches as factors of destruction of the State itself; and the rebels as mere criminals interested only in their share of the economic and political cake without any regard for the social life and the protection of civilian populations.

A new approach has gradually shifted the debate from the analysis of the origins of civil wars and motivations of the rebels to a thorough analysis of the social and political dimensions of life during the war (Huang, 2012; Mampilly, 2011; Raeymaekers, 2010; Raeymaekers & Vlassenroot, 2004; Schlichte, 2009). This approach, increasingly referred to as "rebel governance", is developing a new narrative of "re-politicization" of the "(rebel) state - society" relations in the absence of formal structures of the official state. It analyzes how the rebel leaders are trying to set up governance institutions by providing services of common interest to the civilian population living under their control and the impact on their lives. However, very few studies have focused themselves thoroughly on how the rebels are trying to appropriate the sovereign functions of the state on the territories under their control and its impact in terms of autonomy of the “(rebel) State”, understood here as the “empirical legitimacy” (NORAD, 2009) of the state institutions set up by rebel leaders resulting from their “embeddedness” into society (J. M. Hobson, 1998a, 1998b; P. J. M. Hobson, 2000).

As part of the perspective of the rebel governance, this article proceeds through a case study of a Congolese rebellion that has evolved considerably during its existence in the eastern region of North Kivu from 2005 to 2013, namely from its creation in 2005 as the National Congress for the Defense of the People (CNDP) to its transformation in 2012 into the Movement of March 23 (M23). It analyzes whether and how the rebel leaders of this movement provided security (both internal and external) for the benefit of civilian populations living in the territories under their control; and how this relates to the state formation process. In order to access field data, I decided to conduct field surveys in North Kivu in March-April 2014. One of the main questions I had was how to deal with risks in such a challenging security context like Kivu in order to achieve my research objectives? To answer this question, my main argument here is that prevision, adaptation and creativity are very important qualities to be developed by the researcher to manage fieldwork risk in order
to contribute to maximizing the strengths and opportunities and to minimize weaknesses and threats from the challenging security environment.

Based on my own experience, this paper focuses on the risks experienced during my fieldwork trip in North Kivu. The concept of risk here is understood as that defined by the International Standard Organization (ISO). In 2009, the ISO defined the term risk as the “effect of uncertainty on objectives”, whereas uncertainties include events (which may or may not happen) caused by ambiguity or a lack of information. It also includes both negative and positive impacts on objectives (ISO, 2009a, 2009b). In other words, the paper narrates, from a chronological perspective, the main challenges and opportunities I faced during my fieldwork investigation into rebel governance in North Kivu, in a challenging security context. In addition to the introduction and the conclusion, this paper is developed in two sections: first of all, it presents a general overview of the research field, before developing chronologically the management of risks met in the field.

**General overview of the research field in North Kivu, Democratic Republic of Congo**

Two specific objectives guided the field research in North Kivu. First, conducting semi-structured interviews, individually or in focus groups (depending on circumstances), with three types of actors: 1) young men and women who have invested in rebel institutions of the CNDP and / or M23; 2) civil society actors who interacted with the rebels’ institutions as the alleged users of their services; 3) peace-builders and humanitarian personnel who have worked in peace programs in the war context in North Kivu. Secondly, direct observation, which was essential for the contextualization of data generated through interviews and document analysis in order to generate additional information on the types of institutions set up by rebels to regulate security. It was also necessary to understand how far rebels invested themselves in those institutions, and their result in terms of their embeddedness. Thus, the observation of behaviors, attitudes, events, as well as the social and cultural context are important to deepen the knowledge of the reality on the ground (Lewis & Ritchie, 2012; Lofland, Snow, Anderson, & Lofland, 2004; Robson, 1993).

In order to transcend the assumptions often taken for granted on the rebellion studied and to take a necessary distance to ensure the objectivity of the analysis, I decided to conduct a fieldwork trip to the territories that were under the control of the studied rebellions in the Province of North Kivu during the different phases of its evolution - notably the Territory of Rutshuru and Goma City. In the Congolese legislation relating to the territorial subdivision,
the definition of the city and the Territory is set by the Legislative Decree No. 081 of 2 July 1998 on territorial and administrative organization of the Democratic Republic of Congo. This Decree was amended and supplemented by the Organic Law No. 08/016 of 7 October 2008 on the composition, organization and functioning of decentralized territorial entities and their relations with the State and Provinces; and recently by the Organic Law No. 10/11 of 18 May 2010 fixing the territorial subdivisions within the provinces.

In the spirit of these Decrees, the provinces are Decentralized Administrative Entities (EAD), which is to say that they have a legal personality as well as financial and organizational autonomy. The province is subdivided into cities and territories (both having the status of EAD); the territory is divided into cities and chefferies (chiefdoms) or sectors (both being deconcentrated entities - that is to say without legal personality). While the city is divided into quarters; the chefferies and sectors are in turn divided into “groupement”; and the groupement into villages. Among these entities, only the chefferie, the groupement and the village are customary decentralized entities.

The Territory of Rutshuru

With an area of 5,289 square kilometers, a population of 1,434,693 inhabitants and a density of 627 inhabitants / km², the territory of Rutshuru is a subdivision of the Province of North Kivu following the territorial division of the former Kivu province intervened in 1988. It has three main administrative subdivisions: The Chefferie of Bwisha (775,894 inhabitants), The Chefferie of Bwito (591,217 inhabitants), and the Town of Kiwanja (67,582 inhabitants). Each of the two Chefferies is split into seven Groupements, which are themselves composed of villages, while the town has three quarters.

The choice of Rutshuru territory is justified by the fact that it was the privileged bastion of the rebellion and has been controlled almost entirely by the both rebellions of CNDP and M23. Even after the peace agreement of March 23, 2009 between the CNDP and the Congolese government (2009 - 2012), the rebels held real influence on Rutshuru territory - notably through the maintenance of their troops who were integrated into the Congolese national army.

