Central European Journal of International & Security Studies

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Editor's Note:

It is a pleasure to welcome you to CEJISS 2:1. Before turning to the editorial of this issue, I would like to take the opportunity to inform you of some recent developments concerning CEJISS. Owing to the growth in our readership and continued exposure in academic and policy circles worldwide, we have made some administrative adjustments; brought several new people into the CEJISS Administrative, Editorial and Advisory Boards, and are in the process of up-dating our webpage to continue to provide our readers easy access to the contents and archives of CEJISS, and to further advance our webpage to act as a source for more general research in the areas of International Relations and Security Studies. I invite you to review our webpage (www.cejiss.org) and make comments and suggestions. We would like to maintain transparency in our decision making and are very receptive to your ideas and concerns.

CEJISS's readership has now reached over 5000 people in more than 60 countries. It is presently available in the US Library of Congress; the Stockholm International Peace Research Institute (SIPRI); the Begin-Sadat Centre for Strategic Studies; the Radio Free Europe/Radio Liberty library; and a multitude of other research centres, think-tanks, university, private and public libraries, and institutes around the world.

In December 2007 CEJISS held a series of meetings designated to identifying our objectives for 2008, and the best means to achieve them. After much discussion, we arrived at three main objectives:

1) To maintain the highest possible quality in the article selection and presentation of the journal in hard and electronic formats;

2) To keep CEJISS free in both hard and electronic formats;

3) To extend our activities to include conferences, seminars and other special activities to increase the interaction between our authors and the interested public.

All three objectives are attainable and I would like to extend many thanks to the members of our three boards for assisting in further developing CEJISS, in reviewing incoming contributions, in language editing, in your advice and hard work preparing additional activities. I would especially like to mention the generous support provided by the Metropolitan University Prague (formerly: University of Public Administration and International Relations) from which CEJISS is able to sustain its activities and continue to provide its readers with free copies of the journal in both forms.

While 2008 is full of promise for CEJISS, I unfortunately cannot say, with certainty, the same for the international relations and security CEJISS focuses on. It seems that 2008 will be a year of immense changes to the political configuration of international society. With a number of countries having already

had, and several others about to face elections, 2008 will likely be recorded as one of the pivotal years of the post-Cold War period.

It is a year in which many contentious issues will be expressed, in ballot boxes, political chambers and in some extreme cases, on city streets. So far this year there has been elections in the Czech Republic, the Russian Federation, Armenia, Cyprus, Spain, Kosovo, Serbia, Pakistan, Zimbabwe and Taiwan. Later, this November, Americans will also head to the polls in an election that may very well reprioritise US foreign affairs and with it, international relations itself. These elections and their results are important indicators of the direction the above states may venture in the future; however they only capture part of the international political picture. While it is true that several of the above elections resulted in sustained political violence amid charges of ballot tampering, cronyism and corruption, the majority demonstrated the depth of international democratisation, which while still imperfect, is occurring, providing people with the freedom to dissent and generally take civilian ownership over their societies.

It is on the later point that I wish to dwell, for at the time of this writing, many people's inherent rights to life, liberty and security are constricted by their own states, which are fearful of granting their population the very basic freedoms that many take for granted.

Writing and living in the Czech Republic has provided many insights into the struggle for democracy and human rights, and it is my firm belief that the historical experiences of the Czech people can act as a beacon of hope for others still living in fear for expressing their thoughts and attempting to reconfigure their society to be more reflective and in sync with the demands of the 21st century citizen. This is coupled with the symbolism 2008 represents for the Czech Republic as it is marks the 90th anniversary of the founding of the first Czechoslovak Republic, the 70th anniversary of the Nazi invasion, the 60th anniversary of the communist takeover and the 40th anniversary of Prague Spring. In the atmosphere of celebrating the successful transition to democracy while remembering the tragic costs of dictatorship, it is also important to think of those whose freedoms have not yet been won. While the struggle for democracy in Europe may have largely ended with the collapse of the USSR, the international struggle continues.

The articles in CEJISS 2:1 do not directly deal with issues of democratisation. Instead, each contribution deals with associated issues. Firstly, Yulia Zemlinskaya explores the phenomenon of 'Refusniks' in the Israeli Army. These are soldiers who disagree with their government's Palestine policy and refuse to follow orders even though this could land them in prison for insubordination. This is deeply tied to the question of democracy and seeks to explain the social implications of mass insubordination within Israeli society. The right to dissent is integral to democracy; however dissent among soldiers' poses many challenges to the security of the state. This article provides an in-depth

analysis of the situation in Israel and ultimately shows the potential influence individuals have on the contours of their state. Secondly, Atsushi Yasutomi assesses programmes of disarmament, demobilisation, and reintegration (DDR) and security sector reform (SSR) in post-conflict states. It is argued that in order to provide civilian control of societies that have been plagued by conflict, adequate measures must be taken to avoid the return to violence and ultimately set post-conflict states on the path to stability and responsibility. Thirdly, Miloš Balabán, while more oriented to geopolitics over the coming decades, makes a compelling case for the return of multipolarity as a defining feature of future international relations. This article addresses a multiple of concerns and potential conflicts that may arise in the coming decades and presents alternative views over governmentalities within the shifting international environment. Using a critical discourse analysis approach, our fourth contribution, by Ibrahim El-Hussari, is concerned with evaluating George Bush's Iraq policy through the deconstruction of Bush's 10 January 2007 Address to the Nation speech. This article demonstrates and critically evaluates the interaction between decision makers and the public within democratic societies. Fifthly, Jana Hynková--Dvoranová investigates the EU's Lisbon Treaty and the impact this treaty has on enlargement. The discussion in this article theoretically addresses some of the problems associated with the Lisbon Treaty and reviews decision making processes connected to qualified majority voting. This is an essential read for those concerned with future developments in the EU. Finally, Gautam Acharya, employing a comparative analysis, reviews the legal case for aviation security with particular emphasis paid to airport security. This article looks at laws developed and deployed in the US, UK and India to demonstrate a legal gap in securing airports and providing a legal deterrent against so-called sky criminals.

In addition to our main research articles, CEJISS 2:1 includes 5 Comment & Analysis articles covering: the Czech presidential elections; potential changes to US foreign policy following the 2008 elections; post-WWII political trials in Czechoslovakia; energy security; and the current situation in Kosovo.

I sincerely hope that you enjoy the contributions made to CEJISS 2:1 and look forward to hearing your feedback.

Mitchell A. Belfer

Editor in Chief
Central European Journal of
International and Security Studies

Research Articles

CE JISS

Between Militarism and Pacifism: Conscientious Objection and Draft Resistance in Israel

Yulia Zemlinskaya[1]

Introduction

The outbreak of the Palestinian *Intifada* in 2000 prompted many Israelis to object to Israeli occupation of the Palestinian Territories by refusing their reserve call-up or by resisting the draft. They have established and were active in four social movements (*Yesh Gvul, Courage to Refuse, New Profile and Shministim*) which supported conscientious objectors and draft resisters as well as argued against Israeli occupation of the Palestinian Territories. By analysing a total of 87 in-depth interviews with members of the four movements, this study attempts to answer the following question: 'What are the critical discourses voiced by Israeli conscientious objectors and draft resisters, and how can their emergence on the Israeli public sphere be explained'.

The analysis of these interviews demonstrated that in their appeal to Israeli public members of *Yesh Gvul* and *Courage to Refuse* utilized symbolic meanings and codes derived from dominant militarist and nationalist discourses. In contrast, draft-resisters, members of *New Profile* and *Shministim,* refusing to manipulate nationalistic and militaristic codes, voices a much more radical and comprehensive critique of the state's war making plans. Invoking feminist, anti-militarist and pacifist ideologies, they openly challenge and criticize dominant militarist and Zionist discourses. While the majority of members of *Yesh Gvul* and *Courage to Refuse* choose selective refusal, negotiating conditions of their reserve duty, anti-militarist, pacifist, and feminist ideological stance of members of *New Profile* and *Shministim* leads them to absolutist refusal.

How can these differences in the movements' discourses be explained? I contend that the two different critical discourses and patterns of refusal can be understood in the context of recent socio-economic, political and cultural

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changes within Israeli society. In recent decades Israel has undergone a process of cultural and structural demilitarization which has resulted in a diminishment of the prestige and importance of military service in civilian life. Simultaneously, the dominant Zionist discourse, which considers Israel as a Jewish state, has been challenged by a post- Zionist critique. Post-Zionism, criticizing the discriminatory nature of the state defined in nationalistic terms, provides a vision of a more civil and liberal Israel. Both demilitarization and post-Zionist critique have particularly affected the Israeli middle and upper classes: that is the urban, secular and mostly Ashkenazi stratum of Israeli society – the very stratum to which Israeli conscientious objectors and draft-resisters belong.[2] Their critical discourses, therefore, can be seen as an integral part of the socio-political and cultural changes that have emerged in Israel in the past decades.

The first half of this paper begins with the brief introduction of the movements under study. It then moves to the discussion of the socio-political and cultural changes in Israeli society mentioned above. They provide a background for understanding the movements' discourses presented in the second half of the paper.

The Movements

Yesh Gvul was founded during the first Lebanon War (1982–1985). It became the first social movement in Israel which supported willing to refuse combat soldiers and officers. With the onset of the first Palestinian *Intifada* (1987–1991) the movement resumed its activities and began to counsel soldiers and officers who refused to serve in the Occupied Territories backing them morally and financially. It was also active during the second Palestinian *Intifada*, but was less visible on the Israeli public sphere due to appearance of new organizations which offered their support to conscientious objectors and draft resisters.

The outbreak of the second Palestinian *Intifada* in October 2000 opened a new chapter in the history of conscientious objection in Israel, marked by the proliferation of movements supporting the refusal. Alongside *Yesh Gvul*, three other organizations began to advocate refusal to serve in the Occupied Territories and to support those willing to refuse their military duty: *Courage to Refuse*, *Shministim* and *New Profile*. There is however a significant difference between these organizations both in their socio-demographic characteristics and their ideological orientations. While *Courage to Refuse*, similarly to *Yesh Gvul* was comprised of reserve combat soldiers and officers and advocated selective refusal to serve in the Occupied Territories, *Shministim* and *New Profile* were mainly

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2   The absolute majority of the interviewed for this study conscientious objectors and draft resisters come from major cities (Tel Aviv or Jerusalem), secular, middle class families. Similar picture with regard to refusers' socio-demographic profile emerges from the studies of Israeli scholars on conscientious objectors to the first Lebanon War (Helman 1999a, 2003) and first *Intifada* (Linn 1995, 1996).

comprised of high-school students (or those who just finished high-school) and supported absolutist refusal. Moreover, due to the fact that combat service in Israel is almost exclusively comprised of male reservists, almost all members of *Yesh Gvul* and *Courage to Refuse* are male. In contrast, both *Shministim* and *New Profile* are mixed movements comprised of female and male activists. The differences between the movements are summarized in Table 1.[3]

Movement	Average Age	Birth Cohort	Membership	Type of Refusal
Yesh Gvul	46	60's	male combat soldiers and officers	selective
Courage to Refuse	28.8	70's	male combat soldiers and officers	selective
New Profile	21	80's	majority are female activists	any type of refusal
Shministim	19.4	80's	female and male high-school students	any type of refusal

Table 1

From Militarism to Demilitarisation

In his classic article titled 'Militarism in Israeli society', Kimmerling (1993) argued "whether we like it or not – our society is militarist par excellence. Militarism is a central organizational principle around which Israeli society revolves, works, determines its boundaries, its identity, and the accepted rules of the game."[4] (p.124). This militarisation is expressed in the profound influence of military matters on the political, economic, judicial and educational spheres of Israeli society. In the political sphere, militarisation is evident from the centrality of security matters in decision-making processes and the importance of military experience for political careers (Ben-Eliezer 1997). Furthermore, the Israeli political map is structured according to political actors' solutions to the Israeli-Palestinian conflict: left-leaning parties traditionally support a 'two-state solution' to the conflict and the withdrawal from the Occupied Territories, while right-wing parties advocate an idea of "Greater Israel" which implies continuation of the Occupation and of the settlement enterprise. In the economic sphere, militarisation is expressed in the allocation of a large proportion of the budget to military needs. Israeli education, particularly schooling, is oriented toward the perpetuation of the military ethos through memorial ceremonies and preparation of youth for the military service which is part of their curriculum

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[3] The calculations of 'average age' and 'birth cohorts' presented in the Table 1 are based on the interviews with the members of the movements.

[4] The article was originally published in Hebrew, my translation was informed by the translation of the same quotation found in Feige (1998:87).

(Levi et al. 2007). Another indicator of the militarisation of the society is the convertibility of military virtues into the advantages in civilian life (Levy 2004). In Israel, ex-officers with prominent military careers are "parachuted" not only into positions of power in political sphere, but into all others spheres. Retired high-ranking officers, argues Kalev (2006), "become directors of banks and high-tech firms, senior-level managers of business and industrial projects, principals of schools and the heads of educational institutions."(p.268)

Perhaps the most fascinating aspect of the militarisation of the Israeli society is its cultural expression. Having analysed the cultural and cognitive dimensions of militarisation of Israeli society, Kimmerling (1993, 2001) conceptualizes the Israeli order as 'civil militarism'. The difference between civil militarism and other forms of militarism is that the former implies internalization of conflict and war preparation by 'most statesmen, politicians and the general public as a self –evident reality whose imperatives transcend partisan or social allegiances' (Kimmerling 2001: 215). The social significance attributed to military service, the prioritization of security matters over any other political or economic considerations, the cognitive orientation toward constant war preparation is what Kimmerling (2001) coins 'militarism of the mind' (ibid). Military service, which delineates the boundaries of the political community, is identified 'as the ultimate token of political obligation as well as the highest contribution to the achievement of collective goals (Helman 1999a:393). It is perceived as an expression of loyalty to the state and as such it defines the hierarchy of belonging to the state, determining 'who is a "patriot" and to what extent' (Sason-Levy 2002:360).

Exploring cultural dimensions of militarisation, several phenomenological studies have investigated how war and military service construct the life-world of Israelis. Helman's study (1999b) based on interviews with conscientious objectors of the Lebanon War shows that military service is identified by her interviewees with Israeliness. They overwhelmingly state "Israelis are only those that went through the army" (Helman 1999b:201). It is perceived as an entry ticket to the public sphere which grants right to equal participation and legitimizes critical opinions of state policies (ibid). Another study, based on interviews conducted with Israeli men who took part in the Yom Kippur war, demonstrates the pattern of normalization and integration of the war into the personal biographies of the war veterans (Lomsky-Feder 1995). In their narratives war appears as an inevitable and natural part of the life of Israeli society (ibid).

Crisis of Civil Militarism

Despite this high level of militarisation, compared to other democratic countries, in the past two decades Israel has experienced a shift in military-society relations expressed in the diminishing influence of the army. The institutional and cultural changes which Israel has underwent in recent decades translated

into a legitimation crisis experienced by Israeli army as well as a motivation crisis among conscripts and reservists. In other words, the Israeli army seems to be gradually losing its legitimation and prestige among Israelis. As a consequence the motivation of conscripts to complete their military service is falling, in particular of those belonging to traditional elites of Israeli society.

This gradual demilitarisation is an outcome of several inter-related processes. Firstly, the hegemonic status of 'the security ethos' has diminished. The old collectivistic ethos of heroism and self-sacrifice for the common good has been replaced by more individualistic, democratic and civil values. (Peri 2001a) The latter led to the re-conceptualization of the social role model: the role model of contemporary Israeli youth is not a combat officer of the elite unit, but rather a 'high tech entrepreneur, lawyer or media celebrity" (Peri 2001a:109). Secondly, in the past two decades the IDF has been losing its social prestige due to perceived failure to 'deliver the goods' (Peri 2001 a). Since the Lebanon War (1982–1985), during the first *Intifada* (1987–1993) and in mid nineties during the occupation of the Lebanese territory, the army was repeatedly criticized for the way it handled these campaigns. Their very legitimacy was challenged by peace movements and conscientious objectors. Thirdly, in recent years the influence of the military on civilian institutions diminished while civilian control over the military increased. This process is expressed in the greater intervention of both judicial system and social organizations into the military affairs.[5] (Ben-Eliezer 1997, Levy 2004, Levy et al. 2007, Peri 2001a, Shtern 1998)

In addition, the IDF itself, as a result of a surplus of manpower in the past two decades, has undergone structural changes.[6] A sharp increase in the number of potential conscripts led the IDF to reconsider its recruitment policy and the length of the service. The recruitment policy became more flexible allowing a larger proportion of conscripts to be exempt from service; the length of combat reserve service was also shortened.[7] (ibid) The sharp rise in exemptions given on a basis of psychological unsuitability during the service – from 3% in 1992 to 10.1% in 2004 – is just one of the indications of the changing approach

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[5] The greater control of the civilian sphere over military is expressed in greater involvement of the parents of conscripts in the conditions of their service, as well as greater accountability of the military to parent's lobby groups (Levy et.al. 2007, Levy 2004, Peri 2001a). During the 1990s there was also an increase in criticism of the military in the Israeli media (Peri, 2001a, 2001b).

[6] Between the mid-1980s and the mid-1990s there was a rise of more than 25% in the population of individuals between the age of 18–21, and an almost 59% rise in the number of potential reservists due to the large emigration wave from the former Soviet Union. (Peri 200a1:122)

[7] IDF expressed greater flexibility in exempting conscripts with a low physiological profile ('21 profile'), and in discharging soldiers during the service who were categorized as unsuitable for military service. As a result approximately 25% of men eligible for service are not conscripted and approximately 20% are discharged before completion of the service due to 'unsuitability' (Peri 2001a:125). Nevo & Shor (2002a) estimate that in 2010 only 50% of all those eligible for service will complete the full term of duty (p.14–15).

of the army (Yushua 2005). One of the high-ranking officers from the IDF human resources unit, commenting on the trend, argued 'it is highly unlikely that one in 10 Israelis suffers from such a serious psychological problem that she has to be exempt from the army on this basis. The psychological health of Israeli youth could not have deteriorated to such an extent' (ibid). This trend, however, is not only an outcome of the army's flexibility toward unwilling conscripts, but is also a reflection of underlying cultural change. Although the army's human resources department described it as a 'Loss of values in Israeli society', arguing that 'what once was seen as a shame, now became a norm' (ibid), the trend seems to be rather an indication of diminishing importance of the military service for civilian life in contemporary Israel.

The 'erosion of the hegemonic military ethos' (Levy et. al. 2007) is discussed in the Israeli press and among Israeli scholars as a 'motivation crisis' among potential conscripts and reservists (p.28).[8] While in comparative perspective the motivation of Israeli youth to serve in the military seems to be quite high[9], in the past two decades there has been a gradual decrease in motivation to serve in combat units, to volunteer for command courses and to continue military service after completion of compulsory duty (Levy 2004, Levy et. al. 2007; Peri 2001). Simultaneously, there has been an increase in the number conscripts asking to be placed in rear roles and applying for excemtions for mental health reasons before and during the military service (ibid). The rise in evasion of reserve call-up is just one of the symptoms of the motivation crisis. Recently, the evasion became so widespread that the whole concept of a 'people's army' which implies universal conscription and equally distributed burden of reserve service became irrelevant.

The inequality in distribution of the burden of reserve service is evident from the following data: in 2000, only 12% of men out of all Jewish men between the ages of 21–45 served more than four days in reserve and only

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8   See Cohen (1997), Cohen & Bagno (2001:138–142), Levy (2004), Levy et al (2007), Nevo & Shor (2002a:14–15), Nevo & Shor (2002b), Peri (2001), Shtern (1998)

9   In 1994 a survey conducted by IDF showed that 50% of respondents replied that they would volunteer to a full three years of service even if it would be voluntary, and 44% said that they would volunteer for a shorter period (Peri 2001:126). The data published by the Israel Democracy Institute shows that 84% of the respondents said that they 'desire/strongly desire' to conscript for military service (Nevo & Shor 2002:15). This data, however, should not be taken at face value as the same authors contend that only 55–60% of all eligible to serve in the military finish their full three years of service (Nevo & Shor 2002:14, Peri 2001:126). The discrepancy between the data show high levels of motivation of the Israeli youth to serve in the army and the actual number of individuals completing their compulsory military service can be explained by two factors. Firstly, the sample of the survey exploring motivation to serve may be non-representative of the entire population of eligible individuals for service. Secondly, the data about motivation to serve implies that respondents were surveyed before their conscription. It is possible that after they have been conscripted some of the respondents may have changed their opinion, and perhaps did not complete their service for various reasons.

4% served more than 26 days in a year (Nevo & Shor 2002b:12). Those who regularly answer a reserve call-up (80000 reservists) constitute just 1% of the Israeli population![10] Muslims are excluded from military service, Orthodox Jews, religious women, married women, mothers (or pregnant women) are given exemption, while of those elligible for conscription only 55–60% complete their compulsory term of duty (Nevo & Shor 2002a:14, Peri 2001:126).

The motivation crisis, however, is not equally spread among the Israeli population. It is rather a motivation crisis among the secular Ashkenazi elite (Levi 2004, Levi et. al. 2007, Peri 2001). The latter was always regarded as the social 'backbone' of the military. Members of the kibbutzs and the urban middle class youth traditionally filled the ranks of elite units and moved up the military hierarchy to become officers. This was also a stratum of Israeli society which benefited from militarism the most. The process is rooted in the diminishing value of military virtues in the civilian sphere. The erosion of the social value of military service caused by economic, cultural and political changes has affected the motivation of those who had previously benefited from militarism the most. Non-consensual, controversial wars damaging the army's prestige distanced the secular Ashkenazi stratum of Israeli society from the military. Globalization and transition to a market economy led to the devaluation of military experience in the civilian job market, while the liberalization in the political sphere has broken the direct link between military virtues and civil rights. (Levy 2004) In short, from the perspective of the elite stratum of Israeli society investment in the accumulation of military virtues in contemporary Israel has ceased to be worthwhile. As Levy et. al. (2007) put it 'the state demanded a higher payment for reduced returns.' (p.13)

The motivation crisis among the secular-educated-Ashkenazi stratum of the society was conceptualized by Levy et. al. (2007) as 'a retreat from "obligatory militarism", which sees compulsory military service as an unconditional contribution to the state, and the adoption of "contractual militarism", that is making service conditional on its meeting individual ambitions and interests.'(p.128) The newly emerged form of militarism, according to the authors, embodies a shift in relations between secular middle – class youth to the army where bargaining plays a central role. Despite the remaining formal obligation, the value of military service is measured against its utility in the civil and economic spheres. Rather than being based on a collectivistic ethos, contemporary youth's motivation to serve is increasingly dependent on the convertibility of the prospective military experience into the advantages in civilian life. This type of relationship between the social elite and the army indicates for the authors a transition from republican citizenship to citizenship defined in more liberal terms. (Levi et.al. 2007)

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[10] The data is taken from the report of Channel 2 News (Israel) shown on 20/04/07, by reporter Nam Amit can be found at: http://www.keshettv.com/VideoPage.aspx?MediaID=15664 (last viewed on 28/04/2007)

The importance of Levi's et al (2007) conceptualization of the changes in militarization patterns for understanding of the conscientious objection movements is twofold. Firstly, it is important because conscientious objectors traditionally come from the very stratum of Israeli society which, according to Levi et al (2007), is at the core of the changes discussed above. Secondly, the claims of conscientious objectors have always been an amalgam of republican and liberal discourses. The puzzle of conscientious objectors in Israel lays in the fact that anti-war and anti-occupation protest (before the recent *Intifada)* was led by combat reserve soldiers and officers – the backbone of the Israeli military – who used military rhetoric to legitimize their anti-war claims in the public domain. The appearance of a new type of conscientious objection movement such as *Shministim* and *New Profile* along side *Yesh Gvul* and *Courage to Refuse* makes for an interesting case for interpretation within the debates on demilitarisation of the Israeli society.

Members of all four movements come from a similar social background (i.e. they belong to the urban, secular middle and upper classes). The difference between reservists and younger refusers, however, is in their relation to the army. Members of *Yesh Gvul* and *Courage to Refuse* represent a symbolic core of Israeli society – those 4%-12% of all Israeli Jewish men eligible for reserve service who actually complete their reserve duty. They, therefore, can be seen as bearers of the militaristic ethos. Their discourse, as we shall see further, is derived from the Israeli militaristic culture which stresses contribution and loyalty. Their refusal is selective and conditioned upon the nature of a particular military campaign. They do not reject military service as such, but object to an 'unjust war'.

In contrast, members of *Shministim* and *New Profile* represent those 40–45% of Israelis who do not complete their compulsory military service. Socially speaking, in contrast to reservists, they represent a very widespread trend within Israeli society. Despite that, they are politically marginalized since their avoidance of military service is ideologically motivated and used as a tool in political protest. In other words, these younger refusers constitute a politically radical segment of a mainstream phenomenon. Their anti-militarist, post-nationalist and feminist discourse, marginalising them within the Israeli political map, turns them into a political vanguard. In order to clarify this point further, in the next section I consider the recent changes in the ideological orientations and identities of Israelis.

From Zionist to Post-Zionist Discourse

In order to understand the movement's discourses one has to place them within the Israeli political culture. There are different ways of approaching this question. I, however, wish to focus on the role of Zionist ideology in structuring Israeli political map. Its importance within the Israeli political culture cannot

be over-estimated. Zionist ideology determines Israel's national aspirations and policies; it encompasses national myths and ethos; it constitutes personal identities. Last, but not least, it defines frontiers of national consensus, thereby demarcating legitimate and illegitimate political discourses and strategies, and turning political actors into outsiders.

Zionism in Structuring Israeli Political Culture and National Identities

Israeli political culture is characterised by the widespread consensus among Jewish Israeli citizens of Israel based on a set of shared beliefs. One of them is a belief in the necessity of a strong military for the survival of the state. Another is the belief in the Jewish – Zionist character of the state. Although this claim is often challenged by radical leftist groups and leftist oriented academics it nevertheless remains the official definition of the state of Israel supported by the wide consensus of the Jewish Israeli citizens of Israel. Analyzing the historical roots and contemporary implications of Zionist ideology on the Israeli state, Kimmerling (1999) described the Israeli social order as Zionist hegemony. Zionist hegemony, argued Kimmerling, is "expressed in the taken for grantedness of the equivalence between Jewish religion and nation" (p.340) The phenomenon results from the aspirations of the Zionist movement (the generator of modern Jewish nationalism), firstly, to legitimize the idea of the establishment of the Jewish state in 'The Land of Israel' (Zion), and secondly, to unite all Jews in the achievement of this goal. As there was no other viable source that could legitimize Zionist aspirations for an independent Jewish state, as well as to define boundaries of the collective and consolidate a national consciousness, Judaism was reinterpreted in secular terms and has since served as a source for national self-identification.

The close linkage between Zionism and military service is apparent from a close look at the Israeli political map. Any (Jewish) political party or movement which publicly disassociates itself from the Zionist ideology or doubts the necessity of the military service automatically excludes itself from the consensus. Exclusion from the consensus results in an inability to draw wide public support. The outrage directed at any Jewish criticism of Zionism is rooted in close association between Jewish and Zionist identity. Those who criticize, or worst of all denounce the Zionist enterprise are perceived by the Israeli public as traitors who betray both their nation and their own Jewish identity. Criticism of Israeli politics is frequently equated with negation of one's Jewish identity, while leftist critics of Zionist enterprise are often called 'self-hating Jews' (Finlay 2005). In the same context anti-Zionism is often associated with anti-Semitism (Shapira 2006).

The political strategy of the Israel's largest peace movement – '*Peace Now*' exemplifies the power of Zionist consensus. *Peace Now* is regarded and conceives itself as central to the peace movement in Israel because of its ability to mobilize the public for a political protest. The movement has always avoided

being associated with non-Zionist or anti-Zionist peace movements by avoiding or carefully managing joint demonstrations with radical leftist movements. Moreover, despite criticizing both the conduct of the Lebanon War (1982–1985) and the recent *Intifada*, leaders of the movement have never publicly supported the refusal movement.[11] This strategy was aimed at preserving *Peace Now's* public image as a consensual, mainstream leftist movement in order to retain its broad public support.

However, despite wide consensus regarding the Jewish – Zionist character of the state and core values associated with Jewish Israeli identity, Israeli public opinion and identities are far from being monolithic. It is argued that from the beginning of the 1980's Israel underwent socio-political, economic, and cultural changes which led to an emergence of an alternative post –Zionist discourse and identities (Ben-Porat 2006, Don-Yehiya 1998, Eisen 1998, Harris 2005, Kelman 1998, Ram 1999, 2000, Seliktar 2005, Smooha 1997, Shafir & Peled 1998).[12]

Post- Zionist Alternative

In recent decades, so-called 'Zionist hegemony,' usually understood as national ideology based on viewing Israel as a Jewish state, has been challenged by Post-Zionist discourse (Ben-Porat 2006, Don-Yehiya 1998, Eisen 1998, Harris 2005, Ram 1998, 1999, 2000, Seliktar 2005, Smooha 1997, Shafir & Peled 1998). Post-Zionist discourse, stressing the discriminatory nature of the state defined in nationalist terms, proposes a liberal, post-nationalist approach to citizenship which would include all citizens of Israel on equal terms. It also challenges the ultimate right of the Jewish people to the Land of Israel, thereby affirming national aspirations of Palestinians and their respective right to self-determination in Palestine. The appearance of the new ideological orientation on the Israeli political map happened simultaneously with the process of demilitarization. Both processes were rooted in the liberalization and democratization of Israeli society in the past two decades. They have both affected the same stratum of the Israeli society – middle class secular Ashkenazi origin Israelis who are generally characterized by a leftist orientation and who overwhelmingly fill the ranks of peace movements. They are as a consequence the most likely articulators of the post-Zionist critique.

