

Demystifying the Hawala System Using Causal Layered Analysis

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Abstract

This article explores the alternative futures of Hawala, a trust-based system used to transfer funds across countries and continents. This is done by using Causal Layered Analysis (CLA) along with P.R. Sarkar's theory of social change as a basis for critiquing the social construct of the Hawala system. This offers a layered approach with which to analyze the classes of the value system and provide a framework for the discourse between the various classes. The essay is directed at policy makers, bankers, economists, policing agencies and other stakeholders as they evaluate the role of informal value transfer systems in the global economy, beyond sectoral silo focus.

Keywords: informal value transfer systems, alternative futures, Causal Layered Analysis, Hawala, remittances, financial regulation

Introduction

The term Hawala has made headlines in the last decade, especially in reference to money laundering and terrorism financing. A traditional system of transferring funds, Hawala is a trust-based system used to transfer funds across countries and continents. It is used legitimately by millions of people worldwide but has been identified by the US State Department and law enforcement agencies as a potential way for criminals to launder money and is illegal in some countries. This paper intends to use Causal Layered Analysis (CLA) as a basis for critiquing the social construct of the 'real' and offer a layered approach with which to analyze components and provide a framework for the discourse from the key focus areas of this research. It is directed at policy makers, bankers, economists, policing agencies and other stakeholders as

they evaluate the role of informal value transfer systems in the global economy. While cyber currencies like bitcoin are a significant area with regard to the futures of value transfer, it is not within the scope of the paper to address this emerging area of money exchange.

The History of the Issue

In Arabic, the root “h-w-l” signifies “change” or “transformation”. The word “Hawala” is derived from this root and is defined as a bill of exchange or promissory note that can be used as Hawala Safar (traveler’s cheque) (Jost and Sandhu, 2000). Hawala is one of the primary forms of informal value transfer systems (IVTS) and its operation is based on trust with transactions rarely leaving an audit trail. IVTSs, such as Hawala, were established means of transferring valuables and money long before any of the formal value transfer methods were conceived (Holt et al., 1970) (Lewis, 1995). This remittance system initially developed in Asia and the Middle East as a means for traders to operate without having to carry large sums of money. Modern Hawala networks emerged in the 1960s and 1970s to facilitate the transfer of wages of expatriates to their families, called home remittances and to circumvent official bans on gold imports in Southeast Asia (Vakin, 2001). Conversion rates were usually more favorable (often double) than the government rates, thereby providing a cheap, efficient, and smooth alternative to the often corrupt domestic financial institutions. By far the largest proportion of people who use these informal remittance networks, are overseas workers who send money back home to their families (Economist, 2001). In many cases Hawala users distrust official institutions and/or they simply cannot afford them.

Today, Hawala is a worldwide phenomenon commonly used by expatriates wanting to send money home, businesses in import/export, foreign exchange, travel, jewelry and increasingly by those involved in money laundering and terrorism. Many of today’s IVTS originated among ethnic Asian peoples who based codes of conduct for value/money transfer on mutual trust within groups and individuals (Schramm and Taube, 2002). Ever since the growth of formal value transfer systems, informal systems have operated in the shadows, albeit maintaining a devoted following. IVTS are known under different names throughout the world: Fei Ch’ien (China), Hui Kwan (Hong Kong), Phei Kwan (Thailand), Padala (Philippines), Hundi (India) and Hawala (Pakistan) (Passas, 1999).

Hawala has been the target of US and international media since the 9/11 terrorist attacks involving Al-Qaeda. It is alleged that Al-Qaeda used Hawala to transfer money, undetected, across international borders to finance their terrorist activities. Although increasing regulatory regimes have been put in place, the use of IVTS continues due to its efficiency and cost effectiveness. As such many stakeholders question whether non-regulatory mechanisms dealing with Hawala should be further explored.

Causal Layered Analysis

Derived from theories of poststructuralist discourse, and developed by Inayatullah (2004), Causal Layered Analysis (CLA) allows for critiquing the social construct of the ‘real’ and offers a layered approach to analyze the results as well as provide a framework for the discourse from the key focus areas of this research.