My fieldwork took place over three sites within Rutshuru Territory chosen for their political importance in the region and the importance of the role they played in the territorial control by the rebels:
The Town of Kiwanja, DRC – the Congolese legislation distinguishes the city (“ville” in French) from the town (“cite” in French). Unlike the city which is decentralized with a legal personality encompassing at least 100,000 inhabitants, the town is a decentralized administrative entity without legal personality or its own autonomy. It is run by a Chief of the Town who is legally responsible to the provincial governor. The Town of Kiwanja is the main important urban area in terms of population concentration in the Rutshuru Territory, with a quasi-urban lifestyle. It enjoys a strategic position on the main national road of the North Kivu Province linking the capital (Goma city) to the cities of Beni and Butembo in the north (the economic heart of North Kivu Province resulting mainly from business activities that were developed between the region and the Middle East). Hence, the Town of Kiwanja is an important entity when crossing the province from north to south. It has played an important role (strategic, political and economic) in ensuring the territorial control by the rebels.

The locality of Rutshuru-centre - less demographically important than the Town of Kiwanja, the locality of Rutshuru-Centre is the seat of the institutions of Rutshuru Territory. In the nomenclature of territorial entities in the DRC, the Territory is a decentralized administrative entity with its own institutions and organic autonomy (the Territorial Administrator, the Territorial Council, the Territorial Police, Court of Peace, and the Territorial Representations related services of State).

The Locality of Bunagana - located a few dozen kilometers from Rutshuru Center at the border between the DRC and Uganda, Bunagana was the second headquarters (seat of rebel “central” institutions) of the CNDP rebellion from 2008 to 2009 (after the locality of Kichanga in Masisi). Bunagana was also the headquarters of the M23 rebellion from 2012-2013.

The City of Goma

Goma City hasn’t been controlled for a long time by both the rebels: while the CNDP rebellion ended at the gates of Goma in November 2008 just before signing a peace agreement with the Congolese government, the M23 controlled the City for a dozen days in November 2012, before withdrawing from it under international pressure, leaving it again under the control of the official government and UN peacekeepers. However, Goma City is not only the seat of provincial institutions in North Kivu, but also houses peace program
structures in which CNDP troops were integrated following the peace agreement signed with the government on March 23, 2009, before defecting again in April 2012 to launch the M23 rebellion. Many of the young people who joined CNDP and M23 rebellions are domiciled in Goma, especially after the promulgation of the Law of Amnesty in February 2014. Similarly, since the transformation of CNDP into a political party following the agreements of 23 March 2009, its national headquarters are in the city of Goma. Also, many actors of civil society that have interacted with the CNDP rebels and M23 (journalists, human rights activists, humanitarian) are based in the city of Goma. Finally, Goma is the seat of different national and international peace building programs - which were active both during and after the war.
Figure 1. The North Kivu Province and its Territories.

Figure 2. Territories Controlled by Rebels

Map 2. North Kivu, showing areas controlled or influenced by CNDP and M23

Source: Rift Valley Institute, (2012).

Cost, Suspicion and Intimidation - Chronology of Fieldwork Research

March 11 - 18, 2014: After my arrival in Goma City on March 9, 2014, the first week was characterized by making contact with local authorities, humanitarian staff, and mostly with the young men and women who have invested in the former rebellion of CNDP (which currently functions as a political party in North Kivu). I had to find a way to gain the trust of those who were active in the CNDP when it was still an armed rebellion. They were also the ones that led me to their comrades. In the meantime, I started making contacts in order to obtain the official documents necessary to enable me to conduct my research safely. These efforts were secretly facilitated by two friends of my parents who are currently appointed in the provincial government of North Kivu. After informal contacts, I sent a letter requesting official authorization to the Provincial Minister of the Interior and Administration of the territory of North Kivu, which would allow me to contact some public services and local administrators of entities in Rutshuru Territory. The authorization of the Minister was given ten days later.

March 19 - 27, 2014: The beginning of in-depth interviews with former members of the CNDP rebellion and M23 about the political and institutional structure of M23 and the CNDP. Interviews were carried out using the snowball method. I had to spend a lot of money to eat and drink with these former rebels recently converted into politicians in order to get their guidance and advice about how to meet their other comrades. Many of their comrades had joined the rebellion of M23 in 2012 and were living in hidings since the military victory of the Congolese army on the rebellion of the M23 in November 2013. I met Joseph (false name for security reasons) in this context on March 25 - the one I was arrested with on April 11. He joined the CNDP after his bachelor program in political science at the University of Goma and was a member of the protocol of the Chairman’s CNDP rebellion, the General Laurent Nkunda. Thereafter, he joined the M23 that appointed him as an Inspector of Finance at toll road barriers on the “liberated territory”. During the clashes between the FARDC and the M23 in Kiwanja town at the end of October and beginning November 2013, he was shot by a bullet in the right forearm, which at the time of our interview, he was still waiting for surgery for. After the military defeat of M23 in November 2013, he went to seek refuge in Uganda. He returned to the country just after the promulgation of the Law of Amnesty for former CNDP and M23 rebels in early February 2014. The meeting with Joseph gave a new energy to my research fieldwork. I was lucky to gain his confidence and he was ready to help me in meeting his other comrades living in hidings in Goma and its surroundings. On March 26, Joseph facilitated my meeting with
many of the former senior executives and officers of the M23 rebellion living like him in hiding in Goma. On March 27th, I crossed the Rwandan border with Joseph to meet with other senior officials of the Movement who were refugees in the Rwandan City of Gisenyi since the M23 rebellion was defeated. The majority of them were also senior officers in the CNDP rebellion. Interviews conducted with individuals or in groups were delicate: without Joseph’s accompaniment I could not imagine the success of such meetings with most of the former leaders of the rebellions that I encountered.