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[11] From the interview with the leadership of the *Courage to Refuse* who sought support and alliance with *Peace Now*, but have never publicly been backed by the movement.

[12] Simultaneously with the appearance of the post –Zionist discourse, the ethno-nationalistic version of traditional Zionist emerged on the Israeli political sphere. New- Zionism mostly adopted by religious Zionists (Jewish settlers) reasserts traditional Zionist vision of Israel as a Jewish state. Religious Zionists utilize this discourse as an ideological foundation for the expansion of the Jewish settlements in the Occupied Territories. (Ram 1999, 2000, Seliktar 2005, Smooha 1997, Shafir & Peled 1998)

Post-Zionism, as a critical discourse, was initially articulated by academics, particularly by historians and sociologists. [13] Scholars belonging to the post-Zionist camp have challenged the dominant view of the past Israeli state, dispelling historical myths and deconstructing collective memories. The group of academics which for the first time challenged the hegemonic Zionist narrative of the foundation of Israel became known as 'new historians'. New historians, among them Benni Morris, and Ilan Pappe, famously subverted the official version of events that led to the establishment of Israel and the Palestinian refugee problem. Exposing previously unknown facts about Israeli military power during the Israeli- Arab wars, they have challenged a 'David and Goliath' ethos. They have also undermined Israel's self-portrayal as a peace pursuing state showing its uncompromising position during the peace talks. Critical sociologists, for their part, have problematised the definition of Israel as a Jewish and democratic state, demonstrating in their works how the state systematically discriminates against its non-Jewish citizens. Demystifying Israel's self-portrayal as a 'melting pot', they have also shown how a hegemonic Zionist narrative imposed by Ashkenazi elites stratified Israeli citizenship disadvantaging Sephardic Jews and women in various spheres of social life. Their answer to the inequality and discrimination present in the Jewish state was its 'civilization' and transformation into the multicultural state of all its citizens. Overall, post-Zionist academic discourse not merely exposed unknown facts and criticized the Zionist enterprise showing its effects on Israeli and Palestinian society, but more importantly it has re-conceptualized Israel's past and present. The post-colonial theories applied to the Zionist movement have challenged the very core of Zionist ideology, which considered Palestine as Jewish homeland, thereby re-conceptualizing the relationship between newcomers and the local population. (Pappe 1997, Shafir 1996, Waxman 1997)

Alongside the academic post-Zionist critique, a less academic version of the discourse has been adopted by progressive sectors of Israeli society. The emergence of the post-Zionist discourse and identities among the Israeli middle and upper classes was an outcome of several processes which Israeli society has undergone since the 1980s. Economic liberalization coupled with the effects of globalization made the conflict settlement a priority for the business elite. Apart from increasing economic prosperity of the Israelis, these processes have led to cultural change expressed in the rise of a consumption culture. Shafir and Peled (1998) coined these changes a 'bourgeois revolution' arguing that they led to the emergence of a business community alongside a pleiad of politicians, journalists and academics interested in a more liberal and civic Israel. The *Intifada* (1987–1993) which followed these transformations has once again demonstrated the high economic and moral cost of the unsettled conflict

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[13] For the full review of the arguments of 'new historians' and critical sociologists see Pape (1997), Waxman (1997) and Shafir (1996).

with the Palestinians. The beginning of the Oslo peace process (1993–2000), prompted by the *Intifada*, promised a settlement of the conflict which would in its turn bring normalization of Israeli –Arab relations and wider acceptance of Israel in the region. The Oslo accords not only increased international investments in the Israeli economy, resulting in an economic boom, but more importantly they produced a vision of Israeli society as a society freed from conflict and war.

A viable solution to an intractable conflict created conditions for a shift from collectivistic orientations idealizing unity, contribution and loyalty to a more individualistic societal orientation stressing individual rights. More importantly, liberalization, globalization and peace processes undermined nationalistic and territorialized aspects of Israeli identity. Ethnic nationalism which linked Israeli identity to a particular territory was challenged by newly emerged post-national, de-territorialized identities (Ben – Porat 2006, Newman, 1999, Ram 1999). Another way of characterizing post-Zionist discourse is through comparing post-Zionist conceptions of citizenship with a traditional Zionist version. Whereas within the Zionist nation building project citizenship was interpreted within ethno-nationalist and republican discourses, post-Zionism reinterprets citizenship in more civic and universalistic terms (Shafir & Peled 1998). On a practical level this trend has expressed itself in the diminishing cultural importance of military service which has been previously seen as an epitome of good citizenship.

It is my contention that the critical discourse articulated by members of *Shministim* and *New Profile* reflects precisely this trend within the Israeli society. Unlike members of *Yesh Gvul and Courage to Refuse* whose discourse resonates with the consensus due to its appeal to the nationalist and militarist codes, the younger refusers' rhetoric is derived from the post-Zionist discourse. Their narratives expose liberal rather than republican or ethno-nationalist approach to citizenship. They define citizen duty in civic rather than militaristic terms. As we shall see further, their criticism of the Israeli militaristic culture and Jewish character of the state mirrors similar critique voiced by post-Zionist academics.

The Movements' Discourses

Contractual Militarism: *Courage to Refuse* and *Yesh Gvul*[14]

The main difference between members of *Yesh Gvul* and Courage *to Refuse* and members of *New Profile* and *Shministim* is that while a majority of reservists viewed themselves as mainstream and wanted to appeal to the consensus,

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[14]   The term 'contractual militarism' was coined by Levi *et al* (2007)

high-schoolers rather considered themselves as radical activists. Several studies on conscientious objectors of the Lebanon War indicate that the socio-demographic profile and rhetoric of conscientious objectors were quite similar to the consensual peace camp in general (Helman 2001, 2003). Conscientious objectors, members of *Yesh Gvul* belonged to the same social stratum – educated, middle–class, secular Ashkenazi males – as the leadership of the largest consensual peace movement in Israel – *Peace Now*. Unsurprisingly, both used the 'fighter' mobilization frame and security discourse to legitimize their claims on the public sphere (ibid). The only difference between the two movements was the attitude to refusal. Whereas *Peace Now,* having criticized the Lebanon War, avoided calling upon soldiers to refuse to fight it, *Yesh Gvul* openly challenged the unconditional status of military duty. As Helman (1999c) put it, conscientious objectors of the Lebanon War, challenging state monopoly over security discourse, demanded "to allow each individual the leeway to decide where, when and under what circumstances he will fulfill his military duties." (p.60)

Courage to Refuse self-reportedly has a similar socio-demographic profile of mostly- Ashkenazi, middle-class educated males – and a similar ideological message. The commonality between *Yesh Gvul* and *Courage to Refuse* discourses can be clearly seen from their public letters. Both movements in their appeal to the Israeli public have manipulated the hegemonic codes derived from Israeli militaristic culture. Both movements have used images of the fighter and have emphasized their loyalty to the state, stressing their past war experience and willingness to take up arms in defense of the state.

One may wonder why the founders of *Courage to Refuse* have established a separate movement rather than joining *Yesh Gvul*. Leaders and founders of the movement argued that at the time when they were considering refusal (beginning of the second *Intifada*) *Yesh Gvul* was not in the public eye so some of them did not know about the movement. Others argued that due to the age of the *Yesh Gvul* members (most of whom refused during the Lebanon War and first *Intifada)* and association with the radical left *Yesh Gvul* cannot anymore appeal to the mainstream. *Courage to Refuse* wanted to capitalize on their members' combat experience and the fact that they had all served in the Occupied Territories, many during the recent *Intifada*. This, they believed, would enable them to persuade the Israeli public about injustices that happen in the Occupied Territories and in their righteousness in refusing to serve there. Members of *Courage to Refuse* (at least at the time) viewed themselves as belonging to the political mainstream; they wanted to appeal to the mainstream and sought political alliance with mainstream leftist movements and parties. This can clearly be seen from the following extract from an interview with one of the members of the movement:

> We are the IDF! We're the children of the mainstream who are breaking their consensus. It is not out of fear, it's not because we are spoiled, it's because we have caused a terrible injustice to an entire people. We're breaking the

rules because we have no other choice. We have an obligation to refuse. It's an historical role we must play." (Yaniv Izkovich as quoted in Chacham (2003:62)

As the above quote demonstrates, the majority of the *Courage to Refuse* members (at least in the beginning of their political activism) identified themselves with the IDF and emphasized their belonging to the mainstream, viewing refusal as a last resort.

Loyalty to the IDF

The analysis of the interviews shows that similarly to the conscientious objectors of the Lebanon War, members of *Courage to Refuse* view military service as an important citizen duty. Conscientious objectors of the Lebanon War interviewed by Helman (1999d) identified military service as a paramount citizen obligation which determines one's contribution and belonging to society. Military service was viewed by them as "the ultimate criterion of membership and participation in the socio-political community" (Helman 1999:54). Similar discourses emerge from the interviews with the members of the *Courage to Refuse.*

Yuval, a member of *Courage to Refuse,* intelligence officer and political activist in various leftist organizations explains why after declaring his refusal he continued serving in reserve:

"Yuval T.: I have continued to serve and I still do that.

Interviewer: Why?

Yuval T.: I think a lot about society, to be part of the society, to be very careful…I do not want to exclude myself from the society.

Interviewer: Do you think refusal would exclude you from the society?

Yuval T.: I think refusal excludes me from the society in certain sense. I want to influence society with my views, I do not want to be out of touch with society, I do not want to exclude myself. I want to live here."

In Yuval's narrative military service is viewed as a practice which continually re-establishes his social belonging and legitimizes his critical voice. In order to be an equal member, to participate and to influence public opinion, one has to perform his military duty. The termination of this practice leads to the abolition of social contact and excludes one from society.

As opposed to the younger generation of refusers, refusal of the reservists was distinctively selective: they opposed the Occupation, but not the existence of the army or conscription as such. A majority of the interviewees argued that military service is important considering the geo-political circumstances of Israel. Ori's statement is representative of this dominant voice among refusers belonging to the older generation:

"I still believe that the army is important for the state and for people who live here. I think that strong navy and air force are important because Israel is still under threat, and it needs deterrence." (Ori R.)

Since military service is constitutive for the social identity of Israeli males (Helman 1999a) it was not surprising that some refusers identified themselves in terms of their military career stating "I am a pilot", "I am an officer" or "I am a commander". The trend was particularly prominent among those who were high-ranking officers. They often saw their refusal as an outcome of their identity as a military commander. These interviewees argued that the position of an officer and values associated with it impose on them the responsibility for other people. Their public refusal therefore was seen as a means to both persuade their fellow soldiers that they do not avoid military service out of egotism but rather act out of genuine care for them and the future of the army. The following quotations represent these voices among reservists:

"Interviewer: Why did you sign the letter if you could just avoid service by going abroad?

Yaniv I.: I think because of the fact that we were officers, we felt the responsibility. We were commanders. I think if you are commander of twenty people it gives you a responsibility, you can't just leave them. It's not right. You have to do something that will show that it's not about you doing this because you don't want your hands to get dirty, but you want whole the situation to stop that they don't have to go either." (Yaniv I.)

"Military service is very important for me. That is why I have refused…I have identified myself with all the values IDF represents; even nowadays I do. Honestly! You know, it is often said that IDF is one of the most moral armies in the world, it stresses moral values. In my opinion it is true nowadays as well. That is what you learn in officers' course. I believe that in its core Israeli army is the most moral in the world. But the problem is that in the Occupied Territories it collapses, it doesn't work. This understanding led me to refusal. I believed in these values so much, the values I have learned in the army, that I just could not see them collapsing." (Itai S.)

In the above quotation refusal is presented as an act of concern for fellow soldiers and the moral character of the army. As opposed to the younger generation of refusers who view their refusal as an act of protest not only against the Occupation, but also against the militarization of society in general, members of *Yesh Gvul* and *Courage to Refuse* confine their criticism of the Israeli army to the occupation of the Palestinian Territories. Their refusal is both selective and conditional: their willingness to serve depends on the nature of the duty they are asked to perform.

Zionism

Courage to Refuse went even further then *Yesh Gvul* in proving its loyalty to the state. The movement constantly emphasized its adherence to Zionist values. The first line of the famous *Combatants letter* issued by the movement states: "We, reserve combat officers and soldiers of the Israel Defense Forces, who were raised upon the principles of Zionism, sacrifice and giving to the people of Israel and to the State of Israel." From the interviews it become apparent that although not all the members of the movement identified with Zionist and militarist aspects of *Courage to Refuse*'s public image, its leadership did. The founders and leaders of the movement strongly felt that these cultural codes resonate with the Israeli mainstream public. In its demonstrations the movement often used the slogan "Zionism 2002 is Refusal". The founders of the movement also felt that a Zionist identity legitimised their protest against the state. The following reflective account of one of the founders of the movement demonstrates this point:

> In January 2002, when I came to the first refusers' meeting, it was as if I looked in the mirror and saw reflections of myself. Socially speaking we came from the same place. We were good middle class kinds. Maybe I can allow myself to rebel because I take it for granted that I live comfortably. Perhaps the ability to rebel is related to one's proximity to Zionism. Those who didn't grow up with the assumption that their parents and grandparents were full partners in the Zionist project must find it harder to contradict the state. (Asaf Oron in as quoted in Chacham (2003:30)

When the movement rapidly expanded during the first year of its existence some of its new members disagreed with Zionist and militarist aspects of the *Courage to Refuse* image. Other members even though they did not identify with these aspects, pragmatically agreed with the leadership that the hegemonic codes which signify the movement's belonging to the mainstream increase its chances of influencing the Israeli public. Daniel's narrative reflects these pragmatic voices within the movement:

> "I'm not really a Zionist, I feel more Israeli than Zionist. Nevertheless, I have no problem to demonstrate with the slogan "Zionism is Refusal". I do not advance this standpoint, but I believe that change comes from within the consensus; when it is driven by the people from inside of the system. This is the strength of the movement." (Daniel S.)

In the above quotation Zionism is seen an ideology at the core of the social consensus. Whether the members of the movement identified with this ideology or not, the majority pragmatically agreed that it will increase public appeal of the movement and thereby its chances to bring about social change.

Negotiating Conditions

Despite the two decades gap in the time of the refusal of the members of *Yesh Gvul* and *Courage to Refuse,* the members of these movements articulate a similar discourse with respect to military duty. Their willingness to serve is conditioned by the nature of the duty they are asked to perform. The case of Eli, a veteran member of *Yesh Gvul* is particularly interesting as it is paradigmatic for the discourse articulated by reservists. Eli was one of the signers of the first *Shministim* letter published in 1978. He later joined *Yesh Gvul*. Having refused, he was imprisoned several times during his compulsory service and reserve service. Despite his objection to the Lebanon War and the occupation of the Palestinian Territories he continued to serve in reserve. He argues that since he is not a pacifist his protest is directed at unjust wars, but not against military service as such:

"Eli G.: I went to the most reserve duties.

Interviewer: Why did you go?

Eli G.: For two reasons: I am not a pacifist, I am not avoiding my duty to protect the country, I am avoiding the Occupation. So if, lets say, I have to go to Bait-Shen to protect the border I don't have problem with this. I make distinction between what is inside the Green Line and outside of it."

A similar discourse of conditional military service emerges from the narratives of the members of *Courage to Refuse*. With the exception of several members, the majority argued that they will continue to serve in the IDF as long as the tour of duty is not in the Occupied Territories. They stressed that due to the security threat from neighbouring countries Israel needs a strong army and therefore they see military service as an important citizen duty. Rami's defense of his decision to continue his reserve service exemplifies this line of argument among refusers belonging to the older generation:

"Interviewer: So are you serving in reserve?

Rami K.: Yes. My principle position is that I am not against the IDF. I am for IDF as long as it is *defence* forces. I am not prepared to be a part of the Occupation; I am not prepared to cross Green Line or to carry out missions which serve the Occupation.

Interviewer: What about serving the Occupation within the Green Line?

Rami K.: There is a point in this statement, but I put my line here. There is a difference between going to the Territories yourself and preparing against the war with Syria (what I am doing now). I think, war with Syria can happen and not because of Israel. Israel needs defence forces for that case. I am ready to argue with the radical left about this point."

As opposed to the younger generation of refusers, the majority of the members of *Yesh Gvul* and *Courage to Refuse* restrict their protest to objection to

the Occupation. Their objection is expressed in refusal to serve in the Occupied Territories or to specific missions they are asked to perform. Similarly to Rami, the majority of the members of *Courage to Refuse*, answering my question whether they will continue to serve in reserve, argued that it depends on the nature and location of their service.

New Radicalism: *New Profile* and *Shministim*

A refuser of the Lebanon War, a member of *Yesh Gvul*, stressed the difference between his generation of refusers and younger refusers of the second Palestinian *Intifada*:

(a) new non-conformist generation in the Israeli left has emerged. The problem with my generation is that there is a very strong conformism in the society. New generation of refusers from *Shministim* and *New Profile,* is much more non-conformist generation; it asks these questions in much younger age. (Eli G.)

The 'non-conformism' of the members of *New Profile* and *Shministim* is expressed in their refusal to manipulate the symbolic meanings belonging to nationalist and militarist discourses. Unlike *Yesh Gvul* and *Courage to Refuse*, signatories of the *Shministim* letters which criticized the Israeli policy on the Occupied Territories, did not attempt to justify their criticism in the eyes of the mainstream by emphasizing their patriotism, loyalty and contribution. Their criticism of the Israeli army was much more radical and uncompromising. In their letter published in August 2001, *Shministim* accused Israel's government of committing crimes, conducting racist policy and breaching human rights:

"To: Prime Minister Ariel Sharon,

We, the undersigned, youths who grew up and were brought up in Israel, are about to be called to serve in the IDF. We protest before you against the *aggressive and racist policy* pursued by the Israeli government's and its army, and to inform you that we do not intend to take part in the execution of this policy.

We strongly resist *Israel's pounding of human rights*. Land expropriation, arrests, executions without a trial, house demolition, closure, torture, and the prevention of health care are only some of *the crimes the state of Israel carries out*, in blunt violation of international conventions it has ratified.

These actions are not only illegitimate; they do not even achieve their stated goal increasing the citizens' personal safety. Such safety will be achieved only through a just peace agreement between the Israeli government and the Palestinian people.

Therefore we will obey our conscience and refuse to take part in *acts of oppression against the Palestinian people*, acts *that should properly be called terrorist actions*. We call upon persons our age, conscripts, soldiers in the standing army, and reserve service soldiers to do the same." [my Italics]

Shminisitm was the first generation of refusers in the history of Israel who dared to compare the actions of the Israeli government to terrorist acts. The radicalism of their critical voice does not resemble the apologetic tone of letters published by *Yesh Gvul* and *Courage to Refuse.* Moreover, the public letter published by the second group of *Shministim* in March 2005, in addition to similar criticism of Israel's policies in the Occupied Territories, had a prominent social agenda. This was another innovation in the refusers' 'repertoire of contention' which, appealing to the 'security discourse', went as far as stating that the Occupation harms the security of Israel. *Shministim* in their critique have linked the maintenance of the Occupation to the deterioration of the economic situation and social welfare:

> "The Occupation has corrupted Israel, turning it into a militaristic, racist, chauvinistic and violent society. Israel is wasting its resources on the perpetuation of the occupation and repression in the territories, while hundreds of thousands of Israelis live in shameful poverty. In recent years Israeli citizens have experienced a deterioration of all public services. Education, medicine, welfare, pensions, everything to do with the well being of the citizenry has been neglected and sacrificed for the continued existence of settlements which the majority of the population wishes to be evacuated.

> We cannot stand idly facing this situation, which amounts to a "targeted liquidation" of the principle of equality. We wish to live in a society which pursues justice, upholding equal rights to every single citizen. The Occupation and repression policy is an obstacle to the realization of this vision, therefore we shall refuse to take part in it. We wish to contribute to society in an alternative way, which does not involve harming other human beings."

The depth and the radicalism of the criticism reflected in the above *Shministim* letter are typical of the narratives of the young draft resisters. Their narratives expose comprehensive criticism of Israel's policies in the Occupied Territories and are often based on the pacifist, anti-militarist and feminist ideology. In the narratives of some refusers these ideologies overlapped, in other cases particular ideological discourse was more dominant. In the next three sections I will present these ideological arguments in turn.

Pacifism and Anti-Militarism

As opposed to reservists, most of the younger refusers are absolutist refusers.[15]Absolute refusal was usually an outcome of the refusers' pacifist and anti-militarist stance, a stance which characterizes narratives of many high-school refusers. Pacifist and anti-militarist ideology provided a wider framework for critical analysis of the Israeli occupation of the Palestinian Territories. While members of *Yesh Gvul* and *Courage to Refuse* view Israel as a 'special case', as a country under existential threat whose 'security needs' have to be met, but just not through the occupation of Palestinian Territories, the security discourse is visibly absent from the narratives of the draft-resisters belonging to *Shministim* and *New Profile*. Their discourse is characterized by the wider contextual framework where Israel's occupation is viewed as just one of the many cases of similar occupations around the world. Maayan's criticism of Israeli militaristic culture is an example of such analysis:

> "I want to deconstruct the army tomorrow; I do honestly would get rid of all the armies tomorrow, even today, why to wait till tomorrow? I believe that law that permits militarism, the law that approves and gives national value to all the violence is law responsible for all the victims of the violence. Whether it is to develop nuclear weapons, to bomb civilian areas, to crush human rights in occupied Iraq, in occupied Afghanistan, during Vietnam war, during Lebanon war or in the Occupied Territories; whether these are militant rules in Japan during second world war, or militias in Sudan that murder anyone and everyone. For me, military institution does not square well with the idea of peace."(Maayan P.)

Maayan's narrative is a clear example of anti-militarist discourse. She opposes not only the occupation of the Palestinian Territories, but the existence of the military institution as such. She places the Israeli-Palestinian conflict among other similar, in her view, cases of occupation and compares Israeli militarism to other countries ruled by military elites. A discussion of the validity of Maayan's analysis is beyond scope and purpose of this study. What is important to note here is that the anti-militarist critique voiced by the younger generation of refusers is an important discursive innovation in the Israeli public sphere. Although pacifist and anti-militarist voices existed from the very inception of Israel, they were marginal and invisible for the mainstream public. Anti-militarist critique is still a marginal phenomenon in Israeli society, but with the appearance of *Shministim* and *New Profile* the margins have become much wider and more visible in the public sphere.

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[15] All interviewed members of *Shministim* and *New Profile* who have already refused were absolutist refusers. Absolute majority of the refusers who have not yet had a chance to refuse in practice due to their age argued that they will refuse to serve in the army altogether.

Post-Nationalism and Anti-Zionism

Neither post-nationalism nor anti-Zionism was declared as part of an official ideological position of *Shministim* and *New Profile*. However, the ideological stance of their members is evident from the curious fact that the members of these movements were refusing to take part in *Courage to Refuse* demonstrations. The younger refusers argued that they could not join in as they did not identify with the Israeli flag used by *Courage to Refuse* in all its demonstrations. While for *Courage to Refuse* the Israeli flag served as a means to show their belonging to the mainstream of Israeli society; for the younger generation it represented the Zionist movement and the ideology which they heavily criticize and blame for the perpetuation of the occupation of Palestinian Territories. Omri's narrative is a good example of how these two discourses were employed as a criticism of Jewish nationalism and Israeli occupation of the Palestinian Territories:

"My refusal goes beyond the occupation, it just horrible symptom, racism and militarism didn't stop there it is much deeper in our society. I think that country by definition is a tool for people, it supposed to serve the people, it cannot ask from people to give their life or life of other people for the existence of the state. The purpose of the state is to serve the people and I will not die not for this and not for any other country because I think the existence of the people is more important than existence if the country, Jewish country or any other…

I don't believe in any kind of nationalism, Zionism specifically very racist and imperialist type of nationalism, it was nationalism of people not living here but of people who lived in Europe, it had mutual cultural background who decided to have a country in another part of the world which wasn't Europe, it wasn't populated by white people so it was ok to take their land, it could be Uganda or Africa, ideology didn't matter because these were not white civilized people that were taken land from. The very core of Zionist ideology is very racist, superior saying that certain people because of their race can have right to the land which other people cannot. It is racist, colonialist and imperialistic. (Omri E.)

The anti-Zionist, post-nationalist views reflected in Omri's narratives to a large extent resemble post-Zionist academic discourse. Political Zionism which led to the foundation of the state and since then has served as its national ideology is viewed by Omri as a racist and imperialist ideology. It is seen as another example of Western imperialism. In his narrative patriotism is replaced by radical humanism; the value of the nation- state is nullified by the value of human life. As opposed to members of Yesh Gvul and Courage to Refuse, who emphasized loyalty and making a contribution to the state, members of *Shministim* and *New Profile* view the state as a tool that is meant to serve its citizens. No state can demand its citizens to sacrifice their life in its name.

The existence of people, argues Omri 'is more important than existence of a country". The Jewish state is not an exception.

Feminism

Although a feminist perspective can be employed to justify conscription of women, radical feminist scholars overwhelmingly oppose militarization criticizing it for exploiting and disadvantaging women (Sason-Levy 2002). Militarism (which often goes hand in hand with nationalism), argue feminists, is based on patriarchal and masculine values (Nagel 1998). Women are, therefore, systematically discriminated within military institutions; and, harassed and disadvantaged in militarized societies (Ecloe 1988, 2000).

Many of young draft-resisters, particularly the members of *New Profile* (which is feminist movement)*,* base their ideological objection to military service on feminist ideology. For these refusers, feminist perspectives serve as an analytical framework allowing effective criticism of the military and militarization. Idan, a member of *New Profile*, in her criticism of the Israeli 'security discourse' based on her feminist stance represents this line of argument among feminist oriented refusers:

> "There is a tendency to see the army as an existential necessity, something without which we can't live, something that can't be touched in any way or reduced. And this is because the army protects you. I think this view neglects many social and economic problems, problems of violence and harassment. There is no army which deals with these problems, and I am sure that these problems are not less important in anyway. The issue of women being killed by her husband is not less important issue than military issues. In my opinion, the argument that we shouldn't touch army as it deals with issues of life and death is hypocritical. There are many issues which we regard as less important because of our upbringing… When we talk about terror as an existential threat, we don't regard domestic violence against women as existential threat against particular social stratum. Why this is not a topic for discussion in the committee for internal affairs? It is also an issue of life and death, but the social discourse regards it as less important." (Idan H.)

In her narrative Idan challenges the 'security discourse' which places issues concerning national security on top of the public agenda. Raising questions about the place of women in a militarized society, she criticizes the 'military consciousnesses' of Israeli society which prioritises issues of national importance according to their contribution to national security. In such a society, argues Idan, women's welfare is on the bottom of the public agenda. Subverting taken-for-granted hierarchies, she frames issues of domestic violence as an issue of prime national importance.

Feminist ideology, which featured in a majority of the narratives of the female interviewees, was often responsible for their absolutist refusal. The gendered structure of the army makes selective refusal irrelevant for women. An overwhelming majority of the female conscripts serve in the rear roles and are unlikely to be sent to the Occupied Territories. As a consequence, unlike male conscripts, their opposition to the service in the Occupied Territories cannot be actualized in refusal to serve there. Radicalizing the means of the protest, female refusers argued that they see any role within the military as assisting to perpetuate the Occupation. Female refusers frequently employed a feminist perspective to criticize the gender division of labor within the IDF. Invoking a stereotype of a female conscript who serves coffee to a high-ranking officer, they often stated "I don't want to serve coffee to a commander who sends helicopters to Gaza".

Citizen Duty in Civil Terms

Israeli public discourse and education stresses the importance of loyalty and making a contribution to society while military duty is seen as a paramount citizen obligation. Members of Yesh Gvul and Courage to Refuse consistently emphasized their military ranks and combat experience as an evidence of their loyalty and contribution to the nation. As opposed to reservists, high-schoolers overwhelmingly reject viewing military service as a positive contribution to the society. They do not negotiate conditions of military service. They rebel against the military culture which views military duty as an ultimate contribution to society. Younger refusers define 'contribution to society' in civil terms. The following quotations exemplify their approach to what is to be considered 'a contribution to society':

> I see the fact that young people are asked to serve their country for two years as a good thing. Only, I don't see military service as a contribution. I don't think that what army does serves society, it destroys, it damages society. The fact that I didn't want to serve in the army doesn't mean that I do not what to contribute to the society. In opposite, I do want, just in different way: for instance, through helping children from underprivileged background. That is what interests me. (Noa L.)