The CLA method assumes four levels of analysis: The first level is the litany representing quantitative trends and problems, which is the most visible and obvious level, requiring little analytic capabilities and the assumptions are rarely questioned. Litanies are hard to challenge and are often used by those in power for their own ends. The second level is the systemic view, which looks behind the headlines and is concerned with social causes, including economic, cultural, political and historical factors. Both these levels operate within short time-frames. The third deeper level is concerned with structure and the discourse/worldview that supports and legitimates it. The task is to find deeper social, linguistic, cultural structures that are actor-invariant (not dependent on who are the actors). The fourth layer of analysis is at the level of metaphor or myth. These are the deep stories, the collective archetypes - the unconscious and often emotive dimensions of the problem or the paradox. This level provides a gut/emotional level experience to the worldview under inquiry. The CLA method attempts to discern the irrational for the purpose of discerning the deeper story being played out at the litany levels. These four levels are used to find the full panoply of stories, both from the conscious, unconscious and emotive perspectives on the issue (Inayatullah, 2004).

CLA stakeholders in the Hawala Framework

In Prabhat Rainjan Sarkar's work, social reality consists of four classes and states in history. Sohail Inayatullah, an interpreter of Sarkar writes that:

The worker/shudra (present oriented, dominated by the environment), the warrior/ksattriya (honour and past focused, seeks to dominate the environment through physical force), the intellectual/vipra (idea oriented, seeks to understand the world through religion, philosophy and science, the study of space and time) and the accumulator of capital/vaeshyan (future focused, uses the other classes to create economic value) Each era organically leads to the next, until the capitalist era dominates, and all classes find the heightening inequity unbearable. Since the needs of the other social classes are not met, a chaotic worker revolution or evolution results which is then followed by the discipline of the warrior-based state. However, the cycle can be changed, and the exploitation phases of the cycle can be shortened and the innovation phases enhanced through wise leadership that integrates all aspects of the social cycle: the service dimension of labour, the protective dimension of the warrior; the truth seeking dimensions of the intellectual and the economic value creating dimension of the trader/investor. (Galtung and Inayatullah, 1997)

Using Prabhat Rainjan Sarkar's work, social-economic reality of the Hawala system is analyzed based on these four classes and states. The worker/shudra (represented by the expatriate workers who are beneficiaries of Hawala), the warrior/ksattriya (represented by international and local policing systems), the intellectual/vipra (the economists, intellectuals and policy makers who contribute to global value-transfer policy and its debate) and the accumulator of capital/vaeshyan (Hawaladars as well as formal value transfer systems like banks, money changers, etc, who use the other classes to create economic value).

The Vaeshyan Zone

In the Vaeshyan zone, there is an intense tussle between the formal and informal financial systems. Insensitivity and indifference to the unique characteristics of the market served by IVTS and the cultural traditions in which it is embedded, forms the background to this conflict. The dominant formal banking institutions which dominate the global financial system (masters of the fortress) consider Hawaladars as their nemesis. There are multiple narratives to this.

Table 1. *CLA – The “Capital/Vaeshyan” Zone (formal vs informal value transfer systems)*

CLA Level	Societal Approach/ Thinking (Formal Value Transfer System)	Societal Approach/ Thinking (Informal Value Transfer System)
Litany (what we say)	Hawala is illegal/against the system	Hawala is pro-poor and trust based
Social Causes (what we do)	Command and control	There is always a way around the system
World View (how we think)	We want a piece of the pie	Pariahs, Robin Hoods
Myth & Metaphor (who we are)	The world is our fortress	The higher the wall of the fortress, the deeper under the walls we will dig

With more than \$300 billion worth of transactions globally, Hawala moves enormous sums of money around the globe. Major Western financial players are effectively cut out of such exchanges. If they could have a slice of this pie, they would stand to generate enormous profits. A Hawaladar usually charges between 2-5% to make a transfer; a traditional bank or value transfer agency could charge up to 25% to send the same remittance (UNCTAD, 2012). When small amounts of money are involved, this daylight robbery occurs at a rate between 20% to 30% (e.g. \$10 fee for a transfer of \$50). For Western financial institutions, the underprivileged population represents a novel market opportunity and the Hawaladars, an unwelcome source of competition. They need to be kept out of the fortress.