March 27 to April 10, 2014: I went on a field trip in Rutshuru territory and to the Ugandan city of Kisoro with Joseph. He readily agreed to guide me throughout the period of research in this sensitive area. The territory of Rutshuru (Rutshuru Center, Kiwanja, Bunagana, Jomba) was the main stronghold of the rebel CNDP and especially those of the M23. I had not budgeted Joseph’s stay, but I had to find a unique solution to address the need to cover his stay in Rutshuru territory with my modest research budget: Joseph had a detailed knowledge of the situation and area. He facilitated my contact with many of my targeted interviewees and the decryption of sites that were worth visiting for their political, economic, military and (geo) strategic importance in this region. The trip from Goma to Rutshuru by bus allowed me to revisit the topography of the milieu and the geostrategic landscape necessary to understand military and security issues at stake in the armed conflict in North Kivu region: mountains, forests, parks, roads, borders, etc. In depth interviews were conducted successfully with former executives/officers of the CNDP and M23 rebellions (both in Rutshuru and in Kisoro/Uganda), but also with aid workers, local authorities, notable people from the place and civil society members from Kiwanja, Rutshuru Bunagana, and Jomba.

April 11, 2014: Return trip Kiwanja - Goma in early afternoon (about 1:20 p.m.). The trip resulted in an unfortunate incident that has left an indelible anchor on the course of my research. I was arrested at the entrance of the city of Goma along with my research partner Joseph. When we arrived at the turnpike-road of Kanyaruchinya (OPRP), situated at about 10 km from Goma, a military jeep "pick-up" belonging to the intelligence service of DEMIAP (Military Detection of Anti-Patriotic Activities) was waiting for us there. They required successively my companion Joseph and me to alight the bus with our baggage and to get into the jeep. We were brought, without any possibility to communicate (our cell phones and our cameras were confiscated in the car to avoid communication), to the prison of the military intelligence called "T2" in Goma. We were questioned by the PV for almost
6 hours (approximately 3:45 p.m. to 9:20 p.m.). During the interrogation, we engaged in tense negotiations in order to proclaim our innocence. My passport was confiscated and combed (it was given back to me only at 9:15 p.m.). Some officials of DEMIAP (including the Chief, Colonel Birocho) seemed to understand that I was free to conduct my research as I had official authorization issued by the Provincial Minister in charge of Public Order. His colleagues, however, did not follow suit. According to them, the destabilization of North Kivu was planned in the West, so I might have been a scout in the pay of Western companies sent to see how to deliver "plans" under academic cover in order to support armed groups in Kivu. While they did not question the authenticity of the ministerial authorization that I held, they refused to believe in the good will of the civil authority who delivered it to me: "he (the minister) may also be an accomplice", they said. And another added: "We know that some armed groups in the Kivus are supported by some strong men serving in the institutions of the country. It is possible that those official who support you may be conspirators in your plan as well". From 6 p.m. until about 08:45 p.m., the exchange was heated. It was impossible to establish my guilt on a legal basis, nor that of my companion Joseph. "They are suspects", they were simply saying! Then one of the officials added "let's establish two prison-tickets for putting both of them in jail. We will continue the discussion tomorrow". I shuddered with fear, cold and hunger. I insisted they give me the chance to make one phone call before being thrown in jail. I called the provincial Minister of Health, who is my Christian godfather to tell him that they decided to through me in the dungeon of DEMIAP, begging him to do something so that I may be released. He was already aware of my arrest and had to alert the Minister in charge of Public Order (the same person who had given me the recommendation to conduct my research in Rutshuru). The Head of DEMIAP, Colonel Birocho, reappeared himself in the room where we were detained since our arrest, presumably after receiving some calls. He asked us some more questions for the last time before rendering his verdict. He asked me who I was exactly, what I was doing precisely, and who was behind me in conducting the research. I told him all about me and my research. He let me know that he is himself a scholar and he had just finished his master's thesis at the University of Goma on strategies to undertake in order to end armed conflicts in North Kivu. He added: "You are free to continue your research tomorrow and go wherever you want to have your data. However, as it is late, you will spend the night here in the dungeon and you will leave tomorrow." I insisted to be released the same day arguing that my godfather was ready to come to pick me up by car. He did not believe me. I asked the colonel to allow me to call him in his presence for confirmation. Then he realized that he had to let me go and promised to take me himself with his car to
my godfather’s house. He took me at about 9:40 p.m in his own car to my godfather’s house where everybody was waiting impatiently for my release. I was finally released, but my companion Joseph was meanwhile imprisoned alone in the prison. I suffered too much for leaving him, but I had to save my data stored on memory cards (hidden in my bag) and my computer. The charges declared against him were that Joseph had worked in the rebel administration of M23. The Colonel had intimidated him in my presence, saying that Joseph’s cellphone was being tapped and that all his communications were monitored carefully by the DEMIAP service. According to the Colonel, monitoring Joseph’s cellphone is what enabled the DEMIAP to arrest us, since our movement from Kiwanja to Goma was followed under a microscope. He promised to make him listen the next day to the communications Joseph was undertaking with people in Rwanda with whom he is supposed to be planning the destabilization of Kivu with. Joseph denied categorically these allegations and reassured Colonel Birocho that he was impatient and curious to follow all the alleged "suspect" communications. Paradoxically, however, the Judicial Police Officer (OPJ) who questioned Joseph on PV had not retained any crime in his charge. According to the OPJ, there was no charge against Joseph since he had already gone to the intelligence services in Rutshuru territory after the M23 was defeated (many other civilians who had worked in the rebellion’s institutions had already registered there), he had already completed the relevant formalities for this purpose, and he was covered by the Amnesty Law enacted in early February 2014 in favor of the rebels M23. Despite this, officials of DEMIAP decided to throw him in jail for reasons of "observation," they said, adding that he was still on the list of wanted ‘rebels’. Joseph was thus imprisoned among a hundred criminals present in the cell. According to him, his prison mates tortured him during the night of April 11 to 12.