> By refusing to serve in the military I am showing to others the alternative of how to contribute to the society, and not through military service; not in way which oppresses human rights, but in way which helps people to fulfill their rights and to make the state to respect human rights.(Ala Y.)

> In my opinion, civic contribution to the society, like involvement in civic associations, is much more important and significant…My contribution is expressed in my involvement in the community that sees itself as a part of civil society, we care, we influence and change things…" (Danya V.)

The members of *Shministim* and *New Profile*, as the above quotations demonstrate, interpret civil duty and social responsibility in civic terms. Militaristic thinking characterizing society at war is visibly absent from their narratives. Moreover, military service is viewed as corrupting society's moral image, as harming its security and economy. These draft-resisters stress the importance of volunteering in civic organization which they see as equal or even more important contribution to the society than military service. For them, their involvement in the community and civil associations demonstrates their loyalty to their country.

Conclusion

This study demonstrated that Israeli refusers articulate two distinct critical discourses. Reservists, members of *Yesh Gvul* and *Courage to Refuse* appealing to mainstream opinion, utilise militarist and nationalist codes derived from the hegemonic discourse. The members of both movements stress their loyalty and contribution to the state. They consider their military experience, the participation in Israeli wars and military ranks as an indication of their patriotism which legitimises their critical voice. Their refusal is selective and conditional. The majority of reservists do not reject military service altogether, rather, arguing that their readiness to perform military duty depends on its nature and location. In contrast, the younger generation of refusers' criticism of the state is much more radical and comprehensive. In contrast, high-schoolers, members of *New Profile* and *Shministim* view any military position within the army as directly or indirectly perpetuating the Occupation. Their absolutist refusal is rooted in pacifist, anti-militarist and feminist views. Employing these ideologies to criticise Israeli militaristic culture, these young refusers define citizen duty in civic terms.

The discourses articulated by Israeli refusers reflect recent social-political and cultural changes within Israeli society. The difference in discourses uncovered in the analysis grasps the very dynamic of these changes. The grammar of these discourses, being rooted in Israeli political culture, reflects both the existence of the social consensus and the alternative discourses which challenge its historical and moral legitimacy. Militarist identities and the rhetoric of the reservists who opt for selective refusal, being rooted in Israeli militarist culture, indicates that consensual nationalistic and militarist codes are still playing a legitimising role in the appeal to the mainstream public. The appearance of the radical anti-militarist and feminist critique, voiced by draft-resisters, is a reflection of the gradual cultural change within the Israeli society. These voices are still politically marginal and perceived as such by the majority of the Israeli public. They, however, represent a larger trend within the mainstream which strives for a more civic and liberal Israel, an Israel, where military duty is not an ultimate, but just one of the ways to contribute to the society.

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Linking DDR and SSR in Post-conflict States: Agendas for Effective Security Sector Reintegration

Atsushi Yasutomi[1]

Introduction

Many experts agree on the importance of coordinating disarmament, demobilisation, and reintegration (DDR) and security sector reform (SSR). But many also point out that little such coordination has actually been done. Despite this, few studies have been made to determine concretely how the coordination should take place. This article focuses on the two security sector institutions – the armed forces and the police forces – in which the DDR and SSR efforts are most mutually affected. Some former combatants, disarmed and demobilised, choose to be recruited in the newly-constituted military and police as an alternative occupation. Thus, restructuring these institutions will require the appropriate design and implementation of DDR and SSR, so that the former combatants will be suitable and well-utilised in those security forces. This article suggests that conducting more effective reintegration of the demobilised former combatants into the security sector institutions – calling it the *security sector reintegration* – is one of the most effective measures to better coordinate DDR and SSR.

What is DDR, and what is SSR?

According to the UN's Integrated Operational Guide to DDR Standards (IDDRS), DDR seeks to create security and stability in post-conflict environments, and to start recovery and development, by getting the former combatants to comprehensively disarm and providing them with opportunities for sustainable social and economic reintegration into civilian life.[2] The disarmament

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[2] United Nations, *The Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS),* 2006, p. 24.

process includes the collection, documentation, control and disposal of small arms and light weapons (SALW) and ammunitions of combatants. Demobilisation is a support for the formal and controlled discharging of active combatants from armed forces and/or other armed groups, leading to a reinsertion process where combatants receive assistance (e.g. short-term education, medical services, clothes, food, etc.) during demobilisation but prior to the longer-term process of reintegration. Through the reintegration process, combatants receive support toward gaining sustainable employment and income. This usually takes place in communities at the local level over a longer time span.[3]

Security sector reform is a more dynamic and comprehensive task. Many states after civil wars lack the structures and mechanisms necessary to ensure the physical security of its people and the country itself. Norms and orders to maintain security are absent. Security sector institutions like the armed forces and the police no longer serve the function of protecting the people but, instead, often threaten them with robbery, human rights abuses, and other criminal acts. Security sector reform in the post-conflict situation therefore attempts to reverse these situations. Post-conflict security sector reform has three major objectives. Firstly, it (re)builds security sector institutions more efficiently and effectively. Security sector institutions here refer to those institutions that possess a legitimate monopoly on the use of force for the purpose of providing security to the people. They may include the armed forces, the police force, paramilitary groups, border patrols, and private security companies, amongst others.[4] Typically, in the early stages of security sector reform, it eliminates the sources of any possible resurgence of violence, particularly through DDR of both state and non-state combatants.[5] In many cases, the first SSR task for post-conflict peace support operations is the construction of security sector institutions from scratch, as in Afghanistan and East Timor, or the *re*construction of the already existing institutions while incorporating some demobilised former combatants, as in South Africa and Angola.[6] Longer-term SSR agendas include measures to downsize the armed forces, recompose the balance of the staff and officers depending on the complexity of ethnicities, tribes, and gender in a given post-conflict state. Modernising their weapons, and eliminating excess weapons and ammunitions to increase effectiveness and prevent misuse accidents, can

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[3]   Ibid., p. 25; Colin Gleichmann et. al., *Disarmament, Demobilisation and Reintegration: A Practical Field And Classroom Guide* (Stuttgart: GTZ/NODEFIC/PC/SNDC, 2004): 15.

[4]   The OECD's Guidelines on Security System and Governance Reform defines security sector reform as the following: [it] includes all the actors, their roles, responsibilities and actions − working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework. OECD, Security System Reform and Governance: Policy and Good Practice (2000): 16.

[5]   Michael Brzoska, "Introduction: Criteria For Evaluating Post-Conflict Reconstruction And Security Sector Reform In Peace Support Operations," chap. in *Security Sector Reconstruction And Reform In Peace Support Operations* (Oxon: Routledge, 2007): iii.

[6]   Ibid.

also be included in these agendas. Training and education on command and control are crucial for making security forces more efficient, so that given orders are correctly delivered to and implemented by the ranks on the ground, and the information on the ground is appropriately delivered back to the higher ranking officers. The second major objective of post-conflict security sector reform concerns the state's ability to control those security sector institutions under democratic civilian oversight. The goal is to ensure that the forces do not become repressive institutions intervening in politics, the economy and society, and to prevent them from monopolising the use of force against the people. The main actors involved in this cluster of reform are: the Ministries of Defence, Interior, and Justice; the parliament; civil society organisations (CSOs) like NGOs; and the media. Reformers aim to strengthen their abilities to ensure transparency and accountability to the people about the forces' expenditures, actions and policies. The third major objective is to ensure that the norms and order prevail throughout the state; this way security can be maintained. It deals with judicial reforms, including rewriting criminal laws, modernising courts and prisons, increasing the numbers of judges and prison staff. It also promotes transitional justice, which includes prosecuting former war criminals and violators of human rights. Ensuring good governance is still another task that belongs to this group; this includes implementing measures against corruption and strengthening civil society and the media to oversee wrongdoings that threaten peoples' security. Comparing the major goals of DDR and SSR, we can conclude that DDR is part of larger processes of SSR.

Why DDR and SSR Do Not Easily Interact

Despite the acknowledgement of an important linkage between the two, DDR and SSR often do not interact effectively. There are many reasons for this. Firstly, the immediate objectives are different. DDR's objectives are to disarm, demobilise and reintegrate former combatants. The main actors are predominantly external military experts in disarmament and demobilisation, and development experts for reintegration. The subjects are state and/or non-state combatants. DDR is more likely to be conducted in a shorter period of time, particularly the disarmament and demobilisation tasks required to meet the urgent needs of eliminating violence and creating immediate stability in the region. Indeed, DDR programmes and their practioners are often overwhelmed by various urgent demands for immediate stabilisation efforts, and as a result issues related to the rule of law, police and military reforms tend to become lower priorities, or are even pushed outside of the realm of DDR agendas altogether.[7]

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[7]   Michael Brzoska, "Embedding DDR Programme In Security Sector Reconstruction," in *Security Governance in Post-Conflict Peacebuilding*, Alan Bryden and Heiner Hanggi (eds.) (London: Geneva Centre for the Democratic Control of Armed Forces (DCAF) / Transaction Publishers, 2005): 104.

By contrast SSR aims at constructing effective and efficient security sector institutions under democratic civilian oversight. This requires a wide variety of internal as well as external actors to carry out the broader reform agendas in a number of institutions. These reforms obviously require a much longer period of time. Secondly, there is a wide difference in the public perceptions of DDR and SSR. DDR is well-known, visible and relatively well institutionalised. Since the 1990s international involvement supporting DDR has been active and seen in the media. Such actions include, for instance, the collection and destruction of weapons, the establishment of cantonment camps and caring for child- and women-soldiers. These are obviously visible to the public. Studies of DDR's past good and bad practices are well-developed, as shown in recent work, such as the Stockholm Initiative on DDR (SIDDR) and the UN Integrative DDR Standards (IDDRS).[8] These studies have institutionalised DDR operations in various post-conflict states to make them more coherent and effective. On the other hand, SSR is not well-known and somewhat vague. As it is still a comparatively new concept, the meaning has not been well-established, and the interpretation (of what SSR is) differs among the various levels of practioners and decision-makers alike. Because of the dynamics of its reform agenda, and because of the novelty of the concept, SSR's aims seem very broad and vague. Even the term "security sector reform" is often not well-accepted even amongst the policy-making bodies at the international level. One officer in the European Council's ESDP, located in the Operations and Planning of Civil Crisis Management, understands Security Sector Reform as an "uncomfortable and confusing concept as it catches all extremely broad elements of the post-conflict security."[9] Furthermore, SSR operations are not as well-institutionalized as DDR. While the operational handbook for the standardisation of SSR has been developed by the OECD DAC[10], there is still a strong need to collect data from past practices and to analyse them to come up with more effective and coherent standardised operations.[11] These gaps in public perception, approaches and methods between DDR and SSR make it even hard to coordinate in their policies. Finally, there is a lack of studies on how the two may be coordinated. While much research has been made on DDR's practical issues and their effects on peacebuilding, a very limited amount of research has been done about DDR's implications on various reform agendas covered by SSR.[12]

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[8] Ministry of Foreign Affairs, *Sweden, Stockholm Initiative on Disarmament, Demobilisation, and Reintegration: Final Report*, 2006.

[9] Author's interview conducted on 4 October 2007, Brussels.

[10] OECD DAC, *OECD DAC Handbook On Security System Reform: Supporting Security And Justice* (OECD/DAC, 2007).

[11] Alan Bryden, "Linkage Between DDR And SSR – Understanding The DDR-SSR Nexus: Building Sustainable Peace in Africa," *Second International Conference On DDR And Stability in Africa*, Kinshasa, Democratic Republic Of Congo 12–14 June 2007 (OSAA/DRC) Issue paper (June 2007): 5.

[12] Michael Brzoska, op. cit., "Embedding DDR Programme in Security Sector": 109.

Security Sector Reintegration as a Linking Point

Security sector institutions, particularly armed forces and police forces, are two of the major areas where the efforts of DDR and SSR mutually affect each other most. While many demobilised combatants return or are resettled in local communities in civilian life, some do choose (or have no other realistic alternative but) to be recruited into the armed forces, the police, and other security forces (e.g. paramilitary, security companies, etc.). Security sector reform deals with these security sector institutions, constructing or reconstructing them to function effectively and efficiently under democratic civilian oversight, and these institutions involve the former combatants. DDR needs to be planned and designed so that those former combatants recruited in the security sector institutions are able to function appropriately. SSR at the same time needs appropriate planning and implementation strategies to reconstruct these forces, while taking into consideration the presence of former combatants, as their peculiar war background may well require additional measures of accommodation. This particular linking point, where the demobilised former combatants are recruited into the security sector institutions – which this article is calling *security sector integration* – can be one of the more useful ways to evaluate how effectively the DDR-SSR linkage is made. (chart 1) Thus, examining how the *security sector reintegration* can be strengthened can help directly and indirectly enhance coordination between DDR and SSR.
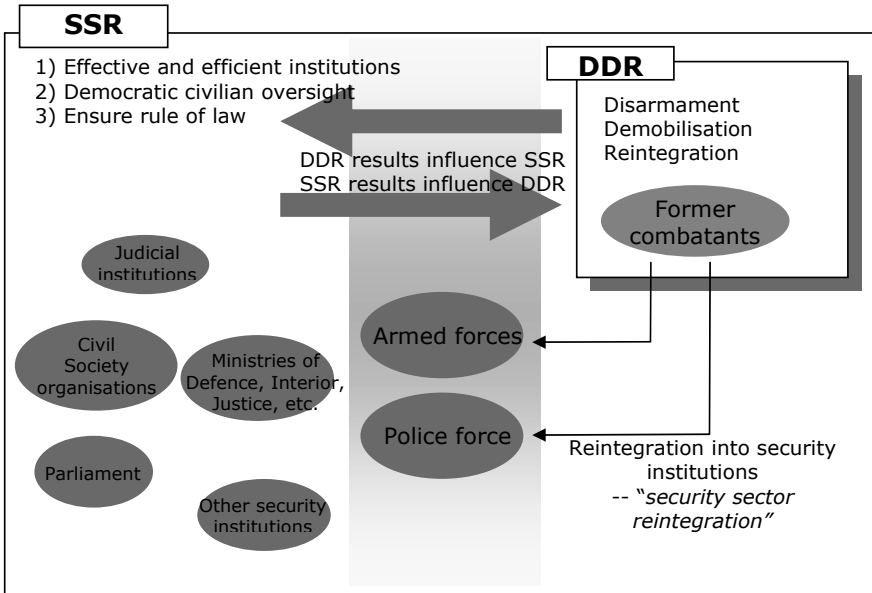

Chart 1. DDR and SSR

The *security sector reintegration* can be seen in many post-conflict states. As in Burundi, Angola, and elsewhere, very often former combatants who have been disarmed and demobilised find themselves unable to obtain any sustainable occupations, particularly because the post-conflict domestic economy has been devastated. They often find that going to the security sector institutions is the only realistic alternative for longer-term paid occupation.[13] As observed in East Timor and Afghanistan, new security forces could not be simply constituted from "nothing" but had to depend upon former combatants joining up to start with.[14] Former combatants generally have at least some qualifications for handling weapons and, in some cases, heavy vehicles (e.g. trucks), as well as working in dangerous situations where extra physical strength is required. These talents should be useful at least for some periods of time for some parts of security sector institutions.[15] Moreover, if they are trained properly, these talents may be utilised for assisting operations, including DDR and weapons collection from civilians. Likewise, again assuming they have the proper training, they can also patrol and serve at checkpoints along national borders, to protect against illicit weapons trafficking.[16] During the training, there may also be an increase in the bonds amongst the former combatants, helping mutual acceptance and reconciliation.[17] Inclusion of former enemy soldiers in the police structures may reduce their sense of alienation from society, and by legitimising their status and functions, they may be able to gain the public trust and security from the state, eventually discouraging them from rearming for fresh aggressions.[18]

Nonetheless, there are many challenges. First and foremost, there is a risk of including former combatants with record of war crimes and other human rights violations. Inclusion of such recruits would not only undermine the function of the institutions, but also deepen the mistrust of local residents against the security forces. Secondly, inclusion of former military men and women in the police force requires more extensive knowledge and skills. Police officers are required to be equipped with some legal knowledge and the skills necessary for communicating with local residents. Such qualifications for the police service

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[13] Reto Rufer, "Disarmament, Demobilisation, and Reintegration (DDR): Conceptual Approaches, Specific Settings, Practical Experiences", *Working Paper,* The Geneva Centre for Democratic Control of the Armed Forces (DCAF)(Geneva: 2005): 58.

[14] Ibid.

[15] Michael Brzoska, op. cit., "Embedding DDR Programme in Security Sector": 102.

[16] Jeremy Ginifer, "Support For DDR and SSR After Conflicts in Africa: Lessons Learnt And New Agendas In Africa, Conflict prevention, management and reduction in Africa" Paper 3, A joint project of the Finnish Institute of International Affairs and the Centre for International Cooperation and Security (Helsinki: Ministry for Foreign Affairs of Finland, 2007): 11.

[17] Ibid.

[18] Charles T. Call, "Competing Donor Approaches To Post-Conflict Police Reform," *Conflict, Security and Development* Vol. 2, No. 1 (April 2002): 103.

are not obtainable from the military; indeed, the military methods and skills are not simply applicable to the police service.[19]

Perspectives from DDR

Disarmament

Weapons Stockpile Management

Small arms and light weapons collected during the DDR programmes need to be secured so that they will not be recirculated back into armed groups, criminal networks, or individuals. In some cases, if the destruction process has to wait until political, technical and financial decisions have been finalised, the weapons will be temporarily stored.[20] Failures in weapons (and ammunition) stockpile management can undermine security sector reforms in a number of ways. The proliferation of leaked weapons would give combatants a chance to rearm and thus increases the risk of fresh civil unrest. An increase in illegal weapons would also allow spoilers – individuals attempting to obstruct peace-building activities for fear of losing their privileges (money, position, etc) enjoyed during the past conflict – to arm themselves and blackmail reform-minded domestic actors and external actors. Moreover, stockpile management failure would also arm civilians and former combatants, contributing to an increase in crimes including robbery, sexual assaults and violence against children. This would further deepen mistrust between the local community members and former combatants. Furthermore, the greater availability of illegitimate weapons would place a larger burden on the police. Particularly in situations where a police force is undergoing reconstruction—requiring new training and education, as well as the modernisation of weapons and logistics—the additional burden of controlling illegal weapons could undermine the police reforms.

For the same reasons, weapons leaking from the armed forces and police must also be prevented. As observed in Namibia, some weapons collected during the DDR programmes were reallocated to the new armed forces and the police force.[21] In cases like Afghanistan, small weapons for the police were provided by the former Warsaw Treaty Organisation states (e.g. Hungary) and other countries.[22] While serviceability problems with those weapons (due to

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19 OECD DAC, OECD DAC Handbook On Security System Reform: Supporting Security And Justice (OECD/DAC, 2007): 175; Bryden, "Linkage Between DDR And SSR", op. cit.: 141; Brzoska, "Embedding DDR Programme In Security Sector", op. cit.: 104.

20 Colin Gleichmann et. al., *Disarmament, Demobilisation and Reintegration, op. cit.*

21 Ibid.

22 Cyrus Hodes and Mark Sedra, "The Search For Security In Post-Taliban Afghanistan", *Adelphi Paper 391* (Routledge/International Institute for Strategic Studies (IISS), October 2007): 65.

low maintenance and standardisation problems) have been pointed out,[23] in countries where the force command and control structures are still fragile, the storage and transfer of weapons and other equipment can be badly managed, and those service weapons could be an easy target for internal spoilers trying to leak them from the forces. Weapon registration is one strong measure against this. As in Cambodia, the large-scale registration of military and police weapons in a database would limit unauthorised transfers, and therefore improve comprehensive safe storage management.[24]

Civilian Disarmament

While former combatants who were party to the past conflicts are subject to DDR processes, other armed groups and individual civilians are often left out. Experiences in Sierra Leone, Liberia, and the Democratic Republic of the Congo show that the DDR programmes were unable to get armed groups – who had also been significant players in the past conflict – to disarm comprehensively.[25] DDR has not been able to provide sufficient incentives for comprehensive disarmament for various reasons. Distinguishing between civilians and combatants is in some cases difficult, as observed for instance in Afghanistan, Iraq, Sudan, Haiti, and elsewhere. In Angola and Sierra Leone, "combatants" included the soldiers from the national army and the opponent rebel groups, whereas in Eritrea and Ethiopia they were the soldiers from the two warring national militaries.[26] However, in other cases it is usually difficult to draw a line clearly identifying former combatants from others, including part-time warriors and other armed groups. The latter groups tend to be ignored, and thus remain outside the targets of DDR programmes.[27] Moreover, disagreements between donor actors over their mandates and the availability of funds have made civilian disarmament difficult to pursue comprehensively. Development agencies often view the issues related to small arms and light weapons as outside their mandates and too sensitive.[28] As a result, weapons reduction often remains integrated neither in DDR nor in post-conflict recovery programmes under development agencies. Additionally, in many regions, possession of arms is considered as a status symbol and represents a symbol of community belonging. Moreover, those weapons are often not registered and not subject to handover to DDR. Under such social circumstances, it is even difficult to promote civilian disarmament, at least in a short period of time.[29] Therefore, a long-term strategy

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23 Ibid.
24 Colin Gleichmann et. al., *Disarmament, Demobilisation and Reintegration*, op. cit.: 42.
25 Jeremy Ginifer, "Support For DDR and SSR After Conflicts in Africa", op. cit.: 8.
26 Robert Muggah, "Emerging from The Shadow of War: A Critical Perspective on DDR And Weapons Reduction In The Post-Conflict Period," *Contemporary Security Policy*, Vol. 27, No. 1 (April 2006): 199.
27 Ibid.
28 Ibid.
29 Colin Gleichmann et. al., *Disarmament, Demobilisation and Reintegration*, op. cit.: 39.

must be developed for the comprehensive reduction of weapons. These programmes need to work in parallel with, as well as after, the DDR programmes, so that armed groups and individuals, as well as former combatants who have failed to register in former DDR processes, are all included as the subject for disarmament. Community sensitisation and education about the dangers of small arms and light weapons could promote disarmament at the individual levels. Promoting traditional leaders (e.g. local, tribal, or spiritual leaders in local communities) can be useful in encouraging civilians and armed groups to give up their weapons.[30]

The implications of civilian disarmament on security sector reform are similar to those in weapons stockpile management. A greater availability of weapons, particularly at the civilian level, increases the risk of a resumption of armed conflict. It also increases the burden for the police, customs, and border control, who need to patrol against the illicit transfer of SALW, further delaying police reforms. Moreover, an absence of, or a delay in, the reduction of weapons in armed groups and individuals will keep the local communities' mistrust high against the armed forces and police.

Demobilisation

Planning and implementation for the demobilisation process would affect the efforts of security sector reform positively or negatively depending upon who (what type of soldiers) and how many former combatants should be the targets for DDR. Generally, all active members of the armed forces and armed groups that were party to the past conflict could be the target for the demobilisation process; however, distinct target groups are identified for selection particularly when the armed forces are not completely disbanded after the conflict.[31]

Decisions about the size and types of demobilisation form a part of peace negotiations; however, these decisions are more likely to reflect the immediate pressures to realise post-conflict stabilisation with the limited time and resources available. Crucial questions – e.g. as to what type and size of new security forces will be made; who would be recruited into the forces; and whether and how the forces could function corresponding to the needs of a given post-conflict situation – are often neglected in the discussions, as they are viewed as beyond the DDR mandates and thus later priorities.[32] Agreement on the number and type of soldiers retained or demobilised may satisfy the shorter-term objectives of DDR but may indeed become counter-productive to the security sector reform projects.[33] This is because military and defence planners are usually left out of the peace negotiations. They, however, can provide crucial technical

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[30]   Ibid.
[31]   Ibid., p. 45.
[32]   Brzoska, "Embedding DDR Programme In Security Sector", op. cit.: 101.
[33]   Ibid.

advice as to how many and whom to demobilise, so that the security sector reform can be carried out more effectively.[34] It is particularly crucial that DDR is carried out in such a way that the losing side(s) of the warring parties are subjects for demobilisation. Decisions as to which people are demobilised and which retained in the armed forces are largely a reflection of the decision of the winning parties. However, their decisions about the size and the nature of post-conflict security forces will naturally and unilaterally be driven by their political and military interests and reflect the need to maintain their power.[35] Worse still, the winning sides are likely to maintain the most loyal and skilful soldiers and eliminate those disloyal, sick, and injured soldiers. In this way, the soldiers in the winning parties are being mobilised rather than demobilised.[36]

Reintegration

The reintegration process is the component of the DDR in which the former combatants receive support to prepare for civilian life and, for some, are recruited in the newly-constituted security sector institutions.

Among a number of measures within the reintegration process, strengthening the reconciliation of former combatants with the community members would most affect the efforts of SSR. The reconciliation process promotes broad acceptance of former combatants in the local communities in which they are to be resettled after demobilisation. Former combatants usually have difficulty being accepted in the communities after the conflict because of recent war memories. Reconciliation programmes provide support for their acceptance; such measures may include, *inter alia*, providing both the former combatants and the local communities accepting them with opportunities for dialogue, education, spiritual and ritual ceremonies to help forgiveness, joint work such as school construction (providing a symbolic opportunity for shared community building). One of the measures to promote social reintegration is ritual ceremonies in the local communities. Some former combatants have confessed to their wrongdoings and received forgiveness from the community; cases in Sierra Leone for example demonstrate some effective results for both the soldiers and the community.[37] In Uganda ex-combatants were washed in goat milk, a symbolic act of cleansing of the past atrocities, in order to be accepted in the community.[38] Another crucial measure is to sensitise the community members to the acceptance and return of the former combatants. In Sierra Leone, for example, radio work sponsored by the UN Missions there (UNAMSIL) provided

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[34] Ibid., p. 98.
[35] Bryden, "Linkage Between DDR And SSR", op. cit.: 15.
[36] Brzoska, "Embedding DDR Programme In Security Sector", op. cit.: 102.
[37] Jeremy Ginifer, "Support For DDR and SSR After Conflicts in Africa", op. cit.: 49.
[38] Author's interview at the Norwegian Defence International Centre (NODEFIC), 10 October, 2007.

information to the local residents on issues like tolerance, justice, forgiveness and peace to help reduce both their trauma and prejudices.[39]

Difficulties do remain in implementing social reintegration, however. Firstly, the communities had difficulty forgiving the former combatants' atrocities, but those reconciliation events were carried out because of the insistence of external actors. Community members do go through with the reconciliation process simply because external actors insist, but indeed they find it difficult to easily forgive the former combatants' past atrocities. Moreover, the community's stereotype of former combatants is such that they expect the former soldiers to behave like trouble-makers.[40] This makes it difficult for the reintegrated soldiers to narrow the social and psychological gaps, even if the soldiers do wish to reconcile. This further dissociates both groups from each other.[41]

Despite these challenges, this social reintegration would play a particularly significant role for more effective "security sector reintegration." The former combatants who are recruited into the armed forces and the police would serve in the local communities where contacts with the local population are unavoidable. This is particularly the case for the police forces, whose interactions with the local residents are vital for their everyday operations.

Perspectives from Security Sector Reform

Building Integrity and Solidarity within Security Sector Institutions

Developing the integrity and solidarity of the newly-constituted forces with former combatants is critical but has proven to be difficult. Examples show the difficulties of reintegrating the demobilised former combatants into security sector forces and maintaining integrity and solidarity as one national unit. In the Democratic Republic of the Congo, attempts were made to integrate some former demobilised former combatants into an integrated national army, but these elements started to clash with other units within the national army, while still another group started to act as an independent unit and continued to attack the Eastern part of the country.[42] In South Africa, groups of black soldiers in reconstituted national armed forces (SANDF) raised tensions and weakened the solidarity of the forces when they voiced complaints about favouritism involving white officers.[43] Furthermore, in East Timor, the United Nations Transitional Administration in East Timor (UNTAET) gave a freehand to the FDTL (East Timor's defence force) High Command in decisions for the recruitment of the

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[39] Jeremy Ginifer, "Support For DDR and SSR After Conflicts in Africa", op. cit.: 49.

[40] Kathleen M. Jennings, "The Struggle To Satisfy: DDR through The Eyes Of Ex-Combatants In Liberia," *International Peacekeeping*, Vol. 14, No. 2 (April 2007): 204.

[41] Ibid.

[42] Jeremy Ginifer, "Support For DDR and SSR After Conflicts in Africa", op. cit.: 12.

[43] Ibid.

demobilised soldiers of the former guerrilla force of FALINTIL. This included deciding who would join the FDTL or go to recruitment training programmes sponsored by the International Organisation for Migration (IOM). This created a tensions within the FALINTIL groups as well as within the FDTL.[44]

The reasons for the difficulties are manifold. Firstly, the financial cost is too large to reintegrate former combatants into security forces. While inclusion of demobilised former combatants into the security sector could be a viable tactic to reduce the threats to security and stability otherwise posed by those former combatants, the temporary absorption of large numbers of personnel will put significant pressure on the national budget because their salaries need to be paid during their services.[45] This causes a lack of resources and personnel available to support more sustainable measures to initiate education and training, as well as other logistic support, to foster the integrity and solidarity as one national unit.