Another underlying narrative is the difference by which trust is viewed by the two systems. Western societies have “evolved” to a point that trust in complex societies is vested primarily in institutions and their official oversight mechanisms. In the formal global financial sector, trust is “enforced” through regulation, judicial and bureaucratic. The Western regulatory paradigm assumes the absence of trust, whereas the same is not true for Hawala, in which financial relationships are grounded on the trustworthiness and the reputation of the individual rather than a contract. Religious-based or family-clan driven ethics motivate individuals to incorporate high ideals into their business conduct, preventing fraud, corruption, and questionable behavior (Ali, 2008; Emerson and Mckinney, 2010). From this perspective, it is straightforward that applying similar regulatory measures to formal and informal financial practices is a recipe for failure.

The most remarkable of all is the tenacity of the Hawala System to operate under extreme circumstances where the formal banking system has not been able to

adapt or ceased to operate. In Somalia, after the Siad Barre government was toppled in 1991, commercial banking collapsed and Hawala was the only financial system in the country (Hussein, 2005) (Lindley, 2009). During the Taliban rule in Afghanistan, the country’s formal banking system was dysfunctional and Hawaladars were the only active financial operators (Maimbo, 2005). In the event of institutional collapse, informal structures such as Hawala constitute a semblance of regulatory order and are used by various non-governmental organizations, donors, and aid agencies for the movement of aid money for humanitarian, emergency, and relief projects in conflict-torn countries (Thompson, 2011). More than a decade after all kinds of sanctions were imposed on it, the Hawala system has thrived in its ability to dig deeper and circumvent the system.

The Ksattriya Zone

Table 2. *CLA – The “warrior/ksattriya” Zone*

CLA Level	Societal Approach/ Thinking
Litany (what we say)	Hawala is used for money laundering and terrorism support
Social Causes (what we do)	Policing, lock and key
World View (how we think)	Men with hammers, who view everything as a nail (The formal financial sector is an exception)
Myth and Metaphor (who we are)	To make the fortress stronger, we need to have higher walls

The Ksattriya in the IVTS context, are stuck in the “fortress mentality” which engulfed the US response to the 9/11 events. This mindset of building moats and raising walls has continued unabated, even when it has been proven that there was “no evidence that the 9/11 conspirators employed Hawala as a means to move the money that funded the operation” (9/11 Commission, 2004). The Hawala system became stereotyped as an illicit financial structure linked to Islamic fundamentalism and terrorism. The US Government’s first ever threat assessment of the problem of money laundering found that only 1% of the suspicious activity reports filed by financial institutions involved potential terrorist financing (United States Department of Justice, 2005).

There is however a deeper narrative, which is missed by dialogues about terrorist financing and money laundering. There was a “symbolic value” in singling out Hawala as the conduit for terrorist financing; it drew attention away from the uncomfortable truth that the 9/11 hijackers primarily funded their operations through established Western financial institutions such as banks, credit card accounts and regulated remitters (Razavy and Haggerty, 2009). As former US Treasury General Counsel David Aufhauser remarked: “It was almost comical. We just listed out as many of the usual suspects as we could and said, let’s go freeze some of their assets” (Suskind, 2004). One of the first initiatives in the immediate aftermath of the 9/11 attacks, involved closing the overseas channels of the Somalia-based al-Barakat remittance system, effectively destroying Somalia’s largest private employer. The remittance system in Somalia contributes to about 40% of its GDP. The reason given was that al-Barakat was allegedly involved in funding terrorism,

and was characterized as the “quartermaster of terror”. It is now known that al-Barakat was not involved in funding terrorists in any meaningful way, something confirmed by the 9/11 Commission (Kean and Lee, 2004). Ironically, even more than a decade after 9/11 and independent research which has found that Hawala is not a major player in financing terrorism (Passas, 2005); the official enthusiasm for documentation and accounting is still symbolically persistent.