April 12, 2014: I came back to the T2 Prison early in the morning to bring food and support to my companion Joseph. Negotiations for his release continued during the day. While waiting for Colonel Birocho, who promised the day before to track in our presence the alleged "suspect" communications Joseph was accused of, one member of DEMIAP staff told me that the "chief" had required US$ 1,000 (one thousand U.S. dollars) so that Joseph would be released on bail (liberté provisoire). I tried my best to solicit Joseph’s release brandishing the authorization letter that I received from the Minister allowing me to conduct my investigations in the region and to meet anyone who is able to provide me with information I that I needed. But, I was told that Joseph’s arrest had nothing to do with my research (otherwise, I would have been kept in the prison as well). Joseph had worked in the
rebel administration but despite the amnesty already provided to M23 rebels and promulgated in early February 2014 he was still imprisoned. That is the current reality in the Congo. The day ended before I reached my goal to get Joseph released.

April 13, 2014: Efforts to obtain Joseph’s release continued. It was impossible for me to abandon him in such a situation after the support he provided to me during the fieldwork research. After a long discussion with the DEMIAP staff, they finally agreed that we could pay $500 USD for the "bail". One of Joseph’s two children was ill and I had to support financially his wife to deal with this situation. In addition, I had to give bribes requested by staff members of DEMIAP at different levels as well as the prison guards to prevent Joseph from torture. He was already exhausted by the inhumane conditions within the T2 prison: about 115 prisoners are languishing days and nights, without trial, while the prison cell was built for only 15 prisoners (according to one staff member of DEMIAP who arrested us). When I asked about this surplus of persons in the prison one of them told me "These days money is scarce because of the financial crisis due to war in the region. Their families do not have money to pay to get them released". This revelation let me understand that money is the only one remaining way for the release of Joseph. We had collected only 200 dollars cash together with Joseph’s family and I could not do better since my research budget had become too thin.

Then, I was required to pawn my iPhone (confiscated the day of our arrest!), in addition to the $200 paid to obtain the "bail" for Joseph. The intelligence officer in charge of operations at DEMIAP (le Capitaine Chargé des Opérations, the person who arrested both of us) reassured me that the iPhone should be returned upon payment of the remaining $300. Joseph begged me to consent to save his life, reassuring me that he would be able to collect the $300 within 72 hours maximum. I could see that a third night in the DEMIAP’s jail would be too much for him. In addition, Joseph was likely to be sent the next day to Makala prison in Kinshasa where the DEMIAP sends those who are accused of endangering the security of the State if the charges against them do not find any solution locally in Goma. It would further complicate Joseph’s situation, and mine consequently. So I did not have any other choice than to agree. Joseph signed a discharge for the DEMIAP Officer. This marked out the provisional release of Joseph, at 16:30 on Sunday 13 April. Around 17:30, that is only one hour after Joseph’s release an officer of DEMIAP called me on the phone asking me to send via SMS all the passwords to access my pledged iPhone. I told him that this was not possible and he should have discussed all of these issues before he accepted to keep the
iPhone in pledge. After a long discussion and resistance on my part, he used verbal abuse and intimidation, to try to force me to agree. If I refused, he said, it would prove sufficiently that Joseph and I really had a plan to destabilize the Kivu region and therefore it was a sufficient to arrest me again. Despite my insistence on meeting him to tell him the codes to unlock my iPhone so that they may check whatever they need to verify it in my presence, the officer did not listen to reason and simply forced me to send the password "only" by SMS. This blatant violation of my privacy was a blow to me, but I had no choice but to agree. Above all he was able to create big trouble for Joseph and me if he wanted and he declared to me "Do not forget that I am an intelligence officer and I do not need to stress when I am doing my job. If you do not want to send the code, this means that you have a plan that you hide in your iPhone for destabilizing the region. I am still able to put my hands on you the same way I did on your way back from Rutshuru to Goma". I tried in vain to reach his chief, Colonel Birocho, to explain him how I found unfair their requirement to share the passwords of my iPhone, but he refused to pick up his cellphone. Unable to resist threats of such magnitude, I gave up and sent my iPhone passwords to the intelligence officer by SMS.

April 14 - 21, 2014: Facing the uncertainty of my security situation related to this incident and its consequences, I decided to contact the Head Office of the United Nations Mission in Goma (MONUSCO/Goma) to request protection. I felt unsafe leaving Goma city by public transports with the sensitive data I had collected. My godfather advised me to send a request to the MONUSCO to get a MOP (Mobility of Personnel) statement in order to use UN transportation for moving out of Goma to Kampala where I had to take a plane back to Switzerland. Civil Society activists may be provided the MOP if they are recommended either by the staff of Civil Society in Goma, or by the provincial civil authority. The Minister who gave me the authorization to conduct my research agreed to write a recommendation for me in order to request the MOP. While following the process of my request to MONUSCO, I decided to pursue my interviews in Goma with staff members working in different peace programs implemented in Kivu, and with some former members of CNDP and M23 rebellions living in hidings in Goma. For my own security and the one of these former “rebels”, I had to be much more careful: I had to rent private rooms in hotels to organize most of interviews. In the meantime, my friend Joseph continued to struggle to collect the $300 required by the DEMIAP officer as the condition to return my iPhone left in pledge. He reassured me that he could raise the amount, but his efforts seem limited. At the same time, the officer let me know that he had to travel out of Goma, leaving Joseph and
me confused. He said he was going to Kinshasa on a mission service for three days with his chief, the Commander of DEMIAP in North Kivu. However, his collaborator whom I met by chance on my way the following day told me that the officer had travelled to Beni (in the far north of North Kivu) for the Easter holidays and he would be back in a week. Negotiations for the withdrawal of my iPhone were thus blocked. Even then, the officer continued with harassment by telephone trying to intimidate Joseph and me, demanding to recover the full amount due as soon as he would be back to Goma.