Secondly, political and social rivalry is unavoidable when former combatants are reintegrated into the security forces. Thus, blindly integrating the former opposition parties or enemies into the newly-constituted or reformed police forces could easily heighten internal tensions. The UN's CIVPOL (civilian police) in East Timor recruited 350 former Indonesian National Police (POLRI) officers into the newly-formed East Timorese police forces (PNTL) after only four weeks of transitional training, and even several senior positions were filled with by the former POLRI officers. The inclusion of the POLRI officers – opponents in the eyes of the East Timorese – has created political issues in the East Timorese society.[46] A lack of clear human resource analysis and recruitment policy for police forces would contribute to domestic instability. In Afghanistan, the creation of the Afghanistan National Army (ANA) was made up largely by the demobilised former combatants, but the disproportionate ethnic balance between the more numerous Tajiks and the fewer Pashtuns caused the Tajiks to virtually take control of the ANA, making it difficult for the Pashtuns to be recruited into the military. This imbalance heightened the ethnic tensions and prevented the formation of solidarity and *esprit de corps* as a national military.[47]

Thirdly, newly constituted security forces often fail to set up clear missions and strategy and, as a result, they are misled and confused. Typical of such confusion is mixing up the tasks of the armed forces and the police forces.

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[44] Ludvic Hood, "Security Sector Reform In East Timor," chap. in *Security Sector Reconstruction And Reform In Peace Support Operations* (Oxon: Routledge, 2007): 61.

[45] Multi-country Demobilization and Reintegration Programme, Position Paper: *Linkages Between Disarmament, Demobilization and Reintegration Of Ex-Combatants And Security Sector Reform* (MDRP (available at: www.mdrp.org), October 2003): 4.

[46] Ibid., p. 53.

[47] Cyrus Hodes and Mark Sedra, "The Search For Security In Post-Taliban Afghanistan", op. cit.: 65.

The armed forces – legitimately employed against enemies on the borders – cannot be mixed with the police to fight against criminals and take part in other functions maintaining domestic order because the size of the force that the military use outweigh the capacity of the police, and in any case doing so is against the 1949 Geneva Convention.[48] Moreover, such a situation would blur the distinction between internal order and external security. This would exacerbate the risk that the military would dominate the police or even take the police under the military control.[49] This is clearly contrary to what security sector reform would want to see. In Afghanistan an earlier plan to reorganise the eight policing regions, which reflected the ethnic composition of the country, was inappropriately reduced to five regions in order to conform with the military command structure. However, this modification crossed ethnic lines; the police serving in the areas of different ethnicity found it difficult to carry out their duties.[50] In El Salvador, the Peace Agreement called for the establishment of a new National Civilian Police (PNC) with a new organisation, new officers and new training mechanisms to separate from the earlier military domination. The military, however, continuously resisted cooperation in the rebuilding of the police. The military not only refused to hand over to the police the former military academy as well as weapons, vehicles and other equipment, but it also continued to appoint the PNC's senior officers with former military officers.[51] These dangers would only be multiplied if the demobilised former combatants were reintegrated into the newly-constituted armed forces and the police forces. In such confusion they would miss opportunities to receive appropriate technical and educational support from external actors. Moreover, in such a military-police power confusion, the demobilised former combatants could increase tensions between the military and the police.

Setting Clear Recruitment Criteria

Clear criteria for reintegrating former combatants must be established. Recruitment for the *security sector reintegration* needs to include at least two important elements: screening perpetrators of human rights violations and other war crimes from the past conflicts, and the basic literacy and numeric knowledge of the demobilised former combatants.

As pointed out earlier, many former combatants may have a record of serious human rights violations and war crimes from the past conflict. In many

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[48] Nicole Ball and Michael Brzoska, *Voice And Accountability In The Security Sector*, Paper 21, Bonn International Center for Conversion, BICC (Bonn: BICC, July 2002): 34.

[49] Rama Mani, "Contextualizing Police Reform", *Security, The Rule Of Law And Post-Conflict Peacebuilding,* Vol. 6, No. 4 (December 1999): 11.

[50] Tonita Murray, "Police-Building In Afghanistan: A Case Study Of Civil Security Reform," *International Peacekeeping* Vol. 14, No. 1 (2007): 118.

[51] Rama Mani, "Contextualizing Police Reform": 13.

post-conflict states, police forces who have committed serious human rights violations and war crimes have often been cut off from the population and have functioned more like military contingents, protecting the interests of the oppressors, not those of the citizens.[52] In Nepal, the armed forces were protecting the interests of the King rather than the security and interests of the people and the democratic government, and their record of human rights violations against the people are of serious concern for the security sector reform of today.[53] In Haiti, and elsewhere, the police forces have traditionally served as tools of repression rather than as the protectors of the citizens.[54] Inclusion of the demobilised former combatants who have such records may undermine the construction of the new security forces. In many cases, states are unable to exercise institutional control over individuals in the security institutions as their organisational structures for human resource management are heavily damaged after conflict. The personnel are not given clearly defined roles, and it is not often grasped who are in which functions. Under these circumstances, it is useful to conduct a census and identification programme to provide all members of the armed forces and the police with registration and ID cards.[55] This information is useful not only for identification and training; such registration also allows the institutions to screen for any record of human rights violations. And if any fresh violations occur, spotting individuals in the security forces would be easier. As discussed below, proceeding with the investigation and prosecution of war criminals, in cooperation with the judicial sector, is vital in eliminating unqualified candidates.

Basic literacy and numeric skills are important for the "security sector reintegration." This is particularly true for the police forces, where education in legal and other police duties is crucial. But illiteracy of the former combatants has sometimes disturbed the reform efforts. An experience in Afghanistan shows that only 20 percent of the recruits to the Afghan police could read and write, and this low number slowed the progress of the police education and training.[56] At the same time, external actors need to be aware of the potential dangers of recruiting with "western" standards. The CIVPOL in East Timor selected candidates who spoke some English where the English language in the community was not crucial; moreover, it also relied too much on "western" questionnaires and interviewing techniques for police recruitment. In effect, the qualification for the East Timorese police forces became doubtful.[57]

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[52]   William G. O'Neill, "Police Reform In Post-Conflict Societies: What We Know And What We Still Need To Know," Policy Paper The Security-Development Nexus Program (New York: International Peace Academy, April 2005).

[53]   Dhruba Kumar, "Police Reform And Military Downsizing," in *Policing In Nepal: A Collection Of Essays*, Saferworld (September 2007).

[54]   Timothy Donais, "Back To Square One: The Politics Of Police Reform In Haiti," *Civil Wars,* Vol. 7, No. 3 (Autumn 2005): 271.

[55]   DAC, *OECD DAC Handbook On Security System Reform*, op. cit.: 167.

[56]   Ibid., p. 174.

[57]   Ludvic Hood, "Security Sector Reform In East Timor": op. cit.: 53.

Training and Education

In connection with the issues of recruitment criteria, the appropriate training and education of former combatants need to be designed strategically to lead to a longer-term rather than temporary reform. The East Timorese national police received training for three months at the Police Academy in Dili and six months of field training, but this proved to be too short to adequately prepare the officers, and those field training programmes were criticised as unstructured and incoherent.[58] The same evaluation also pointed out that a lack of expertise in recruitment and training led to various shortcomings in the selection of the police cadets, and the selection was even marred by the pressure that the recruitment needed to be completed within an unrealistically short time limit.[59] The police training programmes in Afghanistan also proved to be difficult in certain respects; it was difficult to provide education in classrooms in the hot summer and cold winter; there were difficulties using the typical Western educational techniques like group discussions and scenarios; there were difficulties from the use of police terminologies the Afghan police never learnt before; and even translators were inexperienced.[60] These recent experiences suggest that there is much room for restructuring the ways in which training and educational programmes correspond to the needs of a given post-conflict state.

This is crucial for the *security sector reintegration*; their proper training and education provide vital information and skills suited to help the new military and police serve the people. As pointed out above, knowledge of laws and communication skills for the police officers would be one of the most important required skills for new candidates. Cultural and social aspects can be another important element; long-term education and training designed to foster inter-ethnic and inter-religious dialogue and coexistence might help reduce tensions amongst different ethnic and religious groups within the security forces. Such a programme could also help reduce social and ethnic tensions created between the former combatants in the security forces and the local community members.

Building Oversight Mechanisms

Security sector institutions like the armed forces and police are the bodies that monopolise the legitimate use of force. They should be controlled and managed under civilian oversight so that their activities and policies are transparent and accountable to the people. It is wrong and dangerous to presume that the newly-constituted national authorities after conflict always make the right decisions about the size, composition, and budget of the security sector institutions.

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[58] Ibid., p. 54.
[59] Ibid., p. 52.
[60] Murray, "Police-Building In Afghanistan", op. cit.: 119.

Rather, there is always the potential risk of their protecting the interests of the institutions instead of those of the people. Indeed, the policies for these issues cannot be imposed from above, but must be made with a broad participation of the people.[61] Building a mechanism of transparency and accountability for the security sector institutions is therefore the foundation both for effective oversight and sanctions for misbehaviour.[62] The prime objective is to oversee activities of the military and the police against civilians, including violation of human rights and other abuses of power, because such actions are typically observed in unreformed, authoritarian and developing security forces.

Building Confidence between Local Community and Security Institutions

Building confidence between the security sector institutions and the local community members is one of the measures to promote oversight. Because of the officers' misbehaviours in the past conflict, they have in many countries a very negative image. The community members see the forces as a threatening factor rather than as a provider of security. They observed that many soldiers and police officers were low-skilled workers who were corrupt and dealt with the transfer of illegal weapons, drugs, and other materials. In effect, there has been persistent mistrust between the forces and the community members. The newly-constituted security forces must regain the trust of the population.[63] For this purpose, local communities need to be given opportunities to voice their concerns about their needs and expectations in connection with the roles of the new security sector institutions, so that they are more likely to support and accept the changes and the new installations of their activities.[64] Likewise, the former combatants may also address their own concerns about settling in the community. For the police forces, strengthening community-based policing programmes can also help increase trust between the police and local communities. Community-based policing – the police working in partnership with the community – can help increase the confidence between the two parties through addressing and solving various community security problems together. It can also serve to create opportunities for weapons collection programmes and short-term amnesties for those surrendering arms,[65] thus reducing the sources of threats in the community in cooperation with the local police officers.

Furthermore, building local ownership at the institutional level also promotes an oversight mechanism. Bitter lessons from experiences in East Timor

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[61] Alan Bryden, "Shaping The Security Governance: Agenda In Post-Conflict Peacebuilding," in *Security Governance In Post-Conflict Peacebuilding*, Alan Bryden and Heiner Hanggi (eds.) (London: Geneva Centre for the Democratic Control of Armed Forces (DCAF) / Transaction Publishers, 2005): 263.

[62] Ball and Michael Brzoska, Voice And Accountability In The Security Sector, op. cit.: 44.

[63] William, "Police Reform In Post-Conflict Societies", op. cit.: 2.

[64] Bryden, "Linkage Between DDR And SSR", op. cit.: 20.

[65] OECD DAC, *OECD DAC Handbook On Security System Reform*, op. cit.: 169.

demonstrate that there was a lack of training in enhancing local capabilities to oversee the defence forces. The UNTAET's office of the national security advisor did not train a single East Timorese civil servant to assume any responsibilities related to the East Timorese Defence Forces. This heavily weakened the civilian oversight of the armed forces in this state.[66] The same thing could be said about the establishment of the East Timorese Police, the PNTL. Because UNTAET failed to involve East Timorese political leaders and civil society organisations in the police service's institutional development, any discussions on the PNTL's development remained out of reach of the civilians.[67]

Civil Society Organisations

Civil society organisations (CSOs) have three major functions with regard to enhancing security sector reform; to demand changes in their policies and implementation; to monitor them; and, to provide technical input for improvement. CSOs exert their influence in such areas as defence policy, expenditure and procurement policies, the size and structure of the security forces.[68] They may include independent researchers, think tanks, human rights watchdog groups, women's organisations, etc that serve as a source of independent information on and analysis of legislation, policies, and current events for the public, government and other audiences. Their efforts could provide a potential alternative source of information and analysis to the decision-makers.[69] The media have a similar function as CSOs. They play an important role in communicating ideas, providing information, and posing questions on the development of security sector reform. One of the best practices of the CSOs affecting security sector reform took place in Mozambique. The media and local NGOs' ran large campaigns that revealed the protests of local peoples about the human rights abuses and misconduct of the police; this contributed to reducing such abuse.[70] In Sierra Leone, CSOs made proposals to the government on how to manage the process of reconstructing the armed forces by widely circulating photos of recruit candidates who are suspected of human rights violations. While many problems remained concerning their methodology and the limit of the implementation, the government accepted these proposals to a positive degree, thus reducing the risk of fresh human rights violations by the former combatants.[71]

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[66] Ludvic Hood, "Security Sector Reform In East Timor": op. cit.: 61.

[67] Ibid., p. 57.

[68] Ball and Michael Brzoska, Voice And Accountability In The Security Sector, op. cit.: 54.

[69] Caparini, "Enabling Civil Society In Security Sector Reform", op. cit.: 73.

[70] Yonah Seleti, "The Public In The Exorcism Of The Police In Mozambique: Challenges Of Institutional Democratisation," *Journal of Southern African Studies,* Vol. 26, No. 2 (June 2000): 363.

[71] Ball and Michael Brzoska, *Voice And Accountability in the Security Sector*, op. cit: 56.

Parliamentary Oversight

Parliamentary oversight refers to measures by the parliamentary committee responsible for issues of internal security and home affairs to control the security forces, including the size of the forces, the structure, the roles, the missions and the budget. Parliamentarians are expected to examine and report on policy initiatives (such as defence planning, reorganisation of the armed forces proposals on which equipment to purchase) that are put forward by the defence and other security-related ministries. They are to conduct inquiries into issues of special concern regarding defence and security issues. These functions enhance transparency and scrutiny of the forces and the national authorities that manage them, thereby encouraging public trust and action on reform issues.

Challenges for effective parliamentary oversight are many. A lack of appropriately skilled parliamentarians may make it difficult to conduct inquires and evaluations of these issues. Dysfunctional parliamentary committees would allow the related ministries to provide a "free pass" to the legislature without lawmakers examining the prudence and the possible effectiveness of such policies. Legacies from past conflicts hinder the parliamentarians' role in security sector reform. In many post-conflict states, the executive body reigns supreme particularly in the ministries of defence and interior. Consequently, bureaucrats maintain a culture of secrecy and often neglect the legislative body. On the other hand, in the legislative branch there is a tendency to oppose executive power even when it comes to insignificant matters.[72] This may result in a clash between the two bodies, making it difficult to proceed with security reforms. Assisting parliamentarians to acquire necessary skills is a time-consuming task, and so is eliminating the legacies so deeply-rooted among the executives.

Coordinating with Judicial Sections

Restructuring military and police forces must be accompanied by judicial reforms. Modernising laws, training judges, lawyers and prosecutors, rehabilitating courts and prisons are all vital measures to ensure the rule of law.[73] These judicial reforms are important to ensure punishment for any misconduct of the military and police officers, and to strengthen the domestic security by reducing the risks of war criminals and other human rights aggressors being left unpunished and remaining a threat to the people. Delays in the judicial reforms in Haiti, for example, caused an expansion in the culture of police impunity, criminal activity and corruptions in the country.[74]

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[72] Willem F. van Eekelen, The Parliamentary Dimension Of Security Sector Reform (Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF) Working Paper No. 120, May 2003): 60.

[73] G. O'Neill William, "Police Reform In Post-Conflict Societies: What We Know And What We Still Need To Know," *Policy Paper*, The Security-Development Nexus Program (New York: International Peace Academy, April 2005): 3.

[74] Ibid.: 284.

Conclusion

Studies on the nexus between DDR and SSR are yet to be developed. Despite widespread agreement amongst scholars and practioners that the two operations are closely linked and the results mutually affect each other, an examination of what components are having which effect and to what degree is still needed. Given this circumstance, this article has attempted to address some points to help us better understand where and how the linkages should be strengthened. This article has focused on the two major components of the security sector institutions, namely the armed forces and the police forces, where such interactions are most significant. In post-conflict states, some of the disarmed and demobilised combatants do choose (or in many cases have no other realistic alternatives otherwise) to be recruited in the newly-constituted armed forces and the police. Depending on the situation of the past conflict and the peace agreements afterwards, the military and police could either be restructured from scratch or by reforming the existing structures, while integrating some demobilised combatants. Whichever form is taken, restructuring security sector institutions, particularly the armed forces and the police, does involve the demobilised former combatants. This reintegration – calling it *security sector reintegration* – is an unavoidable element in DDR and SSR, and it is the linking point between the two where better coordination must be made. DDR plans and implementation strategies must correspond to the needs that SSR designs for restructuring the new security institutions over a much longer time spectrum. Necessary modifications include involving more defence and military experts in deciding who and how many to demobilise; enhancing disarmament in civilians and armed groups not covered by the DDR process; and strengthening social reintegration programmes so that the former combatants can be better accommodated in the local communities where they are (re)settled. Likewise, SSR plans and implementing strategies cannot ignore the fact that the prime subjects of the security institutions (i.e. military and police) include the demobilised former combatants, thus requiring us to know how they would or would not be qualified and beneficial, or not, for the newly-constituted security institutions. Establishing and maintaining the integrity and solidarity as a national military and police is a priority so that the demobilised former combatants could be well-integrated in these reconstituted security services. For that to be effective, the appropriate recruitment criteria and training programmes need to be further enhanced to prevent future violations of human rights being committed by their members. Building an oversight mechanism to monitor the activities and policies of the security forces is vital so that the restructuring of the security forces and the national authorities that govern them can be monitored by civilians. This way, any concerns can be addressed in the evaluation and scrutiny of the progress of reform, including that of *security sector reintegration*.

The agendas suggested here in search of a better nexus between DDR and SSR are by no means exhaustive, but rather meant to propose some key points that any evaluation will have to start with. This study needs more extensive research, including more detailed field studies in various post-conflict settings. Further studies, therefore, on the better coordination between the two operations are needed, as the failure to do so would risk undermining the sustainable reconstruction of the security sector as a whole.

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The Conflicting Rebirth of Multipolarity in International Relations[1]

Miloš Balabán[2]

The process of constructing a new multipolar world, which will probably take decades to complete and whose boundaries *may* only become clear by 2020, is just as important as the process which ended the Cold War some 20 years ago. The United States, as the only global superpower, is increasingly confronted by the growing influence of Asia, with a clear dominance of China and the mounting importance of India. After the chaos of the first post-Soviet decade, Russia is resuming its role as an important, influential actor in international relations; while determined regional powers, such as Indonesia, Iran and Brazil – which will want to significantly influence developments in Latin America – are emerging in the world political arena. Japan remains an influential actor and its military ambitions are growing. In the western part of Eurasia is the European Union with 27 members, a population of almost half a billion and a single currency – the Euro – which has begun to compete with the dominant US dollar. The Middle East will also become an important player not only due to the vast raw-material resources located in its territories, but also because of the growing political impact of radical Islam, which has its home-base in the region.

Trends could be documented by means of forecasting the development in terms of the GDP of the main actors of world development (see table below).

This work sets out to identify and explore some of the more important trends in current international relations and projects them over a twenty to thirty year period. The main argument resounds around the mounting evidence that international relations is moving towards the re-establishment of a multipolar system, with many new states and other political communities joining the more established powers in both setting the limits and boundaries within international relations as well as providing new pressure points and avenues of contrast and competition.

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Table: Forecast of GDP development for main actors

	GDP In billions of USD in fixed 2005 prices, with the use of PPP		GDP per capita In thousands of USD in fixed prices, with the use of PPP	
	2005	2020	2005	2020
Asia in total, of which:	21.260	48.270	5.970	10.530
China	8.110	19.370	6.200	13.580
India	3.718	8.797	3.400	6.700
Japan	4.008	4.497	31.460	36.420
Total EU-27, of which:	12.816	17. 752	26.200	35.640
EU-15	11.479	15. 528	29.780	39.100
France	1.909	2.545	31.480	40.350
Germany	2.432	3.233	29.420	39.520
Italy	1.633	1.914	28.110	33.700
Netherlands	525	759	32.130	44.260
Poland	483	798	12.670	21.140
United Kingdom	1.965	2. 787	32.730	43.820
EU candidate countries, of which:	744	1.406	7.750	12.800
Croatia	56	93	12.380	21.050
Serbia & Montenegro	56	108	5.140	10.030
Turkey	576	1.110	7.860	13.140
Brazil	1.568	2.516	8.650	12.060
Russia	1.556	2.549	10.920	18.750
U.S.A.	12.457	19.040	42.120	56.660
World	**59.858**	**100.283**	**9.320**	**13.500**

PPP (Purchasing Power Parity) is the ratio of prices of the same products or services in national currencies.
Source: Economic Intelligence Unit – reprinted from M. Leonard's publication *Divided World: The struggle for primacy in 2020*. London: Centre for European Reform, 2006

To explore the potential future of international relations, this work takes several snap-shots of some of the more important international actors (the US, China, Russia, India and the EU) and assesses what actual and potential roles these actors will play in international relations. Also, this work looks the Middle East, as a region, to highlight some of the impacts it is currently having and may continue to have on international affairs.

Finally, this work provides an account of global governance over the next decades. It reviews some new international actors and their geopolitical

importance in this globalising multipolar international system. Issues surrounding international organisations, regional organisations and transnational corporations are dealt with to provide a comprehensive account of the future of international relations.

Developmental Trends

The main trend in international relations over the next 20 years will resound around the competition between states to secure sufficient resources of raw-materials, especially crude oil, gas (global use of sources of energy is to increase by 50% by 2020) and water, which has become a strategic commodity.[3] Intellectual capital (knowledge and technical innovation) will be another point of international friction. Also, attention will be re-centred as a "battle of ideologies," emanating from the increased self-confidence of emerging powers as well as political and religious forces. These actors may be unwilling to accept western universalisms such as liberal democracy, but rather endeavour to espouse their own ideological and religious concepts.

Unique and very old civilizations, notably China and India, may aspire to their own interpretations of notions such as 'democracy,' 'freedom,' and principles of the 'rule of law.' Rivalry in the globalised, budding multipolar world may assume two forms. Provided there exists a broader and functional multilateral framework of global governance, based on respect for international commitments and rules – especially on the basis of the United Nations (UN) Charter and the influential power of economic groupings such as the G8 or, in the future, G20[4] – it may be possible to prevent or minimize the impact of conflicts generated by clashes over resources, intellectual capital, and political or ideologies. According to the EU Institute for Security Studies, this could

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[3] Forty percent of the world population lives in 260 watersheds shared by two or more states. The effort to gain more water sources for one state to the detriment of another to supply inhabitants, industries and agriculture or to pollute water sources because of these efforts could lead to multilateral and regional conflicts. NATO's "Future Security Environment" study indicates 20 risk areas where conflicts might occur. They are the Tigris and Euphrates, the Nile, the valleys of La Plata, Lempa, Orange, Incomati, Limpopo, Okavango and Zambezi rivers; the Kunene, Lake Chad, the Senegal Plateau, the Jordan, the Kura-Araksi, Obu, Aral Lake, Ganges-Brahmaputra, Mekong, Yellow River, Hanu and the Tyumen Plateau (see Future Security Environment, Draft 1.3.—Symposium FSE-04, Apr. 2006, p. 25)

[4] G20 refers to an informal platform of the 20 most economically advanced and dynamically developing countries. It consists of Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, Turkey, the United Kingdom, the United States and the European Union (represented by its presiding country and the European Central Bank). The G20 was inspired by the former Canadian Prime Minister Paul Martin.

result in a "concert of great powers."[5] Alternatively, conflicts between great powers may lead to an unmitigated struggle for resources and the carving out of spheres of influence. In such a scenario regional armed conflicts may become more common and inevitably have global impacts; although a truly *global* conflict is unlikely due to the interconnectivity and dependency between large, middle and small states, on economic, political and social levels throughout the international system. Both variants are possible in the future.

The conflict potential of the modern world, however, is best evidenced by growing military spending, which in 2006, for the first time in the post-Cold War period, exceeded the Cold War figures of 1988. According to the estimates of the Stockholm International Peace Research Institute (SIPRI), military spending in 2006 equalled one trillion two hundred and four billion USD ($1,204,000,000,000), a 3.5% increase from 2005. Over the past ten years, military spending has risen 37%. The United States significantly contributed to the increase; its defence budget having reached 528.7 billion USD, or 46% of the global figure. China's budget of 49.5 billion USD for the first time exceeded Japan's (43.7 billion USD), until then Asia's biggest arms spender.[6]

These figures testify to the growing importance of military power to attain the broad strategic goals of all the main players in the global competition. However, other political, diplomatic and economic tools of comparable impact will play no less of an important role.

The Geopolitical Priorities of the Main International Actors

The United States

The US will seek to maintain its position as global superpower in the political, economic, military and cultural realms. Its projected demographic situation will assist this ambition. The US expects a 17% population growth, estimated to reach 364 million by 2030, due especially to Hispanic immigration,[7] a steady three-percent annual economic growth, its lead on technological innovation, research and development (R&D), the use of high quality education potentials (37 of the world's most prestigious universities are located in the US) and finally, the constant recruitment of university-educated experts and scientists

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[5] See Long Term Vision, Strand One, Global Context study for an initial ESDP Long Term Vision (LTV) (2006): European Union Institute for Security Studies Paris, p. 36.

[6] The second-largest defence budget is reported by the United Kingdom (59.2 billion USD) and France comes third (53.1 billion USD). See http:/yearbook2007.sipri.org/

[7] Hispanics currently account for 14.5% (45 million) of the population of the US. Based on a census of 300 million, Hispanics are to form a quarter of the US population by 2050. This could influence US policy on Latin America.

from all over the world.[8] The US is home to one in four transnational corporations (TNC). Also, the US popular and entertainment industry still has a major impact on mass culture around the world.

From a geostrategic perspective, it is crucial for the US to maintain its influence over the Middle East; currently the world's most important source of vital energy resources; and to contain the global ambitions of China and resource-rich Russia. The US chiefly relies on its own military capabilities and political leverage in prioritising and achieving its objectives. The failure of the US to meet some of its central international objectives could result in a dangerous geopolitical situation not only for the US but also Europe and the US's other key allies. To be sure, the EU (and its 27 members) remains among the US's closest allies despite the fact that not all EU members share *all* aspects of the US's strategic priorities. Such variance is largely due to divergent international economic interests, especially provisions of energy security and different interpretations of political and security priorities vis-à-vis Russia, China, the Middle East, and Africa. Some EU members (e.g. Britain and the majority of the EU-10), have maintained, and probably will continue to maintain close relations with the US, which would result in closer cooperation for asserting their main, mutual strategic goals.

Since the EU may be 'less than reliable' in some ways (as the EU divisions over Operation Iraqi Freedom, 2003, illustrate), the US is likely to step-up its reliance on, and use of, its non-European allies, especially in the Asian and Pacific regions, including: Australia; New Zealand; Japan; and South Korea. It is worth noting efforts by the United States' key East Asian ally, Japan, to achieve greater military independence – in its 1947 constitution, Japan, as a defeated nation in World War II, forever relinquished plans to solve conflicts by force. Japan's US-supported new defense strategy relies on the development of more mobile multipurpose armed forces and a missile defense system. For the first time, this strategy explicitly identifies the security risks facing Japan. These include North Korea and its nuclear and missile programs, as well as China and its ever growing army.

US failures in Iraq,[9] serious problems in Afghanistan and the collapse of the

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8   See *The New Global Puzzle. What World for the EU in 2025* (2006). European Union Institute for Security Studies. Paris, http://www.iss-eu.org/books/NGP.pdf, p.141.

9   The failure is documented by many facts in the Oxfam report, *Rising to the humanitarian challenge in Iraq* (www.oxfam.org.uk/resources/policy/conflict_disasters/bp105_iraq.hmtl), compiled with the help of another 80 agencies directly involved in Iraq. According to this report, 43% of Iraqis live in dire poverty, four million Iraqis cannot afford to buy food regularly, 50% of them suffer from inadequate water supplies, 28% of children suffer from malnutrition, 92% of children face difficulties in obtaining education because they cannot venture out due to street violence, half of the population is unemployed, 80% of the people have no access to sanitary facilities, the incidence of diarrhoea and infectious diseases is rising, more than two million Iraqis, mainly women and children are on the run, scattered all over Iraq's refugee camps, another two million people have fled across the border to Syria and Jordan, and many of them live in dire poverty. Eight million Iraqis—a third of the country's population—are in need of urgent humanitarian aid. The report also speaks about an "intellectual genocide": since 2003, about 40% of engineers, teachers, physicians and other professionals have left Iraq.

project of "democratizing the greater Middle East"[10] revealed some limitations of the US's unilateral approaches to its foreign affairs. The future therefore might yield a more pragmatic approach to the principles of multilateralism, that is, multilateralism "a la carte."[11]

The US's security strategy is expected to continue to be based on the maximization of its military capacity to ensure its ability to respond to any type of (even hypothetical) threat mostly on a unilateral basis. Internal budgetary problems however, are likely to severely limit the maintenance of the US's position of global superpower. Its 2005, current account deficit was just under 800 billion USD (6.4% of GDP) and its budget deficit amounted to 4.2% of GDP – something which rendered the US economy vulnerable to market forces in the global economic system. Also, the US's fiscal balance strongly depends on external resources as the US must import roughly one billion dollars to finance its budget deficits.[12] Much will depend on the US's ability to achieve a balanced budget over the long-term and, under these conditions, on whether such balance will be impaired by, for example, the consistent increase of its defense budget.