On the other side of the spectrum, the international policing system has turned a blind eye on the fact that terrorists move funds through institutions that already conform to the documentation and accounting regimes, now being imposed on Hawala. There is an unholy silence as to why none of these “established” organizations have had to bear the embarrassment of being characterized as “financers of terror”. Targeting finances (mostly in Muslim countries) has effectively normalized established financial practices, ignoring the ample opportunities for financial manipulation inherent in Western commercial systems (Atia, 2007).

So it does not come as a surprise that more than a decade after the start of the witch hunt on Hawala, it has emerged that the documentation and reporting requirements have created a huge burden for low income countries without appropriate capacities and resources (Verdugo, 2011). Furthermore, these international regulations have produced the opposite of desired effects, including higher remittance costs, fewer options for remitters, unnecessary criminalization of economic sectors and ethnic groups (Passas, 2006).

The Vipra Zone

Table 3. *CLA – The “intellectual/vipra” Zone*

CLA Level	Societal Approach/ Thinking
Litany (what we say)	Hawala is illegal/against the system
Social Causes (what we do)	Custodians of Legislation, Legitimization, Ethics and Morals
World View (how we think)	Short-term, litany focused, not transformative (Painting over dirt)
Myth and Metaphor (who we are)	When you live in a river, it is not wise to mess with the alligators

In the world of IVTS, two types of vipra (intellectuals, economists, policy planners) have emerged. On the one hand, a major part of vipra have been instrumental in tagging the cultural financial practices of IVTS with labels such as “informal,” “underground,” or “alternative”. This has in turn contributed to their “delegitimation”, demoted to an inferior or opposing position in relation to Western financial structures, which have implicitly been constructed as the normal and legitimate space in international finance (de Goede, 2003). There are two underlying myths/metaphors here: i) the difficulty to explain the trust based system to a western audience which is well entrenched in their thinking on how such a financial system ought to operate. Since Hawala fails to comply, this is considered an anomaly which needs to be brought into compliance with the “accepted norm”. ii) The “you are with us or against us” slogan, and it is an instinctive choice thereafter.

The second category of vipra has spoken about bringing change in the world

financial order. And some of them have talked about learning from Hawala (Hariharan, 2012), but the plurality of dissent has generally been lacking. The future space is beautiful and brings hope, because of its uncertainty and possibilities. But if these possibilities follow the route of convention the future just becomes an extension of the present. These intellectuals have thus tapered any futures discussion space by gyrating their conclusions around regulating Hawala at some point in the future. By doing so they have unconsciously, complemented the global hegemony of the formal financial sector. This way the predictability of dissent is also assured, paving the way for a monotonous and oligarchic future in the Value Transfer arena. The minor matter of putting the global financial leviathan to order is discussed, in passing.

The vipra-vaeshya nexus has come up with a new rhetoric over the past decade, to capture a slice of the bottom of the pyramid (BOP) market. The glorification of poverty in the form of inclusive policy or pro-poor has been making the rounds for a few years now. The litany is that mainstream economics has failed to serve the underprivileged and a new breed of thinking is required to better serve them. At the level of myth, it turns 180 degrees-Mainstream economics has failed to properly exploit the BOP, it is time to get down to root level and leech the BOP. When you keep this theory in the background, it is not too difficult to understand why a socio-economic project like Grameen bank was able to do wonders in Bangladesh, but the same concept of micro-finance applied as a purely economic enterprise, is wrecking havoc in other parts of the under developed world. This has similarities with Hawala, a socio-economic enterprise. In the current scheme of things, purely economic endeavors like Western Union, don't find favor with the local populace.