April 22 – 24, 2014: I returned to MONUSCO to follow up on the application that I addressed with the support of the Provincial Minister in charge of Public Order for the MOP to benefit from UN transport. At around 4.45 pm, I was told at the reception of the MONUSCO office that my request for the MOP was rejected, without further explanation. I tried in vain to meet the head officer of MONUSCO to further explain the reasons for my request for the MOP. I had to find an alternative solution to leave Goma safe with my data. The captain in charge of operations at DEMIAP continued harassing Joseph and me after the weekend. Repeatedly, he formally ordered Joseph to go to deposit the money in the hands of a third person in Goma who had to use this money to pay for his return ticket to Goma, promising that he will hand over my iPhone when he will be back. Joseph refused to comply because the discharge stipulated that my iPhone remained in pledge should be recovered at the same time of payment of the full amount. Therefore, the captain started accusing Joseph of bad faith to honor the discharge he signed. At the same time, he called and intimidated me requiring me to oblige Joseph to comply if I wanted to get my iPhone back. It already felt like a scam for trying to retain the money and my iPhone as well. I also refused to give up. On Monday April 21 evening, he called me to tell me that he had just arrived in Goma on Monday evening and that on Tuesday he had to leave earlier in the morning for mission work in Rutshuru. I insisted that we may meet at any time and place of his choice before he traveled the following day so that Joseph and I could give him his money and recover my iPhone, but he refused. I called him on Tuesday 22 April, and he told me that he had arrived in Rutshuru and that his mission would last until Thursday 24 April. On 24 April, the captain called Joseph first, and then me, to say that he had decided to extend his stay in Rutshuru territory for two more days. He required that he got the total amount as soon as he returned to Goma on Saturday 26 April. In the meantime, I had decided to buy a flight ticket from Goma – to Butembo for Friday 25 April, ostensibly to continue my research, but in reality to make it easier to exit the Congo across the Ugandan border. I could not take the risk to travel by car on the Goma - Butembo road after these turn
of events. Moreover, I could not cross the hyper-controlled Rwandan border where the DEMIAP is very active. I hoped in vain that on Thursday 24 we would have been finished with the Captain.

April 25, 2014: I finally understood that the Captain was determined to confiscate my iPhone left in pledge, along with the money for which Joseph had signed the waiver. On 24 April, the MONUSCO staff of Goma had reversed its decision regarding my request for protection. They contacted the Provincial Minister who provided me with the recommendation for UN transports in order to secure my data and myself. MONUSCO was ready to embark me on Monday, 28 April within its flight from Goma to Beni city situated at 55 km from Butembo. I had already bought the flight ticket at Busy Bee aviation company to travel on 25 April and I could not wait any longer. I had to arrive at Goma airport at 7am, as my flight to Butembo (my native city, located at about 400 km from Goma), was scheduled for 8am. I traveled to the airport in my godfather’s car. At the entrance of the airport, I paid the fees for crossing with the vehicle to the entrance of the departure hall in order to prevent any unexpected controls. Once the formalities had been completed, I quickly traveled. The plane landed at the aerodrome of Butembo at about 9am, where my father came to pick me up.