Facing the impact of potential economic problems, the US may begin to lose its global hegemony over the next two decades. Nevertheless, its military edge[13] will make it possible for the US to continue to influence the international security situation even in light of growing economic and military prowess among other actors. Thus, the emerging multipolar world may find itself facing an "asymmetrical multipolarity" in the sense that the US will still maintain a military and strategic advantage over other potential challengers.

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[10] US political scientist Francis Fukuyama's monograph *America at the Crossroads: Democracy, Power and Neoconservative Legacy,* is critical of U.S. hegemonic tendencies under the guise of spreading democracy after the end of the Cold War. In his opinion, the US should use its influence in the UN, NATO and other international organizations to pursue the agenda of "equitable development" on global scale. This is associated with the struggle against mass poverty in the developing countries and establishing the middle class that could subsequently lay solid foundations to democracy there. It should be noted that that the US is trying to do the very opposite in the Middle East as it plans to supply 63 billion dollars' worth of weapons, over the next ten years, especially Israel, Saudi Arabia and Egypt.

[11] See *The New Global Puzzle: What World for the EU* in 2025 (2006). EU Institute for Security Studies, Paris http://www.iss-eu.org/books/NGP.pdf, p. 152.

[12] Ibid. p. 141. The data coincides with the sustainability of the US dollar as the world's number one reserve currency. If the US coinage (money issuance) profits record a loss (the US currency returns from the world circulation), the dollar will significantly weaken and this will undermine the confidence in investing further assets in the U.S.A. Enormous assets could flow to other power centres (such as China, Japan, India, South Korea, the EU, Russia and Brazil) that would attain enormous investment stimuli and thus also economic power. The struggle to stop these transfers could lead to many serious conflicts between the United States and these centres.

[13] This currently ensues not only from military expenses but also from the fact that, according to experts, the US has a 30-year edge on Europe in regard of military technologies.

China

China, aware of changes to the global system, has established long-term strategic priorities to: re-impose direct rule on Taiwan,[14] gain 'free' access to energy sources and markets, and the efficient prevention of US attempts to curtail Chinese influence through containment.[15] This is occurring mainly in traditional Chinese spheres of influence such as the Far East and South East Asia, and importantly, not through direct confrontation, which would be counterproductive owing to current US military power. Instead, China sees the realisation of its goals chiefly tied to the strengthening of economic cooperation and diplomatic ties.[16]

This 'soft power' policy approach[17] is also being applied in China's relations in Central Asia, the Middle East, Africa and Latin America. China has been (successfully) peddling its development model, often referred to as the "Beijing Consensus."[18] Its basic elements combine government controls with partial liberalization and guarantees of economic growth, even in non-liberal conditions, defiance of the International Monetary Fund/World Bank dictums, respect for the inviolability of national sovereignty, together with respecting commitments to international institutions, especially the UN.

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[14] The political and security strategy on Taiwan is defined by the *legislation to prevent the fission of the state* adopted by the China National People's Congress on March 17, 2005. According to official Chinese sources, the purpose of this legislation is to prevent the "fission of the homeland" by applying measures such as preventing and suppressing the efforts of Taiwan's separatists to fission the state, contribute to the peaceful reunification of the homeland, maintain peace and stability in the Taiwan Strait, defend the sovereignty and territorial integrity of the state and defend the basic interests of the Chinese people." Paragraph 8 of the resolution is crucial as it says that if separatist forces vying for an independent Taiwan or under any other disguise undertake action to separate Taiwan from China or there occurs a serious incident that could lead to Taiwan's secession from China or mar for good the possibility of peaceful reunification, China may, in the interest of preserving its sovereignty and territorial integrity, adopt measures of non-peaceful character and other necessary measures.

[15] One of the strategic priorities is to eliminate potential separatist tendencies in China's peripheral regions, including the Uygur autonomous region of Xinjiang, where there is a direct link to the priority of safeguarding energy resources.

[16] China's position is quite strong because the Chinese Diaspora controls 85–90% of the Asian market.

[17] This policy should have been modelled on the *Concept of Peaceful Advancement,* formulated by the Vice President of the Chinese Academy of Social Sciences, Zheng Bijan in 2003. His concept should have helped to define Chinese ambitions, convince the world (mainly China's neighbours) about China's peace-loving intentions, and dispel international concerns over its growth. However, this concept was not as much of a doctrine as an unclear and incomplete proposal. It was criticized for its poor compatibility with the possible threat of use of military force against Taiwan. Although it has ceased to be used in official conduct, it is still the subject of academic debate. The term "peaceful advancement" was replaced by "peaceful development" because the former evidently could have suggested connotations associated with an aggressive policy.

[18] For more details see Leonard, M. (2006). *Divided world: The struggle for primacy in 2020.* Centre for European Reform. London, p. 23.

China will likely continue to apply 'soft power' tactics as it acknowledges that it requires time, wealth and technologies to further develop and strengthen its international position. However, 'hard power' should not be underestimated as China continues to embark on efforts to modernize its armed forces which have been made possible by a massive growth in military spending.[19]

China's global ambitions may be adversely affected by internal political, economic and social problems. Social tensions largely stem from the contrast between the wealthy coastal regions and the poverty of the inner country,[20] which results in massive internal migration. In 2004, the movements of 114 million people – half of China's urban workforce – were registered. Another problem is a very weak pension system coupled with an ageing population (due partly to the one-family-one-child policy). By 2020, there will be 265 million citizens over 65. Additionally, China's environment is steadily worsening. Some thirty percent of the country is affected by acid rains, owing to the lack of environmental regulations on the use of fossil fuels and the ongoing process of industrialization. The problem is further aggravated by continuing economic growth.[21] A quarter of Chinese territory is affected by desertification and 200,000 hectares of farmland are lost every year.

Russia

Similar to China, Russia will attempt to make use of its growing economic strength. Russia's core asset is its strategic autonomy stemming from almost complete autarky in energy supplies. This autonomy, enhanced by political and economic consolidation in the first decade of the 21st century, enables Russia – which according to the 2007 "Outline of the foreign policy of the Russian Federation" has regained its "foreign policy independence"[22] – to act more confidently in its relations with the EU and the United States in pursuit of its foreign policy interests.

The whole post-Soviet space, which is of key geopolitical importance to Russia, will continue to breed conflicts. Russia is, in a way, the center of gravity in the post-Soviet space, which may strengthen and grow, depending on how the

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[19] The average growth is 15.3% over the past 15 years, significantly more than the average growth of the Chinese economy. According to the forecast of the U.S. National Intelligence Council, *Mapping Global Future* (2004) China's military budget may be up to 250 billion USD and become the second biggest only to the United States.

[20] In his article, *The Chinese Shadow,* Robert Skidelski notes that the income gap between China's coastal areas and inner regions is bigger than between the United States and North Africa (http://www.nybooks.com/articles/18437).

[21] Chinese emissions are largely due to coal-firing power stations whose number is growing steadily for at least two plants are inaugurated every week.

[22] See *Obzor vneshnei politiki Rossiyskoy federatsii,* http://www.mid.ru/brp_4.nsf/sps/690A2 BAF968B1FA4C32572B100304A6E#%D0%92%D0%92%D0%95%D0%94%D0%95%D0 %9D%D0%98%D0%95

Russian economy fares. Russia will play a leading political, economic and (due to extensive use of the Russian language) cultural role. Another multinational alliance, under the aegis of Russia as a key Eurasian power, will probably emerge in the space between the EU and Asia or China.[23]

Like China, Russia has many serious internal problems to tackle before re-emerging as a truly great power. For instance, Russia is plagued by high unemployment. Its economy is heavily dependent on the mining industry, especially the extraction of crude oil and natural gas. This sector generates 20% of Russia's GDP, but employs only one percent of the workforce. In contrast, small and medium enterprises make up only 13% of the GDP. The quality of public administration is poor, protectionism is wide-spread, law enforcement is poor and the crime rate is high. Thirty million citizens live in poverty, which leads to social tensions and may threaten the stability of the country. Furthermore, danger associated to demographic decline is quite imminent. According to a World Bank report (December 2005[24]), Russia has lately experienced a dramatic slump in population, which dropped by six million in 1992–2003 (from 149 million to 143 million). Due to social and health problems that number could drop to 129.2 million over the next 20 years.[25] This could have adverse impacts on labour mobility and Russia's security.[26] The trend is quite evident in vast portions of Siberia, with a population of only 19 million and likely to drop to 17.5 million by 2025, according to various forecasts.[27]

If Russia wishes to preserve its status of great Eurasian power, it must maintain balanced relations with China and other influential actors in the Eurasian region. One of the important instruments to foster such relationships is the *Shanghai Cooperation Organization* (SCO), which brings together dominant states, such as Russia and China, with Kazakhstan, Uzbekistan, Kyrgyzstan

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[23] (Former) President Putin's Russia intensified also its relations with countries outside the Euro-Asian space. Putin visited South Africa, Brazil, Chile, Venezuela and Mexico and important economic agreements were signed. Russia will supply nuclear fuel to South Africa by 2010 and Russian companies will help to develop the energy sector, uranium, aluminium and manganese processing plants and provide liquefied natural gas supplies to Mexico as of 2007, in addition to supplying fighter planes and helicopters to Venezuela. During his visit to Brazil, Putin expressed interest in striking a "technological alliance" between Russia and Brazil and doubling or trebling mutual trade exchange (which amounted to two billion dollars in 2004).

[24] See *Eastweek,* Issue 21, 15 December 2005 (Centre for Eastern Studies, Warsaw).

[25] At present, 70% of deaths in Russia are due to cardiovascular diseases, cancer, alcoholism, tobacco smoking, traffic accidents and violent crime. Many Russians are infected by HIV. According to some scenarios, 11 million people in Russia will be HIV-positive and 8.7 million of them will die by 2025.

[26] Russia's former army chief of staff, General Anatoly Kvashin said his country should have multiples of its present population to safeguard its territorial defences.

[27] See Primakov, Y. (2007): Rossiya vostanavlivaya svoi bolshoi i perspektivny potentsial, vozvrashchayetsya k polozheniyu vekikoi derzhavi, *Mezhdunarodnaya zhizn*, no. 1–2/2007, p. 35

and Tajikistan, and includes observer states, such as India, Iran, Pakistan and Mongolia.[28] SCO members and observers together comprise nearly half the world's population and a crucial part of Eurasian territory; three dynamically growing large economies, and four countries possessing nuclear weapons.

The chief objective of the SCO centres on security cooperation in combating three main security challenges to the region: terrorism, separatism and extremism. The SCO has been strengthening its political and military dimensions in order to minimize regime change in the post-Soviet space (i.e. Ukraine and Georgia) and to establish a counterweight to NATO and the US in Central Asia. Also significant is the intensification of trade and economic cooperation, currently concerning mainly the extraction and transport of oil and gas. It should be noted that (former) Russian President Putin has called for the establishment of an SCO energy club to coordinate producers, as well as customers.[29]

In contrast, the potential of the SCO could be limited by the fairly differentiated goals of its members and observers, stemming from their different strategic policy priorities, bilateral relationships, economic strength, military power, geographic situation and possible historical resentments.

India

India – the second-largest Asian power and an SCO observer – is a case in point of a state with a different strategic outlook from its regional neighbours. Unlike the US, China and Russia, India harbours no ambitions to become a global actor, but rather concentrates on defending its economic and security interests primarily in the Middle East[30] and Central, South East, South and East Asia. This applies also to relations with India's traditional rival, Pakistan.[31] Economic cooperation with China is of crucial importance to India,[32] but both countries will compete for access to the same energy sources, found primarily in the Middle East. Moreover, Indo-American relations have deepened since the beginning of the century. For example, the US has offered India its non-military nuclear technologies, which, in effect, enabled the modernization of India's

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[28] President of the Russian Academy of Geopolitical Problems Leonid Ivashov said the Shanghai Cooperation Organization could be the nucleus of a "continental geopolitical alliance" (see Ivashov, L. Geopoliticheskie gorizonty Rossii, *Mezhdunarodnaya zhizn*, no. 5/2007, p. 46).

[29] Putin presented this proposal to the SCO's Shanghai summit in June 2006, saying that Gazprom was prepared to take part in the construction of a gas pipeline to connect Iran, Pakistan and India.

[30] The importance of the Middle East for India is documented by the fact that 3.5 million Indians work in the Persian Gulf countries and send home four billion dollars per year.

[31] This issue exceeds the limits of our report. In Kashmir, a civil war has intermittently raged for half a century and incessant violence has gripped the region since 1989. Muslim radicals, fighting for the independence of Kashmir or its union with Pakistan have killed over 65,000 people; see www.encyklopedie.seznam.cz, Týdeník Rozhlas 3/2007.

[32] China will shortly replace the EU as India's leading trade partner.

nuclear capacities.[33] This amounts to a de facto recognition of India as a nuclear power, even though India has not signed the nuclear non-proliferation treaty. The US's new attitude towards India is dictated, above all, by the effort to *win* India over to support US efforts to contain China's growing influence in Asia.[34] India pursues, however, an 'all-azimuth' policy based on balanced cooperation with all the main Asian actors; China, the US and Russia.

The European Union

The European Union enjoys a special position in the process of shaping a new model of multipolarity. As Leonard argued, "Today's EU is a microcosm of the world order the European countries would like to see in 2020."[35] This may perhaps sound overly optimistic in a situation where the EU faces many internal political, economic and institutional problems. However, the EU's greatest strength emanates from its own experience with continental political integration and stabilization, which sets a cogent example globally. EU policies, based on respect for international law, democratic principles and human rights, together with the maximum respect and use of multilateral institutions such as the UN, the World Trade Organization (WTO) and the International Court of Justice (ICJ), sets it apart from the other main actors in international relations. The same applies to its defense of principles of good governance, its approach to protection of the environment, the prevention of conflicts with the help of 'soft security' (i.e. 'civilian power') instruments, as well as its concern for human security and the standard of development and humanitarian assistance.[36] All these factors can help create conditions for the 'Europeanization' of international relations as a positive alternative of the functioning of a multipolar world.

For the EU to be able to assert this positive alternative over the next decade or two, further European integration will be necessary in the political, economic and military spheres. The delay in the implementation of reforms designed to improve the EU's internal and external decision-making procedures until 2017, after the summit in June 2007, must be seen as potentially limiting the EU's

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[33] President George W. Bush made this offer during his visit to India in March 2006.

[34] The United States also supports the construction of Indian nuclear power stations, which would help India to reduce its search for external energy sources and largely neutralize that country's potential to compete with America in this field.

[35] Leonard, M. (2006) *Divided world: The struggle for primacy in 2020.* Centre for European Reform. London, p. 35.

[36] According to the Human Security Doctrine, Europe does need armed forces but they must be conceived and used in a novel way. They must be able to prevent or contain violence in various parts of the world by methods significantly differing from the classic defence and warfare. These forces should be able to meet the real security requirements of the people in dire danger and make the world safer for Europeans (Doctrine of Human Security for Europe. In *Bezpečné Česko v bezpečné Evropě.* 2006. Úřad vlády ČR, p. 16).

capacity to act on the international stage vis-à-vis other main world actors with a higher degree of strategic policy cohesion. It is therefore expected that the larger EU member states (France, Germany, the UK, Italy and Spain), which have a clearer idea of meeting global challenges and which want to actively share in shaping a new model of a multipolar world, will speed up the pace of mutual integration in comparison with some other members. This could help establish better controls on a whole spectrum of internal and external economic and security problems. Chief among them is to maintain a traditionally high level of social cohesion in contrast to the demographic decline and ageing of the European population, the ability to compete in the field of technical innovation, R&D and energy security of the EU, as well as to find a functional model of the strategically essential relationship with Russia.

If the EU wishes to play a relevant international security role, especially in the Balkans, the Middle East and Africa, and to emancipate its foreign and security policies, it will have to boost its military potential. It is no longer tenable for the EU to dispatch only around 100,000 troops, a mere five percent of the total number of its combined forces, to the wide range of operations around the globe.[37] It is also important to further boost the EU's internal security structures, whose main aim is effectively challenge the threat of terrorism and organized crime.

The EU's internal security is closely linked with the stability of its neighbours, including: Eastern Europe; the Caucasus; the Middle East; and North and Sub-Saharan Africa. Thanks to its close political and trade relations with these regions, as well as the humanitarian and development aid it provides them, the EU has considerable leverage there and works to press the advantage by means of special policies and agendas, such as the European Neighbourhood Policy and the Barcelona Process. With the help of these instruments, the EU could work to assert its standards of human rights and good governance, even though this is a long-term and doubtless also complex task. In the case of the Middle East and Sub-Saharan Africa, this is further complicated by the need to prevent illegal migration, which is regarded by some as a grave security threat. The Southern EU states are acutely aware of this danger. As shown by an expert study conducted by the Spanish Ministry of Defense, half of the population of non-European Mediterranean countries is under 25. Qualified calculations show that every year until 2010 the number of employable people will increase by 4.2 million.[38] If, however, these young people feel socially frustrated by the unsatisfactory socioeconomic situation in their countries, predominantly led by autocratic regimes, they will in all likelihood choose to migrate to Europe. Such massive migration waves may threaten social order, cohesion and public

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[37] For the sake of comparison, this proportion was 50% for the United States Army.

[38] See *Strategic Panorama 2005/2006.* Ministerio de Defensa. Spanish Institute for Strategic Studies. Real Instituto Elcano, p. 182.

security. Such trends have already become apparent in connection with illegal immigration to the western and southern parts of Europe.

The Middle East

The Middle East will likely remain a chief source of international instability. One document of the EU Institute of Strategic Studies amply described the main reason for this as there being "more people, no jobs and no vote."[39] In absence of multiparty democratic systems, and facing conditions of economic stagnation, growing unemployment and demographic collapse, there continues, in the Arab World, to be growing influence of radical Islam – a combination of militant jihad against the West[40] and a very conservative interpretation of Islam – directed against the ruling elites in Arab states.

Growing insecurity and social instability in the Middle East, spurred on by the seemingly intractable Israeli-Palestinian conflict, coalition presence and ensuing civil war in Iraq (which could lead to the disintegration of the Iraqi state and reconfiguration into separate Shia, Sunni and Kurdish states) and the conflict in Afghanistan, could lead to further destabilization of the key Middle East countries – Egypt and Saudi Arabia. Particularly in the case of Saudi Arabia, which controls 22% of the global oil reserves, the repercussions could be quite severe for global stability.[41] The situation in the Middle East could be complicated also by the continued destabilization of Pakistan, which has nuclear weapons and has recently been wrought by political and religious extremists' use of violence. Furthermore, the future course of Turkey with its brewing affinity for Islamism, albeit presently in its moderate form, remains an open question. Following the failings of the US-led coalition's involvement in Iraq, the Middle East, will be the focus of heightened interests of other important world actors, notably, the EU, China, Russia and India.

For China and India, the Middle East is a prime source of crude oil and natural gas. By 2020, China will probably be the biggest single buyer of Saudi

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[39] See *Long Term Vision, Strand One,* Global Context study for an initial ESDP Long Term Vision (LTV) (2006): European Union Institute for Security Studies, Paris, p. 27.

[40] Terrorist attacks and activities are ever more frequent especially in Western Europe. The 2005 radical Islamist attacks in Britain and countless other assaults there and in other West European countries show that the new generation of Muslim immigrants, who fail to adopt the values of the Western society, tend to build their own identity, which often leans towards radical Islamism. This is a major security challenge to Western Europe, considering the size of Muslim communities in some countries: France—5–8 million (of 60.7 million of inhabitants); Britain—1.6 million (60.4 million); Germany—over three million (82.4), Netherlands—just under one million (16.4); Italy—one million (58.1); Belgium—just under 400,000 (10.4 million).

[41] One of the sources of internal instability in Saudi Arabia is a remarkable growth of population from seven million in 1980 to 27 million at present, resulting in potential social tensions. The rate of unemployment is 20% while young people form a majority of the kingdom's population.

oil and an important buyer of oil and gas from Iran.[42] China's support for Iran internationally is easy to understand, and the granting of observer status to Iran by the Shanghai Cooperation Organization was a manifestation of this support.

Russia also strives to increase cooperation with Saudi Arabia, in addition to Iran and Syria, and is strengthening its position in the Middle East, as demonstrated by the continued intensification of mutual political and economic relations with these countries, culminating with (former) Russian President Putin's visit to Saudi Arabia in February 2007.[43] Russia's Lukoil Company will be involved in the extraction of Saudi natural gas and Russian Railroads will build a railway from Mecca to Medina.

Seven Saudi space satellites have been launched by Russia since 2003, and another six spacecraft will be put in orbit in the near future. Russia also wants to sell weapons and nuclear reactors to Saudi Arabia. On the other hand, Saudi business circles are keen to become active actors in the Russian economy, as evidenced by a proposal to establish a Russian-Saudi bank.[44] Importantly, both countries may coordinate their energy policies in the world markets, focusing primarily on oil extraction quotas, as Russia wants the Saudis not to increase their oil output and to help maintain high prices.

Cooperation with Saudi Arabia is part of Russia's broader effort to establish friendly relations with Islamic countries. In 2005, Russia gained observer status in the influential Organization of Islamic Conference (OIC), comprised of all countries of the Muslim world. Russia will strongly use that in its foreign and security policy, as it may help Moscow to act as a 'bridge between civilizations.' This role of Russia could ensue also from the fact that Moscow's foreign and security policy is now influenced by the ever growing proportion of Muslims among its population.[45]

By and large, more intensive cooperation with the Middle East on the part of Russia and China could foreshadow Saudi Arabian efforts to diversify its foreign policy and reduce its current dependence on the US.

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[42] In the 2000 *Memorandum on Mutual Understanding between Iran and the People's Republic of China,* the Chinese oil and gas company SINOPEC undertook to buy 250 million tons of liquefied natural gas annually over a period of 30 years. The contract is worth 70 billion USD.

[43] In addition to Saudi Arabia, Putin visited also Qatar and Jordan. It should be noted that had previously made state visits to other Arab countries—Algeria (March 2006) and Morocco (September 2006).

[44] Intensification of Russia's political relations with Saudi Arabia could persuade that country to curb or halt its aid to anti-Russian Islamic groups in Chechnya.

[45] Russia's Muslims have the highest birth rate. According to some experts, Russia's Slavic and Christian character could start changing around 2050 due to the growth of its Muslim population.

Global Governance

The complexities of the modern world, enhanced in many ways by actual and potential conflicts between the main actors within the international system, underscore issues of global governance.[46] The existing framework of international relations is not sufficient as it has been crisis-prone since the end of the Cold War and bipolar world divisions.

Paradoxically, the international relations 'crises of modernity' has become more profound in connection with the shaping of a new, multipolar world system. In this 'transitional period,' the international situation will be marked by an ever increasing heterogeneity, and global governance will have to adjust to the fast-changing balance of forces and interests. Numerous key problems have gained prominence, including the (questioned) legitimacy of existing global governance institutions, especially the UN, as opposed to the legitimacy of alternative forms of global governance, such as the G8 or G20 platforms; the US's imbalanced approach to multilateral policies and institutions; the inclusion of new powers (China, India and Brazil) in decision-making processes on the international level; the growing influence of regional organizations; and last but not least, the influence of nongovernmental actors on global governance.

Over the next two or three decades, institutionalized global governance will probably be a mixture of reformed existing and new groupings, without telling whether this changing configuration can really tackle the growing global problems of political, economic, security and environmental characters.

United Nations

The complexity of future developments in international relations is duly indicated by the current state of the UN. 2005 saw the failure of an attempt to reform the UN in general and the Security Council (SC) in particular, whose impact on solving international security issues has been waning. It is simultaneously quite obvious that the present shape of the UNSC has long ceased to reflect the political and economic facts of the world, which have significantly changed since the UN's creation, under the aegis of the World War II victors. In terms of their political and economic influence and sheer size of population, it is legitimate for India, Japan, Brazil and Germany to claim seats on the Security Council. However, this is not accepted by the current permanent members for a host of political reasons.

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[46] For details, see Potůček, M. (2006): Globální vládnutí. In *Studie pro oblast kritických infrastruktur v rámci projektu přípravy výzkumného centra pro EU,* Ústav jaderného výzkumu Řež, a.s., p. 86–91.

This situation is hardly tenable in the long run as it limits the UN's legitimacy and thus hampers its ability to act in defence of its charter.[47] The UN's ability to act is also influenced by the fact that a serious disconcert emerged in the UN and SC, when the Cold War ended, over the interpretation and application of international law, especially over the use of force, the interpretation of threats to world peace and security, and striking a balance between legitimate humanitarian intervention and national sovereignty. This came to the fore especially in connection with the NATO action in Kosovo (1999) and with the US-led intervention in Iraq (2003).

The intervention versus sovereignty debate continues to overshadow international relations, as evidenced also by the NATO study entitled: "Future Security Environment," which reads that international law will be softened in cases when outside force can be used to interfere in internal policy matters, if such intervention is justified on obvious humanitarian grounds.[48] It is to be expected that determining when such conditions apply will be the subject of many international disputes, especially between the US and parts of the EU, as well as between some EU members on the one hand, and China and Russia on the other.

In parallel with the UN, new platforms have been formed that give new impulses to global governance. Chief among them are the annual G8 summits of the most developed Western nations and Russia that discuss a wide range of critical global issues. The efficacy of this platform is limited, however. The G8 is an exclusive club, "primarily representing the Western culture,"[49] but is not representative of global realities, especially the positions and interests of China and India. The Chinese economy is in many ways larger and more diverse than those of G8's Italy or Canada, while China and India combined have a population three times the G8 countries taken together. This anachronism results in a limited ability to put in practice the goals and tasks agreed on by the G8 summit conferences, such as to halt environmental degradation, limit global poverty, the fight against AIDS and to combat terrorism.

In addition to international organisation, regional organizations have proliferated over the past years and tend to be ambitious enough to assist in

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[47] The British Defence Ministry study, *The DCDC Global Strategic Trends Programme 2007–2036* predicts that unless the United Nations reforms itself, various powers or groups may attempt to "fill in" the vacuum left behind by the UN. However, they will probably not succeed as there will be no consensus on "expressing their joint will". Consequently, every actor will pursue its own interests, which could increase the risk of wider confrontation and conflict (see http://www.mod.uk/DefenceInternet/AboutDefence/Organisation/AgenciesOrganisations/DCDC, p. 51).

[48] For details, see *Future Security Environment,* Draft 1.3. – Symposium FSE-04 Apr. 2006, p. 50–52.

[49] See Hoge, F. Jr. (2004): A Global Power Shift in the Making, *Foreign Affairs* no. 4/2004, p. 4 http://www.foreignaffairs.org/20040701facomment83401/james-f-hoge-jr/a-global-power-shift-in-the-making.html?mode=print

the process of global governance. Regional organisations have been highly motivated in part by emulating the EU as a successful model. Groups such as APEC,[50] ASEAN, SOC, the African Union, ECOWAS[51] and Mercosur have a pronounced economic and political impact on their respective regions, and this is, in many ways, projected onto the global level.[52] Doubtlessly, this also applies to NATO, still the strongest international security organization within the global governance structure, which can and does, effectively work with the UN.

North Atlantic Treaty Organization

NATO has lately been divided by disputes about its future role in the world. The US as the strongest ally strives for a "global alliance" which – unlike NATO's current modus operandi that limits the scope and spatial dimensions of NATO actions – would be able to address security concerns on a more global scale. According to the US, this "global alliance" should be cemented in closer cooperation with the countries that share NATO's geopolitical and strategic values, including Australia, New Zealand, Japan and South Korea.[53]

Some European NATO members are divided over this idea of extending NATO's operational horizons. They tend to site the loss of Europe's influence within NATO, and the raising of tensions between the West and the rest of the world in the UN, as well as between the West, China and Russia.

German Defence Minister Jung indicated at the 2007 Munich Security Conference, that NATO does not have the will to become a truly global alliance because of its Euro-Atlantic foundations. He explained that "NATO is not a global police." Jung outlined the need for NATO's strategic partnerships with the EU and the UN.[54] Such partnerships would work only if the US accepts

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[50] The Asian Pacific Economic Community (APEC) is an economic forum of countries of the Pacific region. Its members are Australia, Brunei, Canada, Chile, China, Indonesia, Japan, the Republic of Korea, Malaysia, Mexico, New Zealand, Papua-New Guinea, Peru, Russia, Singapore, Taiwan, Thailand, the United States, and Vietnam. Its member countries generate 60% of the world's GDP.

[51] The Economic Community of West African States (ECOWAS) is an organization for economic and security cooperation, comprising 15 West African countries (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo).