The Shudra Zone

Table 4. *CLA – The “worker/shudra” Zone*

CLA Level	Societal Approach/ Thinking
Litany (what we say)	Maximum value for my money
Social Causes (what we do)	E-money, IVTS
World View (how we think)	They let down their own consumers and clients (Global Financial Crisis), what can they do for me?
Myth and Metaphor (who we are)	Financial apartheid The missing men at the party;

The Shudras of the IVTS represent the beneficiaries of Hawala, and they have been literally treated like Shudras (the lowest rung of the caste system). While the debates have raged on about IVTS and financial systems, they have been the missing persons at the party. Their issues like maximum value for hard-earned money, lack of identification documents and the chaos in which they survive, have been disowned. In a true colonial sense, they have been asked to leave a system that is subtle, trust-based, culturally specific and a local solution for the remittance to families in need. The system which intends to replace it is costly, culturally alien (interest based finance system) and is under suspicion as it has let down the people in the fortress (Global Financial Crisis). In this sense, the regulation of Hawala

money transfers does not fit with ideas of “making the best of globalization” or “making globalization work for the poor”(Watkins, 2002; Stiglitz, 2006). It is no wonder that even after being hounded for the past two decades, Hawala has stood its ground and is idolized by the people languishing at the bottom of the pyramid.

Moving Ahead - Integrating the Narratives

The logical way to bring it all together would be to find a middle path, acceptable to all parties: a door in the fortress. The problem is that such an approach has repeatedly failed over the past two decades: The regulation and licensing of Hawaladars, Hawala as an alternative to aid, codification and micro banks for families of migrants, etc. The failure is based on the right of passage: it is just one-way. In this discourse, Hawala needs to change and the Shudras need to adapt to the demands of a changing world. The rules of the dominant global financial order cannot and will not change; the vipra and the kshattraya will continue to play their role of “sacred cow” (immunity from question or suggestions of change) stewardship.

Table 5. *Integrating the Narratives*

	Formal Value Transfer Systems	Informal Value Transfer Systems	Warriors	Intellectuals	Bottom of the Pyramid	Integrated
Litany (what we say)	Hawala is illegal/ against the system	Hawala is pro-poor and trust based	Hawala is used for money laundering and terrorism support	Hawala is illegal/against the system	Maximum value for my money	Value Transfer without ID and tax deduction is now available to passengers at all major airports.
Social Causes (what we do)	Command and control	There is always a way around the system	Policing, lock and key	Custodians of Legislation, Legitimization, Ethics and Morals	E-money, IVTS	A melting pot of cultures and ideas
World View (how we think)	Want a piece of the pie	Pariahs, Robin Hoods	Men with hammers, who view everything as a nail (The formal financial sector is an exception)	Short-term, litany focused, not transformative (Paint over dirt)	They let down their own, what will they do for me	Looking beyond predictable possibilities
Myth & Metaphor (who we are)	The world is our fortress	The higher the wall of the fortress, only the deeper you need to dig	To make the fortress stronger, we need to have higher walls	When you live in a river, it is not wise to mess with the alligators	Financial apartheid The missing men at the party	Build a door in the wall. Why is there a wall in the first place

So the situation requires a more radical approach and it begins with a fundamental question- why is there a wall in the first place? Are economists supposed to serve economies or economic theories? Are the warriors supposed to protect the wall or the people inside? By the way, who are they protecting them from: Themselves or a glimpse of what lies outside the fortress? The custodians of ethics, morality and knowledge, who talk about the elusive American Dream and the now-much-publicized Indian Dream; Have they themselves forgotten to dream and fantasize? For a paradigm shift we may need to begin with a new dream. A beginning would be imagining a world, outside the realm of predictable dissent. What does a world look like without big brother watching, without databases, without taxes, systems without third party audits – a true “world without walls”? Such a mindset would then be ready to explore the phenomena of Hawala as an economic and sociological institution, which has something to offer in terms of learning and resilience. Until that happens, the present business-as-usual scenario of Hawala lying low, underground and in the crosshairs, is the way of the foreseeable future.

The Global Economic Crisis has presented a once-in-a-generation opportunity for the formal banking sector and related stakeholders for inward reflection and reform. Currently, the learning prospects from Hawala have been disowned in the name of a global witch hunt; an opportunity is being squandered to correct some of the incentives and gaps in procedures and mechanisms, of the formal financial sector.

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