Beni and Butembo cities are two areas in North Kivu, where some political and religious leaders of my ethnic community had declared me persona non grata since 2004. They accused me of being a mole of the ‘Banyarwanda’ community and that my research and human rights activities were fueled by funding from Rwanda in order to destabilize my own ethnic group. These allegations were due to my former research on the role of the Catholic Church in armed conflicts and the peace process in Kivu on the one hand, and reports that I used to publish articles on the massacres and killing in the region in which I pointed out the role played by the Catholic clergy and other political leaders of my ethnic group on the other hand. Because of this, I knew that in this place, my personal safety is the most precarious in Kivu, and that I had to be careful during my short stay in this area. In the evening, the Captain called me again. As I had to hide my itinerary and my plan to flee from the Congo, I told him that I made a trip from Goma to Bukavu, in the South Kivu region, and that I will be back to Goma five days later (on Tuesday or Wednesday of the following week). I reassured him that Joseph would give him all the money as soon as he returned back to Goma on Saturday as promised.
April 26, 2014: Upon my arrival in Butembo, it was time for preparations to welcome me “à l’Africaine” (in accordance with African customs) after many years of absence. My parents were planning to gather all the extended family on Sunday around a meal in my honor, while I had to be welcomed by my in-laws the following Monday for lunch. My Doctoral Supervisor and my Co-Supervisor, who followed scrupulously all my moves and travels, were mobilized together as one to support me in the difficulties encountered on the field. The Director loaned me $ 600 that he transferred by Western Union to facilitate my travel and return to Kampala. I had to go to the bank to withdraw money in the morning and then look for a café to connect to the Internet and send my news to my colleagues, my supervisors and my family. At around 17h, Joseph called a friend and colleague of mine whom I introduced him to in Goma, (the Coordinator of my NGO in Kivu, the Great Lakes Peace Initiative Center (GLPIC)). He did not want to communicate with me directly on his number. He just requested to my colleague that I called him urgently. When I called him, he hung up on me soon after asking me to call him on the number of his girlfriend. On that number he told me that the Captain of DEMIAP called him and said that Joseph that I were lying and that I travelled to Bukavu while I went to Beni instead; that he had taken his time to do a thorough investigation on me; that he had inspected thoroughly my iPhone which had compromising contents; and that I was a very suspect man to be arrested immediately as I was a “spy” who served the interests of foreigners. Therefore, he requested the collaboration of Joseph to facilitate my arrest in exchange for his full release. I had to buy a new SIM card immediately in order to continue communication with Joseph for more details. He insisted that I should leave the country as soon as possible, as he was incapable of sacrificing me after all the support I gave him during the last weeks helping him to be released on bail from the DEMIAP prison in Goma. According to Joseph, the Captain required him to go to his DEMIAP office in Goma at 9am in the morning of Sunday 27 April to help him to arrest me. Joseph promised to respect the appointment, but he called me to warn me in the meantime. In reality, Joseph was not in Goma as the Captain thought. He himself had fled out of Goma some hours before to go to Kiwanja, near Rutshuru, but he reportedly told the Captain that he had made a small trip to Sake around Goma and that he would be able to make the appointment on Sunday. At 18h I decided to leave the Congo immediately by crossing the Ugandan border no later than 9am of Sunday 27 April. I didn’t care for the iPhone which remained in the hands of Captain. I no longer needed to trust anyone except my father and brother in law to flee from the Congo and cross the Ugandan boarder. My in-law’s nephew has a taxi, which connects Butembo to Kasindi (Congo-Uganda border). After I explained this turn to my father and my brother in law, they advised
April 27, 2014: On Sunday morning I woke up at 5am to quickly prepare for the trip. I decided to spend the night at my parents’ house, in order to chat as much as we could in the night and to comfort each other. I took the time to apologize for the changes that occurred in my program independently of my will. They understood that the stakes were high for saving my life. My brother in law came to fetch me at 5.30am in his nephew’s taxi. He and my sister decided to accompany me to Kasindi (at the Congo-Uganda border) to be sure that I crossed the border without any incident. Thus began the long journey under the sad eyes of my parents who took care of praying for me in the small family chapel adjoining the living room of my parent’s house. They have blessed me. Then started a 3-hour journey with an uncertain outcome. At 9:15 we arrived in Kasindi. My father had already alerted a friend of his who works the immigration service to facilitate customs formalities. Everything happened very quickly. He met me himself in his car which is well known by services installed at the customs on both sides of the border. I just got out of his car just for two minutes for a physical check to the General Directorate of Migration (DGM) of Kasindi. My bags passed without any control - because I am accompanied by a security agent. I was afraid that the DEMIAP service may have alerted Kasindi border controls to stop me on my way. When I arrived at Mpondwe, at the Ugandan side of the border, I quietly finished the formalities. As I was now on Ugandan territory, I already felt out of danger. I asked my brother in law to buy me a bus ticket to Kampala. When I got the ticket, my phone rang. It was the Captain who told me that he knew I was already in Beni and I had lied that I was going to Bukavu; that he knew I solicited the transport of MONUSCO to get there because he knew how suspect I was; that he had taken his time to investigate the SMSes, emails, and photos contained in my iPhone and that he knew me now very well; that he would not deliver my iPhone because I'm a suspect; that we have to meet so that I may respond to questions raised by the information he discovered in my iPhone. He added that I must know that he is an intelligence officer who knows his job well, and that I will not escape him; that I have interest to come by myself to meet him upon my return from Goma to Beni, etc. I hung up my cellphone after promising the Captain to call him upon my return to Goma.
The day after my arrival in Kampala, I destroyed the SIM card that I used in Congo. That is the end of the adventure related to my doctoral research in Kivu, which certainly marks out a new long break between my beautiful country and me, the Congo. At least as long as the ruling regime will still be in power.

**Conclusion**

Rather than claiming to develop a sophisticated “academic” analysis of methods used in a doctoral research and to achieve generalizable results, this paper traces simply a chronological story of my fieldwork research in North Kivu. Its modest goal is to provide, from my own experience, an idea of how fieldwork risks may emerge and how they can be managed in a specific security-challenging context. My fieldwork trip to Kivu for investigating rebel governance on territories controlled by the rebellions of CNDP and M23 has intervened at a crucial moment of the war in the region, just four months after the famous M23 rebellion had been defeated. Although I planned a set of foreseen risks related to my knowledge of the region resulting from my previous experience as a native of the region, a researcher, and a human rights defender engaged in Kivu, many contingent risks however have surprisingly emerged in line with both the sensitive nature of the research and the hostility of the security agents present in the research environment, accompanied by unexpected expenses that come along in order to manage them. In such a context, the often-unpredictable risk simply that the researcher must develop adaptive capacity and creativity in order to maximize strengths and opportunities identified in the field on the one hand, and to control related threats and weaknesses on the other hand. But perhaps, the success of fieldwork risk management in such hostile security-context is achieved if the researcher is able to cope efficiently with those unpredictable risks by transforming threats and weaknesses encountered on the field into new research opportunities, and mostly by considering them as part and parcel of the research process.

**References**


Interview with Guilain Mathé

Guilain Mathé is a researcher at the University of Lausanne and originally from The Democratic Republic of Congo. He is the director of the Great Lakes Peace Initiative Centre, which is a platform for African intellectuals to play their part in contributing to putting an end to the humanitarian tragedy in the Great Lakes region and put forth ideas for a sustainable future.

NRV: Can you tell us a little about your life in the DRC before you became a Researcher in Exile?