[52] The impact of international organizations could be the basis of a positive alternative to the UN, in accordance with the ideas of leading U.S. futurologist Alvin Toffler, who suggested that the UN become a federation of various treaties and pacts and change its structure of permanent vertical bureaucracies to horizontal, problem-focused units.

[53] Spain's former Prime Minister Aznar also cites Israel (see his article, Reforming NATO: The focus must be terrorism, *Europe's World,* spring 2006, http://europesworld.link.be/ europesworld/PDFs/Issue2/EW2_2.10_Aznar_Reforming_NATO.pdf .

[54] Speech by German Defence Minister F. J. Jung, see http://www.securityconference.de/ konferenzen/rede.php?sprache=en&id=185&.

that NATO can not be a central platform for the assessment of security issues in their broadest context (energy safety, fighting environmental degradation and combating terrorism) within the transatlantic region while the EU-US platform is better suited. If, however, the United States pursues its 'multilateralism a la carte' strategy, this will be hardly probable. It should be noted that this strategy is being applied to Afghanistan with less than remarkable results.

Nongovernmental Actors and the Economic Dimension of Multipolarity

Together with international institutions and platforms and with regional organizations, the role of nongovernmental actors in the process of constructing a basis for global governance has increased despite the continued dominance of states in international relations. Nongovernmental actors are "more of influence to impact the context within which operate states and international organizations."[55] This is especially evident in the commercial sector, which has recorded, in the last decade, a significant growth, of economic influence, of supra-national corporations from China, India, South Korea, Russia and Mexico. 48 companies tied to these nations made the Fortune Global List of the world's 500 largest companies[56] (in comparison to 20 in 1995[57]). In 2007, the Industrial and Commercial Bank of China became the world's leading bank and its market value of 254 billion USD exceeded the American giant Citigroup.

Another global economic actor, Russia's Gazprom, controls 16% of global natural gas reserves, 20% of its extraction and has an estimated market value of 200 billion USD. It is to be expected that multinational corporations established by emerging great and middle powers may be used as political leverage reinforcing their home countries' foreign policy interests. This trend will probably continue in the case of Chinese and Russian companies as the state is a leading owner or majority shareholder of transnational corporations and there are strong cooperative ties between them and the government.[58] The profits of these corporations will project also into the state funds administering trade balance surpluses amounting to 300 billion USD in China and 100 billion

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[55] See *Long Term Vision,* Strand One, Global Context study for an initial ESDP Long Term Vision (LTV) (2006): EU Institute for Security Studies, Paris, p. 29.

[56] See http://money.cnn.com/magazines/fortune/global500/2007/full_list/index.html

[57] Twenty companies are from China, 12 from South Korea, six from India and five each from Russia and Mexico (see *The Rise of the Multi-Polar World.* Accenture, http://www.accenture. com/NR/rdonlyres/FDE9A8E7–6839–472B-8C9E-957DD6DF1B76/0/MultiPolar_World_ final.pdf., p.14.).

[58] According to leading Russian industrialist Anatoly Chubais, these companies should be emissaries of Russia as a "liberal empire" that supports aggressive economic expansion, which would help Russia to become an important regional power—a democratic and peaceful successor to the Soviet Union. He believes that Russia must secure its foreign influence more by trade and enterprise and less by its foreign policy.

USD in Russia, which could be invested in bonds in other countries. The China Central Bank's 1.2 billion dollar portfolio helps to finance the US federal debt by purchasing US government bonds. In real terms, China owns about 10% of the US federal debt.[59] This boosts China's global political influence more than any other foreign policy instrument. It also shows that the transition to multipolarity has a strong economic dimension, with the world progressing from the era of geographically concentrated economic power to an era symbolized by the existence of many centres of economic and trade activity. It follows that although the risks associated with this 'transition' period are not negligible, the interdependence of the main actors within the global market, whose 'rules' are basically respected, provides a guarantee, albeit limited, for the prevention of militarised conflicts which would fundamentally threaten international security.

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[59] See Pavel Kohout, Komu bude patřit svět, *Lidové noviny* 27.07.2007.

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President Bush's Address to the Nation on U.S. Policy in Iraq: A Critical Discourse Analysis Approach[1]

Ibrahim A. El-Hussari[2]

Introduction

Political language is basically used as a powerful tool in winning the support, as well as the consent, of both the public and national lawmakers, but more especially at moments of crisis over which a nation may clearly divide. Whether in office or in opposition, political leaders who deliver public speeches within a national context often tend to manipulate language to best-suit the rhetorical mode or genre they choose to pass a message through in an effort to gain political advantage, maintain power, or shirk responsibility. Unable, and perhaps unwilling, to coerce, political leaders in the so-called democratic polities often need to 'manufacture consent' in order to undertake their agendas. Such a practice occurs through discourse and verbal representation. To this end, discourse can be seen as a cultural tradition that comprises linguistic self-consciousness, as well as the skills and methodologies brought into play to shape the convictions of a particular audience and sustain a positive image of the public speaker. Critical discourse analysis (CDA), on the other hand, takes another path to send a different message. It is a tool that helps the discourse analyst to illustrate how unmasking the written/spoken word (with overt and covert meaning) can bring about a different perspective and a deeper understanding of whose interest is being served. In short, CDA tries to illuminate ways in which the dominant forces in a society construct versions of reality that favor their often hidden agendas. As an effective tool used by scholars to decipher a text, CDA compels us to make a move from seeing words in the abstract to seeing them as loaded with meanings in a particular context. Politically speaking, no public speech is ever neutral.

This paper uses CDA as a tool to study President George W. Bush's speech, "Address to the Nation on U.S. Policy in Iraq", which was delivered on January 10, 2007.[3] The speech was transcribed and published by *The New York Times* on January 11, 2007. I recorded this speech, and then compared it with the newspaper transcript to verify its authenticity. The speech, as text, is framed within a particular yet uneasy political context in which several segments of the speech analyzed are problems mediated by hidden ideological assumptions and power relationships.

The paper examines chunks of public discourse that intensify 'political correctness' through the overuse and repetition of key words, such as combating terror/terrorism/Al-Qaeda for the purpose of maintaining troop security, home safety, and world peace, as well as expediting the global war on terror. This paper analyses such repetition for frequency, duration, intensity, and effects. It also studies the effect of the association technique, whether explicit or implicit, whose use triggers intense emotions shaping the future not only of the U.S., but also that of the world at large. The confessional and apologetic tone of the speech, admitting 'unidentified' failings of previous strategies and outlining a new and 'more effective' strategy for Iraq through sending more troops to secure Baghdad, is analyzed on the levels of discursive practices that include rhetorical composition of words and phrases, omissions, diversion, and confusion, to mention only a few. By showing this, the speech becomes more than just words in the text; it discloses how those words were used in that particular political context.

In my analysis of President Bush's speech, I drew on critical approaches deriving from the literature in various disciplinary fields, such as critical linguistics and pragmatics, from which CDA uses analytic tools to address persistent questions about power relationships and ideology.

The paper concludes by identifying unresolved issues and challenges underlying the speech, for the speech brought to the fore nothing more than an adjustment of the initial mission assigned to the American armed forces on the eve of invading Iraq, but was hastily described by the President, soon after the fall of Baghdad, as "Mission Accomplished". Ironically, much of the substance that the speech contained was previously transmitted through earlier speeches delivered by President Bush in the U.S. Congress and elsewhere.

Rationale for Studying the Text

The reasons for selecting this political speech are simple. Firstly, it was delivered in the wake of the latest U.S. Senate Elections, the result of which gave the Democrats a slim majority in Congress for the first time since the Presidential Election of 2000. Secondly, the over-all situation in Iraq had been deteriorating drastically since the Fall of Baghdad in April 2003. Besides trillions

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3   Speech available at: http://whitehouse.gov/news/releases/2007/01/20070110–7.html.

of dollars budgeted to spend on the invasion and meet the aftermath obligations, the invasion had claimed by then heavy losses in life and property, not only on the part of the Iraqi civilians and military personnel, but also on the part of the Coalition Forces, especially the American troops. Thirdly, the speech was delivered in the wake of the issuance of the Iraq Study Group Report, prepared over a significant span of time by a bipartisan panel led by former Secretary of State, James Baker, and former Congressman, Lee Hamilton, to advise the American Administration on a solution. And lastly, perhaps, the speech came to redress the rift increasingly widening between the U.S. Administration and its allies in the Coalition Forces due to the public pressures exerted on quite a number of governments that participated in the invasion of Iraq – some of which opted for a military withdrawal from Iraq, for there was no time-line drawn for a pullout of forces as the mandate thereof is open-ended.

An Overview of the Speech as Text

This written text is transcribed from the televised public speech in which President Bush addressed the American people on U.S. policy in Iraq over the past four years of the invasion. The timing of the speech is significant as it occurs in the wake of the Republicans losing their majority in the new Senate and Congress as a whole, thus campaigning to keep the President's agendas and maintain power relations with Congress and beyond. The speech is also a response to the Baker-Hamilton Report, produced by the bipartisan panel making up the Iraq Study Group. Further, the speech is a text in conflict-resolution strategy planned by the President and his advisers. The language-based process of constructing a version of reality most suitable to the Bush Administration is remarkably subtle and comprehensive. Discourse carries the ideological assumptions under which the issues alluded to are known and ordered in the context it is used. This means that the content of the political language used in the speech contains the very rationale by which it is to be framed, defined, understood and acted upon. In common parlance, this is likely to bring about the consent of the audience targeted. Looking at the text as a whole, Henry and Tator (2002) recommend analyzing what sort of perspective is being presented – what angle or point of view.

The thirty one blocs making the structure of the speech vary in length but are tightly framed by the particular modes of linear rational thought, empiricism, and objectivity that often characterize formal public speeches. The political language thus used conveys both the linguistic meaning of what is said and the corpus, or a part of it, of the political beliefs underpinning almost each and every statement (cf. Geis 1987). The corpus of the text boils down to one point: the President is endorsing a new strategy to change the American course in Iraq. This is stated in paragraph 1 of the speech: "The new strategy I outline tonight will change America's course in Iraq, and help us succeed in the fight against terror". The

rest of the speech presents a contentious justification of the failings of earlier strategies, a sanguine defense of the new strategy endorsed, and an admonitory message about "unacceptable" consequences if the new strategy fails.

What Critical Discourse Analysis Says about the Text

The principal unit of analysis for CDA is the text. Texts, whether spoken or written, are often taken to be acted upon as their form and structure are not arbitrary. As such, they remain affiliated with particular conventionalized discourses. The formal public speech under study features discourses of power relations, conflicting ideologies, domestic and foreign policies, and broad national strategies. As a conventional form, then, it constrains and enables meanings on many levels between the speaker as encoder and the receiver as decoder. Although the term discourse is slippery, elusive, and difficult to define (Henry & Tator 2002), the analyst's attempt, using CDA, to 'debunk' the words of those in power (McGregor 2003) cannot simply go unnoticed. A linguistic analysis of various lexical and grammatical devices used in the text is an essential part of CDA, for "texts are meaningful only because they actualize the meaning potential of the linguistic system" (Halliday 2004, p.658). CDA, as a tool to explore and further understand the text as a set of discourses, seeks to link the text (micro level) with the underlying power structures in society (macro level) through the discursive practices upon which the text is built (Thompson 2002). I drew on a variety of techniques deriving from various disciplinary fields, as CDA does not have a unitary theoretical framework or methodology because it is best viewed as a shared perspective encompassing a range of approaches instead of one school (cf. van Dijk 2000). Discourse, then, can be interpreted differently by people whose backgrounds, knowledge and power positions are different. Therefore, the "right interpretation does not exist whereas a more or less plausible or adequate interpretation is likely" (Fairclough 2002; Wodak & Ludwig 1999). Whilst CDA can also focus on body language, utterances, and visual images as a means of discourse (Fairclough 2000), this paper will, however, be limited to analyzing written language.

President Bush's speech/text as discourse is effective in practical terms and evidenced by its ability to organize and regulate relations of power. Such a discourse might be called a "regime of truth" (Foucault 1980). It is this regime that takes hold of a political system that constrains and enables analysts engaged in CDA to do a revealing job as they study what is included in and what is excluded from the text.

The text is a formal public speech: the President of the United States addressing the nation. The text frames the message of changing the current American policy in Iraq, and so does the concept of topicalization at the sentence level. In choosing what to put in the topic position, the speaker/writer creates a perspective or slant that influences the perception of the audience.

The new strategy I outline tonight will change America's course in Iraq, and help us succeed in the fight against terror. (para.1)

This will require increasing American force levels. So I have committed more than 20,000 additional American troops to Iraq (para.10).

Thus, from the outset of the speech, the President sets a problem-solution model, presumed to be culturally ingrained. This pattern is reinforced by the sequence of the textual segments comprising the entirety of the text. The sequence (situation – problem – solution) is conditioned by words signposting the text. This is subtly done through drawing attention to the difficult situation in which "the Armed Forces of the United States are engaged in a struggle that will determine the direction of the global war on terror and our safety here at home" (para.1). This is done by addressing and choosing the degree of formality in accordance with the normal conventions of the Western mode of writing.

Grammatical and Lexical Features of Cohesion

The linguistic choices, both lexical and grammatical, seem to sustain the speaker's intention for a change of course, which later in the text becomes a change of mission to be accomplished by sending more troops to Iraq. Key-words, such as "terror", "failure", "success", "danger" and "safety", for instance, being a vital part of the contextual framework through frequency, illuminate and serve the topical key-word "change," which explicitly appears six times as a vocabulary item but is supported by the modal auxiliary "will" which is followed by an action-word sixty-three times for the purpose of conveying a degree of certainty and authority that a change of course is a serious issue. Thanks to the discourse relations of cohesion and coherence (for example the variation of discourse conjunctive markers), the constituent parts of the text hang together as a unity. Although linguistic features are not the most salient characteristics of political discourse, no text could ever have a material existence without them (Halliday 2004).

The discursive practices used to tidy up the President's address to the nation render the text dynamic. Various labels to identify the meaning relations between chunks of the text take the forms of stating the problem, marketing the solution, justifying previous failure and possible success of the new strategy, and showing a power position from which the tone of concession felt is rather clothed in an air of motivation and challenge. The problem stated implicitly throughout the text places the speaker in a Hamlet-like situation, as the struggle the U.S is engaged in "will determine the direction of the global war on terror and home safety" (para.1), "… the situation is unacceptable to the American people and it is unacceptable to me" (para.4). The solution proposed to this problem is the *new strategy* whose degree of explicit frequency (six times) is significant as a clue to understanding the gravity of the problem. "It is clear that we need to *change*

our strategy in Iraq" (para.5), and "So my national security team, military commanders and diplomats conducted a comprehensive review … We consulted members of Congress from both parties, our allies abroad and distinguished outside experts. We benefited from the thoughtful recommendations of the Iraq Study Group … In our discussions, we *all* [emphasis mine] agreed that there is no magic formula of success in Iraq. And one message came through loud and clear: failure in Iraq would be a disaster for the United States" (para.5). All this implies that the whole nation should be involved in reaching a solution to their problem. This is followed by a series of reasons and evidence justifying failure of earlier strategies and manipulating language through a concessionary attitude that invites sharing in finding a way out. The conjunctive discourse markers (additive, adversative, temporal and causal), together with nominal and gerund phrases mark this swerve in register: "But in 2006, the opposite happened … And the result was a vicious cycle of violence that continues today" (para.3); "The consequences of failure are clear" (para.6); "The challenge playing out across the broader Middle East …" (para.22); "Succeeding in Iraq also requires defending its territorial integrity and stabilizing the region in the face of extremist challenge" (para.19); and "Victory will not look like the ones our fathers and grandfathers achieved. There will be no surrender ceremony on the deck of a battleship" (para.25). It should be noted here that the phrase "no surrender ceremony on the deck of a battleship" is copied, with a slight change, from the President's speech addressing the nation on 30 November 2005, in the sentence "There will be no singing ceremony on the deck of a battleship".[4]

The President's discourse therefore works from within a system of language in use, where linguistic features of the text seem to be in keeping with the context of situation within the framework of the communicative function of language. This explains the polite but firm attitude of the speaker addressing a grave national issue to his people, and more emphatically his political opponents on the receiving end whose expected response to the speech is crucial. To this effect, discourse includes representations of how things are and have been as well as representations of how things might, should, or could be (Fairclough 2002). The question that a CDA analyst should raise concerning President Bush's asking the Congress members to get directly involved in the Iraqi issue and come up with improvements on his new strategy may read as follows: Are the Congress members really part of the solution, or as Brown (1993) so uncomfortably alleged, part of the problem? The power relations and the position of power from which the President is speaking are clear enough in the following paragraph.

> *In the days ahead, my national security team will fully brief Congress on our new strategy. If – if members have improvements that can be made, we will make them. If circumstances change, we will adjust. Honorable people*

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4   Speech available at: http://www.whitehouse.gov/news/releases/2005/11/2005 1130–2.html.

have different views and they will voice their criticisms. It is fair to hold our views up to scrutiny. And all involved have a responsibility to explain how the path they propose would be more likely to succeed (para.27). [Emphasis added.]

Note the three "if"'s in the construction of the President's proposition, much more than in the lexical and grammatical linguistic features where conditional clauses are evident, their frequency being eight for explicit "If" clauses, three of which are in one paragraph (para.27) and fifteen for embedded conditional clauses with "would" and "infinitive" phrases as part of the omitted "If" clause, examples being "as" (para.17), and "as a result" (para.18). These conditional relations imply that the degree of certainty to whether the President asks for real involvement of the Congress in the solution to the problem is weakened by the power relations he is in control of as President of the United States. The challenge underlying the proposition in paragraph 27 (see emphasis) is that the Iraq "legacy" will be handed down to the new Administration succeeding Mr. Bush's in 2008.

Unmasking other grammatical features of the discourse, more specifically the conjunctive discourse markers, furthers the effect of the lexical relations carrying the President's message to the nation. This is quite clear when we examine the causal and temporal conjunctive discourse relations expressed by the most frequent words. The causal relations, 12 in frequency, appear in such expressions as "the result was" (para.3), "the consequences of failure" (para.6), "for the safety of" (para.6), "for it [the plan] to succeed" (para.10), "so" (para.10, 14, 18), "why" (para.11), "in the long run" (para.22), "come after" (para.26, 26), "and we concluded that" (para.26), and so forth. The temporal relations, 26 in frequency, range from simple to conclusive and summary, as in the following: "tonight" (para.1, 11, 24), "when" (para2, 13), "in 2006" (para.3), "on Sept. 11, 2001" (para.6), "our past efforts" (para.8), "now" (para.9, 12, 30), "earlier" twice (para.11), "this time" twice (para.11), "last week" (para.12), "over time" (para.13), "by November" (para.15), "benchmarks" (para.16), "soon" (para.16), "recently" (para.20), "on Friday" (para.21), "in the days ahead" (para.27), "in these dangerous times" (para.29, "the year ahead" (para.30), "throughout our history" (para.30), and "these trying hours" (para.31). In association with the conjunctive discourse markers are lexical discourse relations that tilt at serving the overall purpose of the text.

At the level of lexical cohesion used throughout the text, the linguistic choices made signpost the ideological assumption underlying it. Dale (1989) uses the term 'sense legitimation' to describe a strategy for manufacturing consent in a particular group, and thereby achieving the hegemony of a discourse. The words and word phrases used by President Bush here to intensify the enormity of the situation that needs to be urgently redressed seem to serve the hegemony of the discourse strategy encompassing the speech. This strategy

involves couching unpopular policy changes in words whose meanings are subtly elusive. In CDA, it is clear that particular wordings are clues to discursive relationships in the text. Arguably, the more frequently a particular wording is used in a text, the more likely it is that a particular discourse is enlarging the base of its subscribers. In the speech under study, the subscribers are not only the people directly addressed (the American nation, the Congress) but also a larger number of people across the globe, including partner countries in the coalition forces and the moderate countries in the Middle East. In this context, CDA illuminates this side of the speech: how the speaker wants to be seen, not so much as a speculator of forthcoming events, but as an outspoken truth-teller who calls a spade a spade. The following lexical discourse features used in the text most frequently could not have been a matter of arbitrariness.

The thematic level of meaning underlying the lexical discourse features is intensified through word and phrase repetitions, contrasting images, metaphors, and untraditional, newly-coined collocations. For example, addressing the current situation in Iraq as "unacceptable" (para.4), "challenging" (para.22), and "dangerous" (para.29), the President employs repeatedly negative images of the enemy, such as "Al-Qaeda terrorists", "Sunni insurgents", "Shia death squads", "radical Islamic extremists", "enemies", "sectarian violence", "killers", "suicide bombings", "assassinations", "improvised explosive device attacks', "images of death and suffering", "murderers", "foreign fighters", "infiltrate and seize control", "building radical Islamic empire", "launching new attacks at home and abroad", and the like. Yet the negative image of the enemy is explicitly painted by the most frequently used synonymous words and expressions, such as "terror/terrorists" (12 times), "sectarian violence" (10 times), "extremists" (5 times), and "Al-Qaeda" (10 times) – in all, 37 times throughout the text.

On the other hand, the positive image of the American forces operating in Iraq is presented as "brave, selfless young men and women in uniform" who understand that "our cause in Iraq is noble and necessary and that the advance of freedom is the calling of our time" (para.29) ... "They serve far from their families, who make the quiet sacrifices of lonely holidays and empty chairs at the dinner table …" (para.29). They are there to "kill, destroy, capture, strike, blow a deal, fight, struggle, clear" and so forth. The new strategy, however, assigns to them "a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs" (para.10). Note the omission of the other parts of vast Iraq.

The assertive tone of the speech is evidenced by rather short and clear-cut sentences that show resolve, determination and commitment. Even when using the passive and the negative forms of the action verb, the speech sends a message that everything in Iraq is under control. The following sentences carry this message: "We will not allow them …" (para.18); "Where mistakes have been made, the responsibility rests with me" (para.4); "This is a strong

commitment" (para.10); "Now is time to act" (para.12); "For the safety of our people, America must succeed in Iraq" (para.6); "We can and we will prevail" (para.30); and "We go forward with trust" (para.31). As a matter of fact, the wording of the President's firm stand is also framed within an explicitly worded ideological struggle that goes beyond Iraq and American interests there, as in: "It is the decisive ideological struggle of our time" (para.22); "… the hateful ideology of the enemy" (para.22); and "Now America is engaged in a new struggle that will set the course for a new century" (para.30). However, there is confusion when it comes to spelling out the real reasons behind the vicious cycle of violence in Iraq. Time-lines, benchmarks, and promises to be met by the Iraqi government (which the speech advises and warns at the same time to enact necessary reforms across the socio-economic and socio-political structures of Iraq) betray the uncertainty of the situation the speech claims it is under control. The following conclusive statements rehashed in the text send a doubtful message about the prospects of a peaceful settlement in Iraq:

> *Only Iraqis can end the sectarian violence and secure their people. (para.7)*
>
> *I have made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended…(para.12)*
>
> *So America will hold the Iraqi government to the benchmarks it has announced. (para.14)*
>
> *A democratic Iraq will not be perfect. (para.25)*

And the speech closes with a preaching tone "that the Author of Liberty will guide us through these trying hours" (para.31), reaffirming the ideological conflict underlying the situation in Iraq and beyond: "On one side are those who believe in freedom and moderation. On the other side are the extremists who kill the innocent and have declared their intention to destroy our way of life" (para.22). The ideology materialized in the speech consists of a "systematic network of beliefs which needs discourse as its medium of expression" (Hodge & Kress 1991, p. 6).

What is Excluded from the Text?

Excluded from the text are points related to the real reasons behind the invasion of Iraq, and the intensity of the dark situation in the process of rebuilding the torn country. The reasons which were worded in a highly elaborate, rhetorical manner on the eve of the invasion have now totally disappeared from the text. Saddam Hussein's "Weapons of Mass Destruction" (WMD), which on the eve of the invasion were the focal point behind the Bush Administration rallying support and mobilizing coalition forces, contrary to the UN Inspectors' reports about WMD, are totally absented from the speech. Another reason

for the deterioration of the Iraqi situation, but is also excluded from the text, is related to the preservation of Iraqi unity and its territorial integrity, both of which are threatened in the absence of the strong Iraqi army and police force which were dismantled after formal surrender, to be replaced by a new army and police force made up mostly of sectarian militia men. Thanks to the chaos created after the army was dissolved, the Kurds in northern Iraq have established their own autonomous state (Kurdistan), Shia groups are on the way to building their own state in southern Iraq, and the Sunni groups are building their own militia force. Besides these reasons, and definitely much more saddening, is the corruption across the public sectors of the state as well as the money spent on thousands of security contractors, which the speech does not even allude to.

Absent also from the speech is the rising number of casualties claimed, whether on the part of the Iraqi population (not to mention millions of the displaced Iraqis within and without the country) or the Coalition Forces. A news report released by CNN (August 17, 2007) on the Iraq situation shows that the suicide rate among American military personnel rose to 25% in the year 2006. Further exclusions, in form of omissions, are the democratization process of the broader Middle East, to be replaced by full cooperation with the non-democratic "moderate" Gulf countries and with the Iraqi tribal and sectarian forces. The Iraqi "young democracy" being the example set for the Middle East seems to have gone down the drain.

Still other exclusions behind the tragic situation in Iraq include the indefinite mandate of the coalition forces in Iraq; some of these forces have already left and some others are about to leave. Further exclusions from the text are the unidentified mistakes made in Iraq, and the job being accomplished by the troops. We do not know exactly what mistakes have been made in Iraq and who has made them (agent omitted), and why the President claims responsibility for that, as in "Where mistakes have been made, the responsibility rests with me" (para.4), or in "They [troops] have done everything we have asked them to do" (para.4), which sounds vague and is subject to further enquiry, as in the case of Abu-Ghraib prison torture images which were denounced world-wide. Another important omission, perhaps, is concerned with the unidentified "benefits" from the Baker-Hamilton ISG Report. The President says he will form another bi-partisan committee for Iraq in order to redress the differences between the Republicans and the Democrats, but the mission assigned to this new ISG is left vague and unknown. Omission from the text, whether done consciously or unconsciously, is a key-guide to inform CDA.

Conclusion

CDA, used in this paper as an approach to political discourse, can be an effective tool that enables us to view reality as textually mediated through

language systems, and the text as a site of power struggle used for both the "inculcation and the contestation of discourses" (Locke 2004, p.2). It also views analysis and interpretation of the text as potentially revealing of ways in which discourses summon power to manipulate public opinions through covert calls (Janks 1997). This paper has illustrated the ways CDA debunks the hidden ideological meanings behind President Bush's speech of January 10, 2007, by peeling away the layers of the text, both lexical and grammatical, to expose the invisible power of the written/spoken word within the field, and to examine what language in use reflects about such a field. This does not mean that CDA provides an answer to the political problem situated in a specific context; rather, it enables the analyst and the critical reader to understand the conditions behind that problem or, as Palmquist (1999) put it, "the deep ideological roots of the issue". This paper has also illustrated how CDA can be effective in unmasking textual discursive practices by paying attention to what, as van Dijk (1999) argues, "politicians say and do". In short, CDA can be used as an effective tool that uncovers the hidden meaning of the text so that we discover the relationship between power, position, and language in use.

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The Lisbon Treaty and the Future of EU Enlargement

Jana Hynková-Dvoranová[1]

Introduction

Due to asymmetry in competencies of the so-called institutional triangle formed by the European Parliament (EP), the Commission, and the Council of the European Union, the significance of the Council as the sole legislative institution and at the same time the sole institution based on the intergovernmental principle, is highly considerable. Stemming from this fact, the interest of each member state is to achieve the highest possible influence within this institution. Logically then, the behaviour of all relevant actors is subdued to this goal and these actors seek the optimal tools in order to achieve it (Spence 2004: 256–258).

Currently, there are three voting modalities for decision making in the Council – unanimous voting, simple majority voting and qualified majority voting (QMV). Due to the enlarging scope of issues where QMV applies, this modality is the most discussed one while reforming the functioning of the EU. As of the Rome Treaty, through the Single European Act until the (future) ratification of the Lisbon Treaty, the basic functioning of QMV has been that each member state possesses a certain, exactly defined number of votes. The weighing and (re-)distribution of these votes has been one of the hottest issues during each round of enlargement of the EU (Westlake and Galloway 2004: 190–192). The Lisbon Treaty, signed in December 2007, now under ratification in member states, changes this voting principle dramatically. The new rules, to be applied from 01 November 2014 or 01 April 2017, depending of the will of the member states, can be without exaggeration termed as a rupture.

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The goal of this paper is to investigate the design of the decision making process in the Council as known in the present on one hand and the changes, brought for consideration in the Lisbon Treaty on the other hand in the context of the enlargement of the EU. As will be shown in this paper, change of the number of EU member states is an important trigger for changes of the internal decision-making processes.

In the first section of this paper, the analytical design of the decision-making process will be proposed and individual stages of setting (and/or reforming) any decision-making process identified. The rationale behind is to shed light on the causal relation between the design of the decision-making process and the conduct of foreign policies of both the EU and candidate countries, with a focus on two specific cases: Croatia and (to a less extent), Turkey.