Guilain Mathé: In the DRC I was a scholar and studied in the Kivu region which is in the eastern part of the country. I started my university studies in a private university called Université Catholique du Graben in Butembo city. When I was writing my first thesis it produced a clash with local actors - I mean with the Catholic clergy itself. The work dealt with the role of the clergy in the conflict and peace process in the region. So after this clash I had to leave my region and pursue my studies in another city, Kisangani, where I had the opportunity to pursue my Masters studies in 2004. Two years later I finished my Masters studies and decided to return to Butembo. When I arrived home I decided to pursue other enquires in the framework of my human rights work. I researched some massacres that took place in this region for which I consider myself a survivor and my family as well. But I lost some family members as well. So this work revived the memories of the clash that took place two years previously. I was targeted again by these actors so I had to flee to the Sud-Kivu region in the city of Bukavu where I was appointed to the position of lecturer at the faculty of political science at the University of Bukavu. Unfortunately, this was not enough to be free from the threats from different actors that I was receiving. There are many different actors involved, especially the armed forces, the big men of the rebellions and some other social actors from civil society. So it was not possible to stay in Bukavu. So I had to flee. I had a friend living in France who told me about the Scholars Rescue Fund from the International Institute for Education. So I got in touch with this programme. My application was successful and I received a scholarship. Thanks to this scholarship I was able to flee the Congo and go and pursue my research in Senegal in Dakar. I spent one year in Dakar in Senegal where I was hosted by the West African Research Centre, which is part
of the University of Boston. There I worked on the West African Peace initiative project. After a year I became interested in a programme in Abidjan in Cote d’Ivoire to pursue my specialisation in conflict management and peace building. Thanks to the Scholar Rescue Fund, I was able to move there to pursue this. In 2011 when I was preparing my thesis there was a new clash in Cote d’Ivoire due to the political situation there. It was impossible for me to stay there. I was between two fires. I couldn’t stay there and I couldn’t return home because the war was still going on. My scholarship ended as well from the Scholar Rescue Fund so thanks to my contacts in the network I got in touch with the Scholars at Risk network at the University of New York. I was lucky that they were very receptive to my situation and they helped me to find a position at the University of Lausanne, which is a member of the Scholars at Risk network. I was invited as a visiting researcher from March 2011 to the present time. I had to work on my doctoral project. At the beginning it was difficult to be registered as a PhD student, so initially I was registered at the University of Basel and then one year later changed to Lausanne because of difficulties I had at securing funding. The University of Lausanne appointed me as a teaching assistant so that allowed me to work and pay some of my way while looking for other scholarships. Half of my studies in Lausanne have been funded by my work as a teaching assistant and half from a scholarship I received from the German Gerda Henkel Stiftung foundation.

NRV: The conflict in the DRC is one of Africa’s longest and bloodiest. It is very hard for us in the West to get a picture of the conflict because of the restrictions on reporting from there as well as the lack of coverage in western media. For those who aren't aware of it can you tell us a little about the conflict and the so-called peace process that is on-going?

Guilain Mathé: Briefly speaking it’s about difficult co-habitation between local communities. On the one hand we have communities that are originally from Rwanda. On the other we have those who have those who call themselves the native communities of North Kivu. The issue started in the colonial era. The colonialists started organise immigration movements for people to move from Rwanda to north Kivu to work in their mines and in mineral sites. This movement of populations from Rwanda increased tensions and pressure between the natives and the immigrants. After 1960 with the independence of the DRC these movements continued on both sides of the border. Many came from Rwanda as refugees due to political events there since the 1950s, many others came as ordinary immigrants. There are also other communities which are called Rwandaphones that lived in Kivu even before independence. These populations mixed with those who were living in
north Kivu for a long time. It created a certain confusion. Those indigenous communities began to feel like they were invaded. It created a clash between these two communities with different cultures, around many issues such as access to land, economics and so on. Following independence these conflicts were manipulated by the Congolese regime. For example, the population that immigrated from Rwanda was granted collective citizenship right after independence. Ten years later they withdrew this citizenship. This was very dangerous in terms of managing these conflicts.

After some years these communities felt like they were excluded and neglected from the national community although they considered themselves as Congolese citizens. In 1996 they took advantage of the political changes in Rwanda following the genocide in 1994. Officially the war in 1996 was conducted to fight against the dictatorship of Mobutu but it was labelled as the Banyarwananada revolution because they were the ones who were the majority of fighters and motivated by the ambition to solve the problems around their citizenship and their access to land and other resources at the same level of those who call themselves native communities. At the same time, the neighbouring countries of Rwanda, Burundi and Uganda provided direct military and logistic support to these rebels with the view to fight and neutralize foreign hostile rebellions threatening the national security of their countries and that were established in the Eastern DRC, notably in Kivu.

It is reductionist to label this an ethnic conflict as we also had other factors playing a major role in this conflict. For example, foreign countries and transnational actors as well were involved significantly for different motives. Since1998 the conflict has been recognised more and more as an economic conflict rather than an ethnic one. All the reports from the UN group of experts support the idea that transnational companies (TNCs) were involved (in various ways) in this conflict to get easy access to minerals in this region. In the region we have massive amounts of minerals such as coltan. Coltan is a very precious mineral resource which exists mostly in this part of the world. It is said the Congo has about 60% of coltan in the world. This is one of the motives which is not talked about much. Coltan is used in the mobile phone industry and in the aerospace industry. Without coltan there is no information revolution. The Security Council since 1999 or 2000 has been investigating the relationship between violence in this region and the looting of mineral resources. There are many reports about this. If you read these, you will easily understand this relationship. The TNCs do not operate only with the armed rebels, some even operate with the government officials in violation of some international norms, like arms embargos or the certification of
trade chains of mineral resources. Their role is very confusing. It is difficult to learn the impact of their role in this conflict. I don’t say all of them are bad intentioned but the result of their actions may be very negative in this conflict. Some know what they are doing, that they are violating some norms for their own economic interests.

**NRV:** In Beni and Butembo you were previously accused of being a mole as you wrote on the abuses of the Catholic clergy and politicians. Can you tell us a little about this please?