The second part of the paper will analyse the current model and also of the model proposed in the Lisbon Treaty. In this context, methodological concepts of voting power and power indices will be presented according to the theoretical approach of voting power analysis. A voting power argument stood behind the heated discussions during the Nice Summit in 2000, where votes (and supposedly power in the Council) were distributed for the members-to-be from Central and Eastern Europe. At the same time, several important elements implied by a non-compliance with the logic of decision-making process of the current model and also of the future model (proposed by the Lisbon Treaty) will be singled out and brought to attention. The interpretation of the above inconsistencies will focus on linking the decision-making set-up and the insertion (for the very first time in EU primary law) of the so-called *exit clause* into the Lisbon Treaty, offering an explanation that the EU, while structurally reforming its institutions, prepares its institutions not only for increasing the number of its members through enlargement, but also for the possibility of decreasing the number of member states through institutionalisation and legal codification of withdrawal. In order to support this claim, the previously offered design of the decision-making process will be crucial.

Additionally, the effects of the Lisbon Treaty, effectively enabling the enlargement of the EU (previously challenged by an argument of the insufficient EU absorption capacity due to postponed institutional reform), on the behaviour of some candidate countries (with focus on Croatia and Turkey) will be shortly outlined to uphold the argument of the importance of voting power analysis concept.

The Logic of the Design of the Decision-making Process for QMV

Each institution entitled to decide by QMV has its decision-making principle tailor-made. The specific *set-up* is defined while forming (or re-forming) the given institution and it is determined by several factors. The latter may entail *the*

function of the institution, its *inner organisation* set-up, *statute*, etc. (March and Olsen 1989 and 1998). These factors are case-specific and their specification is relevant with regards to actual functioning of the decision-making process and its efficiency. As this paper does not aspire to focus on the *functioning* of a decision-making process in the Council *per se,* the above mentioned factors will not be further elaborated or scrutinized. Instead, attention will be paid to the identification of a general design by which a decision-making process is formed.

Key terms linked to QMV are the *allocation of votes* to individual actors and the *threshold* of minimal winning or minimal blocking coalition set up (Westlake and Galloway 2004: 234–236). The influence of individual actors depends on the method of how votes are allocated and the threshold that is set up. In other words, the design of the decision-making process directly influences its functioning and the actors' behaviour. The latter according to votes they dispose of enter the coalitions with the goal to overcome the threshold for minimal winning or blocking coalition (Riker 1982).

The votes' allocation and the set up of the threshold for minimally successful coalitions are two fundamental factors of the design of the decision-making process which are to some extent analogical in the sense of their definition. In either case, firstly the principle, secondly the criteria and thirdly the number (of votes) or level (of threshold) must be determined.

As outlined above, both parts of the design of the decision-making process (i.e. votes' allocation and the minimal successful coalition threshold setup) are in their logic similar. Still, for the sake of clarity, both will be dealt with separately.

The principle with regards of vote allocation expresses whether the allocation will be equal or unequal. According to an equal allocation, each actor would possess an identical number of votes (e.g. the case of national parliaments where each Member of Parliament possesses one vote). In the case of an unequal allocation, it is further possible to identify the principle of direct denomination (when it is directly identified how many votes each actor disposes of and the number can differ from actor to actor) and the proportionality principle, where votes are allocated according to certain criteria. Based on the principle chosen, the criteria-setting variable is identified accordingly. This variable defines the criteria of vote allocation. For the allocations using the equal principle and the one using the principle of direct denomination, the criteria is set up axiomatically, while allocation using the proportionality principle calls for a range of criteria setting variable choices. If the actor is a nation state, its economical performance (defined as GDP), population count, etc. can be brought into consideration. Finally, according to the principle and the variable (criterion) the votes are allocated.

As an example, let's' use a stockholders meeting of a company. The stockholders' meeting decides by voting, where votes are weighted according to the number of stocks held. Design of the vote allocation is as follows: unequal

allocation applies (each stockholder disposes of a different number of stocks) using the principle of direct denomination (each stockholder decides how many stocks to purchase) based on the axiomatically defined criteria (the price of the stock and the capacity of the actor to purchase).

When setting up the threshold for minimal successful coalitions, the logic of the design is similar. When deciding upon the principle, it is either proportional according to certain variable (proportionality principle) or directly denominated (principle of direct denomination). As in the case of criteria setting variable for allocation, the options for this variable are wide (e.g. percentage of total count, percentage of present voters, percentage of population, etc. or axiomatically defined). Based on the principle and the criterion, the threshold for minimal successful coalition is set up.

The method of vote allocation and the way of establishing the threshold for minimal successful coalitions must adhere to the design outlined above, even though the two do not necessarily need to be in sync. Vote allocation can apply the proportionality principle according to a certain variable, while the threshold can be set up based on direct denomination principle. It is even possible to combine different criteria-setting variables while choosing the criteria (double-weighted majority) but these former ones must be compatible with the given principle. For instance, it is illogical to set up the variable as a ratio of population while applying the equal principle of allocation. It is equally important while reforming the decision-making process to keep the changing part of the process in sync with the rest, otherwise there is a logical lapse. The design outlined is summarised in the table below.

1. set up of votes allocation principle	ad1. proportionality, equality, direct denomination, ...
2. choice of criteria for votes allocation	ad2. variable (GDP, population count, axiomatically defined criterion, nominal value)
3. votes allocation	ad3. number of votes according to principle and variable applied
4. set up of threshold defining principle	ad4. proportionality, direct denomination ...
5. choice of criteria for threshold definition	ad5. variable (number of votes, population, axiomatically defined criterion, nominal value)
6. threshold of QMV set up	ad6. the value of threshold set up according to the principle and variable applied

Table 1: Logic of the decision-making process design

The above table will be applied to the decision-making process in the Council of the European Union. First, the current situation will be scrutinised, then

the changes brought about by the Lisbon Treaty will be analysed. Yet, before the voting power analysis approach will be outlined and some basic measurement methods mentioned, it is essential to complete the picture of actors' behaviour in the Council.

Measurement Methods of Voting Power

The scrutiny of the decision-making process design forms the core of an analytical approach of voting power indices when the voting power of individual actors in the given decision-making process is measured.

The aim of this approach is to demonstrate the paradoxical phenomenon when the design of a given decision-making process affects the actors' influence but only due to the fact that the latter believes it to be so. To put it differently, the actors' voting power is not determined by the design of the decision-making process per se, but it is determined by the fact that actors do behave if it were so. Reasons for this vicious cycle seems to lay in the lack of differentiation between *a priori voting power* and *the real voting power* (Dvoranova 2004). Voting power as such is expressed as the ability of an actor to be critical for the success of the coalition (Shapley and Shubik 1954: 788). Or, the pivotal (i.e. critical) actor is the one whose participation on a coalition guarantees the success in respect of over-passing the threshold.

The *a priori* voting power reflects only the number of votes allocated. Other variables, such as a political stance of a member state, qualitative influence of the decision-making body or agenda-setting power are ignored.

This stems from the assumption that due to great diversity of agenda of a given institution, the ideal position of an individual actor can not be predicted, as cannot be presumed the creation of any coalition due to the large thematic scope. Hence, while ignoring the preferences of actors, computing the *a priori* voting power is the only and useful guidance while deciding (Hosli 1995: 355).

Standard methods for computing a priori voting power are *Banzhaff* and *Shapley & Shubik indices*. The Shapley and Shubik index was originally designed for an a priori evaluation of the distribution of power among different legislative bodies in the committee system in the US Congress (Shapley & Shubik 1954: 787). The key feature of the Shapley & Shubik index is that stress is put on the consecutive accession of actors into a coalition. Meanwhile, as the a priori measurement of voting power does not reflect actors' preferences, the order of accession is considered random. To put it differently, the order in which actors enter the coalition is important with regards to their voting power; still, the order of accession does not result from their activity, but is rather based on randomness. Laruell and Widgren add that probabilistic measures of a priori voting power are useful tools to estimate the influence of an actor to

the collective decision-making and especially to model the output of individual policy cases (Laruell and Widgren 1998: 321).

Real voting power then defines the actor's influence reflecting other factors not taken into account in an a priori measurement. One of the options is to work with minimal relative successful coalitions as defined by Axelrod (1970). According to Axelrod's definition, in case it is possible to classify actors on a one-dimensional scale, only the neighbouring (relative) actors will enter the coalition. This approach curbs the number of possible coalitions and eliminates improbable ones. The setup in these conditions is measured by the *legislative index*.

The limiting element in the above mentioned measurement is the lack of information about the positioning of member states in the Council regarding the agenda; consequently this actually disables the creation of a one-dimensional, universally valid scale and the positioning of the member states accordingly.

Nevertheless, as Colomer and Hosli suggest, this limit can be mitigated by admitting a certain level of generalization and they demonstrate it by using the example of the left-right continuum (scale) of political parties on the national level, which is a common practice whilst this scale is not valid for all policies (Colomer and Hosli 2000: 87). In the case of the Council, it is for instance possible to classify the member states on a basis of their willingness to integrate further, scaling from the most integrationist to the least ones.

Thus, the difference between a priori and real voting power is cardinal – while the former deals with the element of randomness and uncertainty and is primarily designed for theoretical modulation of possible real situations, the latter already carries certain validity and information about real influence of a given actor (assuming that background data is available).

QMV in the Council Prior to the Ratification of the Lisbon Treaty

The issue of the allocation of votes in the Council has always been a complicated one, but as Cziráky has put it, "it has for long been dwarfed by the issue of legislative and executive competencies of the Council delimitation" (Cziráky 1998: 14). If we look at QMV through the lens of the above outlined decision-making process design, since the Rome Treaty up until now, the proportionality principle was always applied, even though the votes allocation has been re-considered during each round of the enlargement. During all but last rounds, the problem of criteria setting variable was not that significant and was barely discussed. One possible explanation is that there was a correlation of GDP and population count in the old member states and the newly joining ones: the larger states contributed more to the joint GDP of EU. This setup was, according to Cziráky, a rather unique occurrence and cannot be considered

as a universally valid one (Cziráky 1998: 321). A clear confirmation of this statement are both Poland (joined in 2004) and Romania (joined 2007) ranking high regarding the population count but performing significantly below average GDP-wise. The direct correlation between the population count and the GDP has disappeared with the accession of Central and Eastern European countries in two consecutive rounds in 2004 and 2007 and the problem of criteria setting variable for proportional votes allocation became much more significant than anytime before. The Nice summit of 2000, with its intense discussions about the number of votes for each member state in light of the approaching eastern enlargement and its outcome clearly favouring the population as the criterion for the votes' allocation over GDP (Poland obtaining 27 votes, the same number as Spain, only two votes less then Germany or UK) has underlined the need for a more systematic and sustainable solution of votes allocation in the future.

This also applies for the threshold setting, although this problem has already arisen once during the previous rounds of enlargement, namely in 1995 (the so-called Northern enlargement), when three Nordic countries (Sweden, Norway and Finland), plus Austria, were to join the EU. Especially due to the accession of a rather coherent bloc of countries (where Austria was considered as a part of it due to its orientation on social and 'green' issues), the discussion over the influence of member states and blocs in the decision-making process broke open. Great Britain, traditionally a conservative member state vis-à-vis deeper integration, and Spain with its great share of fishing in the EU (and traditionally reluctant to deal with environmental issues), initiated the debate about the adjustment of the design of the decision-making process. Their stance was clear – the need for strengthening the position of large members in order to prevent the creation of uselessly large coalitions where the final outcome would be a lame compromise of all members involved. This initiative led to an informal agreement stipulating that, although the formally set up threshold for blocking minority remained at 30%, further negotiations were needed if the level of blocking minority reaches 25% or more. This arrangement became known as the Ioannina compromise, lowering the blocking threshold to 23 votes (25%). Its final value, however, had to be re-calculated after the negative referendum in Norway.

The redistribution of votes after the accession of the Central and Eastern Europe (CEE) countries is dealt with in the Treaty of Nice from December 2000. This treaty actually had to incorporate any possible combination of accessing countries as the exact dates of candidates' entry were not defined yet. This situation was solved in the paragraph 2 of the Declaration 20 (annexure of Treaty of Nice). The common position on this issue reads as follows:

> Insofar as all candidate countries listed in the Declaration on the enlargement of the EU have not yet acceded to the Union when the new vote weightings take effect (01 January 2005), the threshold for a qualified majority will move, according to the pace of accession, from a percentage below

the current one to a maximum of 73.4%. When all the candidate countries mentioned above have acceded, the blocking minority, in the Union of 27, will be raised to 91 votes [i.e. the threshold for qualified majority will be set at the 73.91%, corresponding to 255 votes out of 345] and the qualified majority threshold resulting from the table given in the Declaration on enlargement of the EU will be automatically adjusted accordingly (Treaty of Nice 2000).

The issue regarding the threshold for a successful winning coalition (and by definition for blocking coalitions also) set-up stems from the following problematic formulation: "the threshold for a qualified majority will move, according to the pace of accession, from a percentage below the current one to maximum of 73.4%." As stated in the document called *Note from The Presidency ELARG 261* that deals with problems of interpretation of the paragraph quoted above, the question is whether this declaration means that during the first round of enlargement, regardless of the number of accessing countries, the threshold will be set up on the level lower than the current one (i.e. 71.26%) and will be increased with the accession of more countries, or whether the formulation "according to the pace of accession" with the threshold of 73.4% for EU-26 and 73.91% for EU-27 stresses the need for gradual increase that is implied by these two figures.

If the first interpretation applied, after the accession of 10 countries, the threshold would be set to the level closest to the current one and lower at the same time (i.e. 71.03% or 228 votes out of 321 for a winning coalition and 94 votes for blocking coalition). In case of the second interpretation being the valid one, the threshold after 10 countries accessing would be 72.27% (which is less than 73.4% set-up for EU-26), meaning 232 votes out of 321 for winning and 90 votes for blocking coalitions). The third possible interpretation offers fixing the threshold at the level 91 votes for blocking coalitions and leaving it even for EU-27.

The situation during the northern and SEE enlargements demonstrates the same blunder in regards of adhering to the design of the decision-making process, more specifically in the aspect of choosing the correct criteria for setting up the threshold for minimal successful coalitions. The Ioannina compromise incorporated the criteria of direct denomination while *de jure* the proportionality principle remained in place, which are two characteristics logically not in sync. The Nice treaty is correct in this respect (using the proportionality principle for setting the threshold of the number of votes and its percentage expression as a variable), but shows another flaw of denoting the ratio as the total of votes was not known in the period so while having a dependent variable (ratio of votes for setting the threshold level), there is no independent variable known (the total number of votes as the basis). Moreover, while denoting the specific value for different situations according to the number of candidates

joining, it combines a percentage expression for minimal winning coalitions for one situation and a direct denomination for minimal blocking coalitions in the second situation. Logically, this should not be problematic as one figure can be computed from another, assuming they are mutually exclusive. Still, this approach is not consistent and provides room for different interpretations.

Regarding the current design of the decision-making process in the Council, another problem pops up: intuitive judgement made by actors themselves. As mentioned earlier, the design of the decision-making process has a direct influence on its functioning, as the allocation of votes and the threshold set-up influences the actors' behaviour as they are seeking to maximize their power during decision-making. Here, it is important to emphasize that the consequences of the design of the process can primarily be found at the level of actors' belief system and not at the empirical level.

Design of the Decision-making Process According to the Lisbon Treaty

The current design of the decision-making process in the Council is radically amended by the Lisbon Treaty which is currently being ratified by EU-27 member states (as of March 2008). For the first time, both the allocation and the threshold set-up, the two key parts of QMV, are modified. Until recently, all changes still preserved the main parts of the existing model, and simply adjusted it to the new conditions of an EU with more members.

Changes brought about by the Lisbon Treaty are fundamental and wide-sweeping. The first important change is the fact that the principle of vote allocation itself has been modified. The current unequal proportionality principle is discarded and new allocation, as of 2014 (2017) will be adopted according to the equality principle, with each member state disposing of one vote. The reasoning behind such an application of equality seems best explained by the realist and neorealist theories of international relations based on the idea of state sovereignty, hence parity (Waltz 1979, Morgenthau 1949). This solution also leaves behind the problem of choosing the correct criteria setting variable which would be fair and non-discriminatory for all members, including ascension states.

Another change, which is extremely complex, is the threshold for minimal successful coalitions' set-up. QMV is dealt with in Article 16, Par 4:, Treaty of the EU amended by the Lisbon Treaty, which reads as follows:

As from 01 November 2014, a qualified majority shall be defined as at least 55% of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65% of the population of the Union. A blocking minority must include at least four Council members, failing which the qualified majority shall be deemed attained (The Treaty on European Union amended by the Lisbon Treaty 2007).

Looking at the above from the perspective of its design, one is confronted with a combination of principles and criteria. The set-up of the threshold for a qualified majority is the combination of the proportionality principle and the principle of direct denomination, while further on, the proportionality principle combines two criteria setting variables (population count and the number of members).

While the combination of two criteria within one principle is rather standard (and typical for a double-weighted majority), the combination of two principles is rather problematic, especially in light of the figures mentioned previously. In the current set-up (EU-27) 55% of votes equal to 14.85, hence 15 votes. The double-defined principle (55% and 15 states) seems redundant and does not have a *raison d'etre* as it is automatically achieved in the EU-27. A logical question emerges: Is such a definition a blunder or intentional? Both interpretations are possible – firstly, this definition is copied directly from the failed Constitution, drafted back in 2003 and 2004, when the EU was composed of 15, and later of 25 members. Therefore, it can be simple neglect, a remnant of the "Constitutional" past. On the other hand, it is hard (though not impossible) to believe that in a document under such scrutiny from many different sides, neglect of this magnitude would go unnoticed. Another possible explanation could be that the EU expects to *lessen* the number of its members in the future, assuming that some members will *withdraw from the* EU. This claim may seem provocative and unlikely, but such an interpretation is supported by the fact of the insertion of the so-called exit clause into the Lisbon Treaty, enabling, for the first time, a member state to quit the EU the institutional way. The existence of such an article (namely Article 50 Treaty of EU amended by the Lisbon Treaty) for the first time in EU primary law is of increased significance in this respect, more so in the cumulative effect of the two above mentioned aspects. Had it only been the exit clause, the withdrawal of a member state would be, in reality, complicated by the institutional set-up (especially so in the current model of QMV, where the exact numbers of votes and threshold levels are defined with increased difficulties) – to recall the complicated re-calculation of the Ioannina compromise and all institutional changes in structures after the negative referendum in Norway. Also, if there were only the threshold delimitation as noted above, it would be easily qualified as neglect, automatically copied from the Constitution without further recalculations. Having both of these measures implemented in the Lisbon Treaty, the interpretation of opening a possibility for a member state to withdraw from the EU gains credibility.

Another major change in the QMV definition centres on the issue of a blocking minority. In all previous cases, a blocking minority and a qualified majority were mutually exclusive (i.e. where one could be achieved, the other was automatically impossible) – hence the aforementioned possibility, in the Nice Treaty, to compute the level of a qualified majority based on the denomination of a blocking minority. The only exception, already dealt with above, was

the Ioannina (direct enumeration of a blocking minority threshold, defined lower than the exclusivity characteristic would suggest). Still, the Ioannina was the product of a unique political agreement, or an informal pact, in order to sustain previously existing power patterns. The Lisbon Treaty, quoted above, contains, contrary to all previously known situations, the simultaneous definition of a qualified majority and a blocking minority in a way that enables the creation of both simultaneously. A blocking minority is defined by the principle of direct denomination at the level of 4 votes. As the member count in the current EU numbers 27 and a qualified majority is set-up on the level of 15, it is very easy to attain both of them. Neither of the criterion of the population ratio solves this situation as the sum of population ratios of any given 4 members (with the exception of the 3 largest members: Germany; Great Britain; and France, hence the need for 4 members) is below the 35% per cent requirement, thus not preventing a qualified majority from obtaining the 65% noted above.

This radical lowering of the blocking minority threshold is unparalleled in the history of QMV in the Council – if one expresses the 4 votes in the EU-27 as a percentage, one arrives at the figure of 14.81% of votes. Contrary to this, at all times in the past, the blocking minority threshold oscillated around the level of 30%, with the exception of Ioannina (reducing it to approximately 25%). Moreover, as the whole institutional reform of the EU was undertaken in order to enable further enlargement of the Union, and as the new QMV does not allocate votes but is designed to accommodate more members without the need to change existing decision-making process, a 4-votes blocking minority will further decrease in percentage value (from the current 14.81%) as compared to a higher total of member states in future (after other enlargements). Is the radical rupture with the past in the respect of QMV – the complete change of the design of the decision-making process, inclusion of the exit-clause into EU primary law and significant reduction of the blocking minority requirements in any case related to the enlargement or EU foreign policy?

The Design of the Decision-making Process as a Prerequisite for EU Foreign Policy Vis-à-vis Enlargement

After it became clear that Central and Eastern European countries would accede to the EU, questions regarding social cohesion, economic growth and performance, and stability (to name a few) abounded within, outside the EU. If ever the decision-making in the Council came into the centre of discussion, it has only been in the perspective of possible strong blocs of countries (new ones vs. old ones, large ones vs. small ones). Prior to the actual summit in Nice, the design of the decision-making process was a non-issue. As mentioned above, the vote allocation, previously based on a "common sense" criterion, has never

been a serious issue due to the unique balance of the GDP and the population size of the old member states. Surely, there have been deviations from this rule, but compared to the CEE countries which were about to join, these were rather marginal. It was not until the Nice Summit (2000) that a need for urgent structural institutional reform and revision of the design of the decision-making process was identified.

The design of decision-making in the Council, as defined in the Lisbon Treaty (or, more precisely, in the Constitution and transferred into the Lisbon Treaty without change), enables the preservation of the same QMV rules, regardless of the actual number of members in the EU, seemingly as a *never-again-Nice* set-up. This being the case, the possibility of enlargement and the preparation of the structural terrain for accession of other candidate countries triggered unparalleled internal institutional changes to the Council. The streamlining of the design of decision-making in the Council can also be linked to the enlargement in another aspect, though a much more controversial one. It can be argued that the enlargement, spreading south- and eastwards, is directed towards countries in which Europeanism is contested, with some existing members worried about the future of the EU, and consequentially opting for the inclusion of "safety precautions" should some of current or potential candidates join the EU, regardless of the political unwillingness of a few.

The inclusion of the exit-clause, the implementation of the design of the decision-making model enabling a withdrawal without further complications, lowering the threshold for a blocking minority in the Council with the prospect of its further relative reduction, are all measures supporting the proposed idea. The argument can further advanced by maintaining that the decision was taken back in 2003 and 2004, i.e. before the eastern enlargement, when the Constitution was drafted and it hence reflected the old EU-15 political stance and its (limited) will to enlarge any further than beyond the expected CEE countries. And, as highlighted earlier, the design of the decision-making process is subordinated by the Lisbon Treaty from the original Constitution without changes. In this context, postponing the implementation of the new decision-making process until 2014 (or 2017, depending on the will of the member states) does not seem surprising – as membership for candidate countries (current or any future ones) regarded as a threat to the security and values of the EU, is still distant, be it Turkey or Georgia. On the other hand, countries such as states in the Western Balkans, particularly Croatia, are encouraged by the Lisbon Treaty, as the time frame of 2014/2017 is beyond the date of their expected entry into the EU.

Croatia, the leading reformer in the Western Balkans, represents an excellent example of the Lisbon Treaty's function as a foreign policy tool. Back in late 2006, with no bright prospects for EU entry – as the structural institutional reform came to a halt after the rejection of the Constitutional Treaty by France and the Netherlands – Croatia proceeded with the activation of the ZERP (Ecological fishing zone lining its coast) from 01 January 2008, regardless of its

commitments to the contrary, as pledged back in June 2004, when acquiring candidate status. Under modified circumstances, in late 2007, i.e. the Lisbon Treaty, that enables further enlargement, the discussion of ZERP, sensitive to Slovenia and Italy, entered the spotlight, not least due to the Slovenian Presidency of the Council in the first half of 2008. After Slovenia escalated the originally bi (or tri-) lateral issue to the European level, linking it to the enlargement policy of the EU, Croatia attempted to find a solution to the pressing problem. After the parliamentary election in January 2008, the incumbent Croatian Prime Minister, Ivo Sanader, chose the Czech Republic as the destination for his first foreign visit. The reason behind it was purely political, owing to the Czech Presidency in the Council in the first half of 2009. Soon after, the Croatian Parliament withheld the application of ZERP, reopening its path to the EU.

Conclusion

The QMV model in the Council of the EU has overcome many challenges since its inauguration under the Rome Treaty and its resurrection in the Single European Act. Still, the original form based on the different vote allocations for the member states has been preserved until now, with the threshold levels modification upon accession of new members and votes reallocation being the only change. During the accession of CEE countries, the problem of votes' allocation criteria emerged as the original convergence between the population and the share of GDP disappeared. The vote allocation was long discussed, being brought to an end during the Nice Summit of 2000. One of the reasons for heated discussions over the vote allocation was the fact that national political elites believed that the design of the decision-making processes directly influenced their power in this process. As this assumption shaped the behaviour of these actors in the long term, the analytical approach of voting power analysis attempts to clarify the relation between the influence (power) of the actor and the design of the decision-making process.

In this respect, the differentiation between the logic of the design and the logic of actors seems to be crucial. While the former addresses how the model in general is to be set up, the logic of actors focuses on the maximization of their power in this process. Even though the design of the decision-making process influences the voting power of individual actors, the character of this influence differs from actors' own beliefs.

The Lisbon Treaty for Europe which is currently in the process of ratification among EU members radically changes the design of the decision-making process in the Council. While QMV remains in place, its character and settings change dramatically for the first time. Not only is the allocation of vote principle modified, but also the threshold set-up principle is changed from simple to double-weighted majority. The change in design is itself not a severe problem, but the critical failure to adhere to the design may potentially sharpen many

controversies, especially taking in account that political will and capacity for institutional reform in the EU is for the foreseeable future off the negotiating table. Nonetheless, critics of further EU enlargement tend to forget that the original idea behind the establishment of the European Coal and Steel Community in 1950 was primarily to stabilize Europe and to ensure peace by constricting war capabilities in France and Germany through the intractable interconnection of key industries in those countries. Presently, when enlargement could once again serve as a tool for promoting stability further east and south, some of the original beneficiaries seem preoccupied with securing the possibility of an exit strategy by the inclusion of the exit clause.

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The Adequacy of Aviation Security Laws and Airport Security

Gautam Acharya[1]

Introduction

The era of sustained controlled powered flight began little more than a hundred years ago. Since then the civil aviation industry has grown into a sector of immense importance. As flight trajectories and planes themselves took on a more complex character, airports too had to evolve to accommodate the growing number of destinations and flights served, and passengers imposed upon them. Later, when aircraft started to become the targets of terrorist operations, lawmakers sought solutions in mandating security procedures at airports. However, as security levels increased, perpetrators of aviation related offences found newer and more ingenious ways to challenge the system.

The contest between lawmakers and law-breakers continued until the tragic events of 11 September 2001, which questioned the adequacy of airport security in North America.[2] The consequence of 9/11, on other air-faring states, was profound. Many states were forced to re-examine how security is handled at their own airports, and speculate on the probability of similar threats to their territories. The events of 9/11 clearly highlighted the inadequacy of the various laws and security systems that had previously been enacted and designed to prevent such events from occurring.

Such security systems often served to detect and *weed-out* 'sky criminals', before they board an aircraft, at a number of 'check points' operated by different personnel and equipment. However, such preventive strategies were not as well defined, nor developed, as the domestic and international laws that had continually been enacted and tightened to serve as deterrent measures.

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[2] For a review of US airport security before and after 9/11, see Paul Stephen Dempsey, "Aviation Security: The Role of Law in the War Against Terrorism." (2003) 41:3 Columbia journal of transnational law (2003), volume 41, issue 3, pp. 719–726. [Dempsey, Aviation Security].

In 1944 the representatives of many states gathered in Chicago to enact a Convention on International Civil Aviation.[3] The Chicago Convention established the International Civil Aviation Organization.[4] According to Article 44 of the Chicago Convention:

> The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:
>
> 1. Insure the safe and orderly growth of international civil aviation throughout the world;
>
> 2. Encourage the arts of aircraft design and operation for peaceful purposes;
>
> 3. Encourage the development of airways, airports, and air navigation facilities for international civil aviation;
>
> 4. Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
>
> 5. Prevent economic waste caused by unreasonable competition;
>
> 6. Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;
>
> 7. Avoid discrimination between contracting States;
>
> 8. Promote safety of flight in international air navigation;
>
> 9. Promote generally the development of all aspects of international civil aeronautics.

Despite these provisions, the Chicago Convention contained no article specifically related to acts of unlawful interference with civil aviation. Such acts were extensively dealt with the ratification of the Chicago Convention to include Annex 17.[5] From 1944 until the enactment of Annex 17 (2002) and beyond, various instruments of international law have been introduced specifically addressing aviation security.

The remainder of this research examines various legal approaches to regulating aviation security, with an emphasis on airport security. The cases of the US, UK and India are utilised, in a comparative manner, and aim to illustrate the relationship between law and aviation security from the perspective of three continents, each facing its own set of unique circumstances.