**Guilain Mathé:** What was important in my research was that I made a link between the internal conflict and the political position of the clergy. Their support of different actors or rebels. Their goal was very much guided by identity motives. This led the clergy to miss many peace opportunities that could have been achieved in pretending to play a positive role in resolving this conflict. In some ways it was dangerous in that they were obliged to take positions in favour of some armed groups, some armed leaders that were involved in crimes. In this way they were acting like the police by facilitating and supporting these actors. Sometimes they were even facilitating dialogue between armed local militias and some of these negotiations ended in clashes where people were killed. In this confusion many of the actors accused them of being complicit. Talking about the confused role of the clergy - the clergy is dominated by the dominate Nande ethnic group in my area as opposed to those that came from Rwanda. The Nande ethnic group (which I belong to as well) is the most dominant among other indigenous communities in the region, that is about half of the North Kivu population. These so called “indigenous” communities are considered to be the most antagonist for the Banyarwanda community. That is why the clerical and political leaders of my ethnic group accused me of taking the side of the Banyarwanda community as I was criticising the role of the clergy. They don’t like the truth. They don’t like anybody talking negatively about them. They accused me of being a mole for the Banyarwanda community. Their motivations were identitarian and political. The Catholic clergy were playing the card of the official government of Kinshasa while the region was occupied by rebel groups. It means that the power of Kinshasa was used to destabilise the actions of the rebels in the east. I revealed in my research that they were motivated by identitarian motives because many of the actors were from the clans that were different from those that were in the clergy and it became an inter-ethnic fight between the clergy and the others; and a political power struggle for local leadership as well. Many leaders from the catholic church were subsequently promoted in Kinshasa for the role they played in destabilising the rebellions in this region.
NRV: Your article certainly takes us on an adventure. What is left in the adventure for your research? What were your main findings from your research in North Kivu?

Guilain Mathé: When I was doing my research two years ago I decided to go to places in this conflict to get the perspective of what is happening on the ground. It was about 4 months after a rebellion had been defeated in the region. The security situation was very tense, as they suspected that rebels who had sought refuge in neighbouring countries had returned. When I arrived in Goma I decided to do everything to be protected from any threats from the officials. I knew I couldn’t be free to move all the time and everywhere because of my background. So I relied on my network of human rights defenders who work in Goma and North Kivu. They arranged all the papers etc. to allow me to travel in the region. I decided as well to work with a research assistant that I recruited on the ground. He was also a civilian that worked within the administration of the region. I needed his tight knowledge of actors and sites to conduct properly my research. I knew it was risky but it was important for my research. When I was on the ground I could collect a lot of interviews through his contacts.

When I was arrested I thought it was the end of my doctoral research. I am really torn about this issue because on the one hand I’m lucky that the security services in the Congo don’t work properly as if they did I don’t think I could have continued as they arrested me with everything, interviews, reports, pictures, cameras etc. They had everything, even my computer. So I said, this is the end of my research when I was arrested. When they took me to the prison to be questioned I was just doing whatever they asked me – money to pay for buying oil for their cars, to pay for water, their cell phones credit cards, and so on. I just gave them everything they asked for. I had to negotiate my release. They thought I was a gentle man and they didn’t even try to open my bag. At the beginning, I thought I was arrested because of my human rights work in the past but they didn’t know who I was. They suspected me to be one of the rebels because I was interviewing them or to be a facilitator of their west supporters. So I had to explain myself and to let them understand that what I was doing was within the framework of research. I was lucky that they understood, after a long discussion, and released me. But they kept my research assistant in the jail.
NRV: What was the end result of your research? What was the main finding of that research for you?

Guilain Mathé: By analysing rebel armed groups you have to go beyond the criminal register that leads many organisations, many civil society organisations and even the UN to criminalize these armed groups. Even if they cause a lot of suffering to the local populations, but I think they are not per se sufficient factors leading to the destruction of state institutions. In many circumstances in the North Kivu reality these rebellions were reproducing the state institutions and even performing them during the absence of official institutions of the state. In order to build sustainable peace in post conflict settings I think it is really important for peace builders to consider what kind of institutions emerge in territories under the rebels’ controls. What worked within these areas, what didn’t work and what they can do to change what was done in these areas. It is a mistake to think that everything is bad. In the process of reconciliation, they have to take into consideration what is positive in rebel actions, the political actions of these rebels because many times those things we blame on the rebels, in terms of human rights violations, looting of resources etc… many times this is also true for the official government unfortunately.

Unfortunately, I am obliged to cut all contact with the DRC now. It is really difficult for me to go back home. When I returned to Switzerland I had to apply for asylum status. I was awarded it last year, in February 2015. Mainly I realised that it wasn’t the time for me to go back home. I was hoping that everything would improve and I could go back home after my doctoral studies finished, but that can’t happen now. I still hope that things will improve but a lot of work needs to be done to improve the situation. I had the impression that nothing has changed since all these years that I’ve been in exile. I am still active as a human rights defender from here and hoping that we can have significant change in the Congo. I think that the stagnation of the situation is a problem of good will, not only of the national actors but the international actors as well. We need to take a determined step to put an end to this shameful conflict. I still hope that the time will come when policy makers will gather together as one and put an end to this conflict.
Who We Are

Paul O’Keeffe

Paul is a Doctoral Candidate at La Sapienza University of Rome where his research looks at the developing higher education system in Ethiopia. He has degrees in Psychology, Marketing, and International Economics and Political Studies, and various certificates in Training and Development and International Development Studies. He has previously worked with Voluntary Services Overseas with Burmese exiles in Thailand, on the management of the Irish Aid Fellowship Programme, as an Inter-cultural Awareness Trainer with the Irish Council for International Students and as a Lecturer at Charles University in Prague and University College Dublin. He has also contributed to the Guardian newspaper and ESAT television’s coverage of development in Ethiopia. His main interests are international development, human rights and education.

Zsuzsanna Pásztor

Zsuzsanna is a Research Consultant on migration issues with an interdisciplinary academic background. She has a degree in Intercultural Psychology, a degree in Economics and Non-profit Management, and is currently a Ph.D. Candidate in Sociology at La Sapienza University of Rome where her research focuses on the socio-economic determinants of international migration. Zsuzsanna gained field experience in Hungary where she worked as a Psychologist and a Social Assistant in the Shelter for Unaccompanied Minors run by Hungarian Inter-Church Aid. Since 2009 she has participated on several research projects in collaboration with Italian, Hungarian and other international institutions. She has conducted numerous semi-structured and in-depth interviews with vulnerable groups (refugees, unaccompanied minors and Roma youth) about sensitive issues. She has also worked as a Project Coordinator on various migration projects and as a Consultant with the European Migration Network at IDOS Research Centre in Rome.
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