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[3] *Convention on International Civil Aviation* signed in Chicago in 1944, ICAO Doc. 7300/8 [Chicago Convention, 1944].

[4] International Civil Aviation Organization, for a discussion of the role of the International Civil Aviation Organization, see: Assad Kotaite, «Security of International Civil Aviation-Role of ICAO.» (1982) VII Annals of Air and Space Law, L. 95.

[5] *International Standards and Recommended Practices: Security; Annex 17 to the Convention on International Civil Aviation,* 7d ed. April 2002, [Annex 17].

A key argument of this research suggests that if security at airports is accorded high priority, there would be less need to maintain the array of cumbersome aviation security laws which are presently deployed.

It should be noted that this research explores security at passenger, not cargo or freight airports. Further, the airports mentioned within this text are those which handle scheduled flights. Owing to the vastness of the topic, areas of airport security dealing with airport complex construction and perimeter security have been omitted. This research limits its scope to the laws and procedures existing and required with respect to the movement of passengers and their luggage to, from, and within an airport complex.

ICAO Driven Initiatives Concerning Aviation and Airport Security

Without specifying the processes that led to their establishment or commenting on their implications, it is prudent to present some initiatives of the ICAO which seek to regulate aviation security. It is critical to do this since certain national initiatives, especially in India, are based on ICAO policies and directives. These initiatives include:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft signed in Tokyo in 1963[6]

2. Convention for the Suppression of Unlawful Seizure of Aircraft signed in the Hague in 1970[7]

3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation signed in Montréal in 1971[8]

4. Annex 17 to the Chicago Convention, 1944,[9] read with select provisions of Annexes 6[10], 9[11], 13[12], 14[13] and 18[14]

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[6] *Convention on Offences and Certain Other Acts Committed on Board Aircraft* signed in Tokyo in 1963, International Civil Aviation Organization Doc. 8364 [Tokyo Convention, 1963].

[7] *Convention for the Suppression of Unlawful Seizure of Aircraft* signed in the Hague in 1970, International Civil Aviation Organization Doc. 8920 [Hague Convention, 1970].

[8] *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* signed in Montréal in 1971, International Civil Aviation Organization Doc. 8966 [Montréal Convention, 1971].

[9] Annex 17, *supra* note 6.

[10] *International Standards and Recommended Practices: Operation of Aircraft; Annex 6 to the Convention on International Civil Aviation,* 8th ed. July 2001.

[11] *International Standards and Recommended Practices: Facilitation; Annex 9 to the Convention on International Civil Aviation,* 11th ed. July 2002.

[12] *International Standards and Recommended Practices: Aircraft Accident and Incident Investigation; Annex 13 to the Convention on International Civil Aviation,* 9th ed. July 2001.

[13] *International Standards and Recommended Practices: Aerodromes; Annex 14 to the Convention on International Civil Aviation,* 4th ed. July 2001.

[14] *International Standards and Recommended Practices: The Safe Transport of Dangerous Goods by Air; Annex 18 to the Convention on International Civil Aviation,* 3d ed. July 2001.

5. The Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference[15]

6. European Convention on the Suppression of Terrorism signed in 1977[16]

7. Joint Statement on International Terrorism signed in Bonn in 1978[17]

8. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Montréal Convention, 1971, signed in Montréal in 1988[18]

9. Convention on the Marking of Plastic Explosives for the Purposes of Detection signed in Montréal in 1991[19]

US laws

This segment presents the laws the US has established has and deploys in an attempt to increase aviation security.

Antihijacking Act (1974)[20]

The Antihijacking Act (1974), implements the 1970 Hague Convention. It imposes penalties for carrying weapons or explosives on-board an aircraft, and a penalty of twenty years imprisonment or face the death penalty, if a passenger is killed during a hijacking. It also empowers the US President to suspend the landing rights of any state known to harbour hijackers.[21]

Air Transportation Security Act (1974)[22]

The Air Transportation Security Act (1974), authorizes the screening of passengers and baggage for weapons. As a consequence, US airports have been

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[15] International Civil Aviation Organization, *Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference* 6th ed. 2002, ICAO Doc. 8793.

[16] *European Convention on the Suppression of Terrorism* signed in 1977, 15 I.L.M.1272 (1975).

[17] *Joint Statement on International Terrorism* signed in Bonn in 1978, 17 I.L.M.1285.

[18] *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Montréal Convention, 1971*, signed in Montréal in 1988, International Civil Aviation Organization Doc. 9518 [Montréal Protocol, 1988].

[19] *Convention on the Marking of Plastic Explosives for the Purposes of Detection* signed in Montréal in 1991, International Civil Aviation Organization Doc. 9571.

[20] *Antihijacking Act, 1974,* Pub. L. 93–366, tit. I 88 Stat. 409 (1974).

[21] Dempsey, Aviation Security, *supra* note 2 at 697. Accord Dempsey, Aviation Security, *supra* note 2, pp. 699–700. Accord Paul Stephen Dempsey, "Airline and Airport Security: Law as a Deterrent to Aerial Terrorism" (2002) XXVII Annals of Air and Space Law. L, 167 pp. 207–209 [Dempsey, Airline and Airport Security]. Accord Paul Stephen Dempsey, *Law and Foreign Policy in International Aviation*, (Dobbs Ferry: Transnational, 1987) pp. 372–373.

[22] *Air Transportation Security Act, 1974,* Pub. L. 93–366, tit. II 88 Stat. 415 (1974).

equipped with magnetometers to inspect passengers for illicit materials, and X-ray machines to inspect luggage.[23]

Aircraft Sabotage Act (1984)[24]

The Aircraft Sabotage Act (1984), implements the 1971 Montréal Convention. It imposes penalties of up to $100,000 (USD) or twenty years imprisonment, or both, for the hijacking, damage, destruction or disabling of an aircraft or air navigation facility.[25] The most significant effect of this statute was the establishment of "criminal jurisdiction over certain aircraft-related offences, including extraterritorial jurisdiction over some offences, including aircraft or air navigation facilities of other countries that are not a party to the Montréal Convention, 1971, if the perpetrator is found in a signatory country."[26]

International Security and Development Cooperation Act (1985)[27]

The International Security and Development Cooperation Act (1985), authorises expenditure for enhancing security at foreign airports.[28]

Air Traveller Protection Act (1985)[29]

The Air Traveller Protection Act (1985) amends the 1958 Federal Aviation Act[30] and directs the Secretary of Transportation to assess the efficacy of security measures at foreign airports which serve US carriers or from which foreign air carriers serve the US.[31]

Foreign Airport Security Act (1985)[32]

The Foreign Airport Security Act (1985) requires that the Secretary of the US Department of Transportation[33] assesses security at foreign airports and

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[23] Dempsey, Aviation Security, *supra* note 2 pp. 701–702. Accord Dempsey, Airline and Airport Security, *supra* note 23 pp. 209–211.

[24] *Aircraft Sabotage Act, 1984,* Pub. L. 98–473, tit. II, Ch. XX, pt. B, 98 Stat. 2187 (1984).

[25] Dempsey, Aviation Security, *supra* note 2 p. 697. Accord Dempsey, Aviation Security, *supra* note 2 pp. 702–703. Accord Dempsey, Airline and Airport Security, *supra* note 23 p. 211. Accord Dempsey, Law and Foreign Policy, *supra* note 23 pp. 373–374.

[26] 1984 US Code Cong. & Ad. News 3682.

[27] *International Security and Development Cooperation Act, 1985,* Pub. L. 99–83, tit. V, pt. A, 99 Stat. 219 (1985).

[28] Dempsey, Aviation Security, *supra* note 2 p. 697. Accord Dempsey, Aviation Security, *supra* note 2 pp. 703–705. Accord Dempsey, Airline and Airport Security, *supra* note 23 pp. 211–213. Accord Dempsey, Law and Foreign Policy, *supra* note 23 p. 374.

[29] Dempsey, Aviation Law and Foreign Policy, *ibid.* pp. 374–376.

[30] *Federal Aviation Act, 1958,* Pub. L. No. 85–726, 72 Stat. 731.

[31] Bill Summary and Status for the 99th Congress, online: http://thomas.loc.gov/cgi-bin/bdquery/z?d099:HR02796:@@@L&summ2=m& (date accessed: November 1st, 2007).

[32] *Foreign Airport Security Act, 1985,* Pub. L. 99–83, tit. V, pt. B, 99 Stat. 222 (1985).

[33] Hereinafter "DOT".

notifies the public, or suspends services, if a foreign airport fails to correct a security breach. This act also requires that foreign airlines serving the US adopt and implement security procedures prescribed by the US government.[34]

Aviation Security Improvement Act (1990)[35]

The Aviation Security Improvement Act (1990) mandates background checks for airline and airport employees and imposes additional training, educational and employment standards upon them. It also requires the deployment of bomb-detection technology for baggage.[36]

Federal Aviation Administration Reauthorization Act (1996)[37]

The Federal Aviation Administration Reauthorization Act (1996) requires passenger profiling, explosive detection technology, procedures for passenger-bag matching, and certification for screening companies.[38]

Omnibus Consolidated Appropriations Act (1997)[39]

The Omnibus Consolidated Appropriations Act (1997) authorizes the purchase of advanced screening equipment for baggage.[40]

Airport Security Improvement Act (2000)[41]

The Airport Security Improvement Act (2000) , requires fingerprinting and background checks of airport and airline security personnel[42] at Category X airports.[43]

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[34] Dempsey, Aviation Security, *supra* note 2 p. 697. Accord Dempsey, Aviation Security, *supra* note 2 pp. 705–707. Accord Dempsey, Airline and Airport Security, *supra* note 23 pp. 213–217.

[35] *Aviation Security Improvement Act, 1990*, Pub. L. 101–604, 104 Stat. 3066 (codified as amended in scattered sections of 22 U.S.C.; 26 U.S.C.; 49 U.S.C.).

[36] Dempsey, Aviation Security, *supra* note 2 at 697–698. Accord Dempsey, Aviation Security, *supra* note 2 pp. 707–708. Accord Dempsey, Airline and Airport Security, *supra* note 23 p. 217.

[37] *Federal Aviation Administration Reauthorization Act, 1996,* Pub. L. 104–264, 110 Stat. 3213 (1996).

[38] Dempsey, Aviation Security, *supra* note 2 p. 698. Accord Dempsey, Aviation Security, *supra* note 2 pp. 708–710. Accord Dempsey, Airline and Airport Security, *supra* note 23 pp. 217–222.

[39] *Omnibus Consolidated Appropriations Act, 1997,* Pub. L. No. 104–208, 570(f) (2), 110 Stat. 3009 (1996).

[40] Dempsey, Aviation Security, *supra* note 2 p. 698. Accord Dempsey, Aviation Security, *supra* note 2 pp. 710–711. Accord Dempsey, Airline and Airport Security, *supra* note 23 at 223.

[41] *Airport Security Improvement Act, 2000,* Pub. L. 106–528, 114 Stat. 2517 (codified as amended in scattered sections of 49 U.S.C).

[42] Category X airports consist of the nineteen highest risk airports, such as John F. Kennedy international airport in New York, Dulles international airport in Washington D.C. and Los Angeles international airport.

[43] Dempsey, Aviation Security, *supra* note 2 p. 698. Accord Dempsey, Aviation Security, *supra* note 2 p. 711. Accord Dempsey, Airline and Airport Security, *supra* note 23 p. 223.

Aviation and Transportation Security Act (2001)[44]

The Aviation and Transportation Security Act (2001) federalizes the airport screening function and establishes the new Transportation Security Administration[45] under the Department of Transportation (DOT), to regulate security in all modes of transportation. The legislation also enhances baggage screening procedures and imposes more stringent personnel qualifications on security employees.[46]

Air Transportation Safety and System Stabilization Act (2001)[47]

The Air Transportation Safety and System Stabilization Act (2001) is one of two statutes spawned by the events of 9/11. This statute does not address aviation security *per se* though it attempts to ameliorate the devastating legal and financial impact of the events of 9/11.[48]

Homeland Security Act (2002)[49]

The Homeland Security Act (2002) consolidates twenty-two agencies, including the TSA, into a new cabinet level Department of Homeland Security. This agency is conferred jurisdiction over; *inter alia*, transportation security, customs, immigration and agricultural inspections.[50]

Federal Aviation Regulations

Federal Aviation Regulations are designed to ensure the security of airports serving scheduled air carriers required to have screening programs. In other words, air carriers have the responsibility to prevent and deter carriage of weapons and explosives aboard their aircraft by potential hijackers. Conversely, airports serving the applicable air carriers are responsible for preventing and

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[44] *Aviation and Transportation Security Act, 2001,* Pub. L. 107–71, 15 Stat. 597 (codified in scattered sections of 5 U.S.C; 26 U.S.C; 31 U.S.C; 42 U.S.C; 49 U.S.C).

[45] Hereinafter "TSA".

[46] Dempsey, Aviation Security, *supra* note 2 p. 698. Accord Dempsey, Aviation Security, *supra* note 2 pp. 712–717. Accord Dempsey, Airline and Airport Security, *supra* note 23, pp 226–234.

[47] *Air Transportation Safety and System Stabilization Act, 2001,* Pub. L. 107–42, 115 Stat. 230 (codified in scattered sections of 15 U.S.C; 19 U.S.C; 42 U.S.C; 49 U.S.C).

[48] Dempsey, Aviation Security, *supra* note 2 p. 712. Accord Dempsey, Airline and Airport Security, *supra* note 23 p. 226.

[49] *Homeland Security Act, 2002,* Pub. L. 107–296, 116 Stat. 2135 (codified as amended in 3 U.S.C; 5 U.S.C; 6 U.S.C; 7 U.S.C; 8 U.S.C; 10 U.S.C; 14 U.S.C; 15 U.S.C; 18 U.S.C; 19 U.S.C; 20 U.S.C; 21 U.S.C; 26 U.S.C; 28 U.S.C; 31 U.S.C; 37 U.S.C; 38 U.S.C; 40 U.S.C; 41 U.S.C; 42 U.S.C; 44 U.S.C; 49 U.S.C; 50 U.S.C).

[50] Dempsey, Aviation Security, *supra* note 2 at 698. Accord Dempsey, Aviation Security, *supra* note 2 pp. 717–719. Accord Dempsey, Airline and Airport Security, *supra* note 23 pp. 237–238.

deterring unauthorized access to the air operations area and for providing law enforcement support at passenger screening stations.[51]

Federal Aviation Regulations Parts 107, 108 and 109 provide for the safety of persons and property against acts of criminal violence and air piracy.[52]

Part 107 provides for the control of access to air operations areas by unauthorized persons and ground vehicles. No person may enter a sterile area without submitting to the screening of his or her person and property in accordance with the procedures being applied by the airport to control access to that area.[53]

Part 108 is designed to prevent or deter the carriage aboard airplanes of any explosive, incendiary or a deadly or dangerous weapon on or about each individual's person or accessible property, and the carriage of any explosive or incendiary in checked baggage. Under part 108, airlines are to prohibit unauthorized access to their airplanes; to ensure that baggage carried aboard their aircraft is checked-in by an identified agent; to prohibit unauthorized access to cargo and checked baggage; and to conduct security inspections of their airplanes.[54]

Part 109 (Indirect Air Carrier Security) provides additional protection against criminal activity. This part prescribes aviation security rules governing each air carrier, including air freight forwarders and cooperative shipping associations, engaged indirectly in air transportation of property. Each indirect air carrier is required to have a security program designed to prevent or deter the unauthorized introduction of explosives or incendiary devices into any package cargo intended for carriage by air.[55]

Other Instruments Seeking to Reaffirm US Commitment to Aviation Security

A protocol between the US and Belgium relating to air transport signed in Brussels in 1978, reaffirms, under Article 12, the commitment of both governments to act under and constantly with the Tokyo Convention (1963), the Hague Convention, 1970, and the Montréal Convention, 1971.[56]

Similarly, the US' current model 'open skies' agreement released by the Bureau of Economics and Business Affairs of the US Department of State reaffirms under, Article 7, the commitment of both parties to act under and constantly with the Tokyo Convention (1963), the Hague Convention (1970), the Montréal Convention (1971), and the Montréal Protocol (1988).[57]

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[51] Gesell, *Aviation and the Law*, 3rd ed. (Chandler: Coast Aire, 1998) p. 179.

[52] *Ibid.*

[53] *Ibid.*

[54] *Ibid.*

[55] *Ibid.*

[56] 30 U.S.T. 217, T.I.A.S. # 9903.

[57] Current Model Open Skies Agreement Text, under: http://www.state.gov/e/eb/rls/othr/19514.htm (date accessed: November 1st, 2007).

Further, a multilateral agreement on the liberalization of international air transportation signed by the Asia Pacific Economic Cooperation members in Washington DC in 2001, reaffirms, under Article 7, the commitment of parties to act under and constantly with the Tokyo Convention (1963), the Hague Convention (1970), the Montréal Convention (1971), and the Montréal Protocol (1988).[58]

UK Laws

This segment examines specific UK laws which have been invoked to bolster aviation security.

Aviation Security Act (1982)

The Aviation Security Act (1982) is a statute consolidating certain enactments relating to aviation security.[59] Part I deals with offences against the safety of the aircraft and addresses the issue of hijacking, *inter alia*, and prescribes the form and nature of trial and punishment in the event of a breach of airport or aircraft security.

Apropos airport security, the statute addresses "offences relating to security at aerodromes etc".[60] Sections 21A through 21E of the statute deal with topics such as false statements relating to baggage and cargo[61] and identity documents[62]; unauthorized presence in a restricted zone[63] and on board aircraft[64]; and offences relating to unauthorized persons.[65]

The aforementioned sections lack details about the subject they are addressing and are merely used as enforcement mechanisms **after** the offence has been committed and in some cases, plausibly, as a deterrent. These sections, while *prima facie* substantive and procedural, are in fact punitive.

Airports Act (1986)

Although the Airports Act (1986) pertains to airports in the UK, the enactment is not authoritative in terms of the law with respect to airport security. The closest it comes in this regard is under a section titled "Directions to airport operators in the interests of national security".[66]

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[58] Multilateral Agreement on the Liberalization of International Air Transportation, online: http://www.maliat.gov.nz/other/index.shtml (date accessed: November 1st, 2007).
[59] *Aviation Security Act 1982* (U.K.), 1982, Preamble.
[60] *Ibid.* at Sec. 21A to 21E.
[61] *Ibid.* at Sec. 21A.
[62] *Ibid.* at Sec. 21B.
[63] *Ibid.* at Sec. 21C.
[64] *Ibid.* at Sec. 21D.
[65] *Ibid.* at Sec. 21E.
[66] *Airports Act 1986* (U.K.), 1986, Sec. 30.

Aviation and Maritime Security Act, (1990)

The Aviation and Maritime Security Act (1990) is UK legislation to give effect to the Montréal Protocol (1988).[67] Like its preceding enactments this legislation is substantive, procedural and punitive in nature, and borrows in part from the Aviation Security Act (1982), notably from sections 21A through 21E.

Terrorism Act (2000)

The Terrorism Act (2000) was enacted to make temporary provisions for the prosecution and punishment of certain offences, and for the preservation of peace and the maintenance of order in Northern Ireland.[68] It may be instructive to note the contents of section 53 read with Schedule 7[69] of the said legislation as they collectively deal with, *inter alia*: the power to stop, question and detain; searches; detention of property; embarkation and disembarkation; carding and provision of passenger information.

Aviation (Offences) Act (2003)

The Aviation (Offences) Act (2003) was established to make provisions for the enforcement of 'certain offences' related to aviation.[70] While this Act does not squarely address airport security related crimes, it may be used in a supplementary fashion – when and where the need arises – to fill any gaps in existing laws.

Indian Laws

This segment examines some specific laws developed by India in its quest to increase security in its airports and aircraft.

Aircraft Act (1934)

The Aircraft Act (1934) is regarded as the basic constitutional law of aviation in India.[71] While it appears that this status was acquired due to it being the first statute to regulate civil aviation in India,[72] this statute, on closer scrutiny, fails to address certain key issues[73] of importance to civil aviation today. One

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[67] *Aviation and Maritime Security Act 1990* (U.K.), 1990, Preamble.
[68] *Terrorism Act 2000* (U.K.), 2000, Preamble.
[69] Port and Border Controls.
[70] *Aviation (Offences) Act 2003* (U.K.), 2003, Preamble.
[71] Bhatt, "A Survey of Current Air Law in India" in S.Bhatt, V.S. Mani, V.Balakista Reddy, eds., *Air Law and Policy in India* (New Delhi: Lancer Books, 1994) 53 p. 54 [Bhatt].
[72] The Indian Aircraft Rules, 1920 (Rules 53 through 63) predate the Aircraft Act, 1934. However, they seem to apply only to aircraft arriving or departing from India and are applicable customs rules. *Ibid.* at 70.
[73] Airport security, biometric testing, facilitation, insurance, machine readable travel documents, terrorism to name but a few.

might excuse these omissions in light of the fact that they were not matters of importance in 1934. However, this statute covers most other aspects of civil aviation by vesting/granting power in/to authorities/bodies to make laws governing civil aviation in India.

The purpose of the Airport Act (1934) is to make better provision for the control of the manufacturing, possession, use, operation, sale, import and export of aircraft.[74] This said, the concept of aviation security, let alone airport security, is not once mentioned. However, it is noteworthy that for the *security* of India and to *secure the safety* of aircraft operations, it does make provision:

> The Director-General of Civil Aviation or any other officer specially empowered in this behalf by the Central Government may, from time to time, by order, issue directions, consistent with the provisions of this act and the rules made there under, with respect to any of the matters specified in clauses (b), (c), (e), (f), (g), (h) and (m) of sub-section (2) of section 5, to any person or persons engaged in aircraft operations or using any aerodrome, in any case where the Director-General of Civil Aviation or such other officer is satisfied that in the interests of the security of India or for securing the safety of aircraft operations it is necessary so to do.[75]

Aircraft Rules (1937)

The Aircraft Rules (1937) contain rules that apply to the operation and use of aircraft as well as rules of the air relating to the public order of air space.[76] Part XI (Rules 78 through 92) deals with airports (management aspects), but here again airport security does not seem to feature into the drafters' agenda.

International Airports Authority Act (1971); National Airports Authority Act (1985); and Airports Authority of India Act (1994)

These laws share commonalities in that all are concerned with the administration and management of airports in India. However, like the other Indian laws discussed above, none of these has any bearing on airport security. Nevertheless, they do grant authorities, established under them, with the power to make rules and regulations to deal with, *inter alia*, "securing the safety of aircraft, vehicles and persons using the airport *or civil enclave* and preventing danger to the public arising from the use and operation of aircraft in the airport *or civil enclave*".[77]

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[74] *Aircraft Act, 1934,* Preamble.
[75] *Ibid.* at Sec. 5(a).
[76] Bhatt, *supra* note 73 p. 58.
[77] *National Airports Authority Act, 1985.* Sec. 38(2) (h); *Airports Authority of India Act, 1994,* Sec. 42(2) (h). *International Airports Authority Act, 1971,* Sec. 37(2) (g). It is must be noted that the *International Airports Authority Act, 1971* under sec. 37(2) (g) does not include the *italicized* part of the text ("*or civil enclave*") being referenced here.

Tokyo Convention Act (1975)

The Indian law makers did not perform any feat of originality as they enacted this statute to give effect to the Tokyo Convention (1963) in India. Portions of the Tokyo Convention were incorporated into this statute *mutatis mutandis*. Chapter III (Sections. 3 through 8) of the Tokyo Convention Act (1975) contains the substantive provisions and details the offences that are to be considered. Since the Tokyo Convention has already been discussed, it shall not be addressed further.

Anti-Hijacking Act (1982)

This law was enacted on the lines of the Tokyo Convention Act (1975). It gives effect to the Hague Convention (1970) in India. Chapter II (Sections 3 through 6C) of the Anti-Hijacking Act contains substantive provisions and details the offences that are to be considered. Since the Hague Convention (1970) has already been discussed, it shall not be further addressed here.[78]

Suppression of Unlawful Acts Against Safety of Civil Aviation Act (1982)

Similar to the previous two Indian laws under discussion, this law was given weight by the Indian law makers so as to give effect to the Montréal Convention, 1971, in India. Chapter II (Sections 3 through 5D) of this legislation contains the substantive provisions and details the offences that are to be considered. Since the Montréal Convention (1971) has already been discussed, it shall not be addressed further.

Statutory Notifications Affecting Aviation in India

The Aircraft Manual of India contains important notifications issued by the Government of India under the Aircraft Act (1934) affecting civil aviation in India.

A notification of 1966 authorizes certain officers of the Directorate General of Civil Aviation to exercise powers under the Aircraft Act (1934), and the Aircraft Rules (1937).[79]

A 1981 notification confers power on an officer, under rule 8A of the Aircraft Rules (1937) for security check of persons boarding aircraft.[80]

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[78] It may be interesting to note that the Indian drafters, in all their wisdom of the English language, have decided to *redefine* (maybe even *redraft*) the concept of 'hijacking' when they, in the Table of Contents to the Anti-Hijacking Act, 1982, spell hijacking as 'highjacking [sic]'. High-ly amusing!

[79] Bhatt, *supra* note 73 p. 83.

[80] *Ibid*.

Observations

As is evident from the examination of the existing laws in UK and India, few directly regulate airport security. The US however is somewhat more advanced in this respect, but one might argue that such advancement is more as a result of genuine paranoia and that some statutes were created reactively and not proactively, after 9/11. The US, in some senses, needed a metaphorical 'shot in the arm' before it could swing into action and one hopes other countries do not wait until they themselves are victims of a 9/11 type of attack before placing adequate security of airport facilities on top of their domestic policy priorities.

Looking at the variety of laws that have been introduced to address aviation security, it may well be questioned whether reactive approaches are the most efficient methods for tackling international problems in general and (international) terrorism in particular. It is opined that what governments really do, is solely or largely a mere public relations exercise in order to show that something has been done and that some response has been made. On this point, it may be prudent to identify and explain some of the tools currently deployed by governments to enhance airport and thus aircraft security.

Extant Airport Security Procedures

Common passenger screening technologies across airports may be broadly categorized as imaging technologies, trace detection technologies and non imaging electromagnetic technologies.[81]

Firstly, imaging technologies can detect metallic and non metallic objects in varying degrees of concealment using the same principles as an X-ray machine.[82]

Secondly, trace detection technologies are based on the direct chemical identification of either particles of explosive materials or vapour containing explosive material. The primary distinguishing feature between trace detection technologies and the other technologies is that in the former, a sample of the explosive material must be transported to the detection instrument in concentrations that exceed the detection limit. Trace detection technologies cannot be used to detect the presence of metallic weapons.[83]

Finally, non-imaging electromagnetic technologies are commonly found in, *inter alia*, libraries and stores. This technology functions as a metal detector

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[81] U.S., National Research Council, *Airline Passenger Security Screening* (Washington DC: 1996) pp. 13–21.
[82] *Ibid.* p. 14.
[83] *Ibid.* p. 16.

to detect theft. For airport use, a potential improvement would be necessary to make these technologies specifically sensitive to weapons.[84]

An acceptable airport security system employs one or more of the following for screening passengers and/or cargo:

1. *Common X-ray machines*. These machines have, in larger airports, given way to thermal neutron analysis.[85] X-Ray machines have traditionally been used at airports to screen baggage and cargo;

2. *Explosives detectors and metal detector gateways*;

3. *Primitive body search, wanding and sniffer-dog searches*;

4. *Trained airline staff*. Particularly in methods of psychological screening where they are exposed to the psychological profiles of potential hijackers. Staff may be trained on identification techniques and if their suspicions are aroused, they notify airport security officials who then conduct a thorough search of the suspect.[86]

In airports which are financially successful and where the daily traffic would justify the investment, quadruple resonance devices seem to be advancement on the traditional X-ray machines. Quadruple resonance devices, which are a variant of the magnetic resonance imaging used in hospitals, are now being used for the purposes of baggage scanning. The technology operates under the principle that a magnetic resonance signal can be detected from explosives without applying a large external magnetic field.[87]

Biometric testing is another trend which is gaining popularity in the aviation industry. Biometric security systems consider unique physical characteristics (fingerprints, voices, retinas) before confirming the identity of an individual.[88] This way, impersonating another individual becomes nearly impossible.

Effective airport security involves planning, anticipation and the ability to out-think potential terrorists and others sky criminals. It also involves close cooperation between law enforcement and intelligent agencies that may work together to effectively close security loopholes. Most successful models of airport security consider the following facets:

1. the Physical layout and design of the airport

2. the wide use X-Ray and sniffer technology

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[84] *Ibid*. p. 19.

[85] This process, analyzes the gamma rays emitted by bombarding luggage with neutrons. During the analysis, if large amounts of nitrogen are detected, then there is a strong likelihood of the presence of an explosive.

[86] Taylor, "Aerial Piracy- A pilot Viewpoint" in Yonah Alexander & Eugene Sochor, eds. *Aerial Piracy and Aviation Security* (Dordrecht: Martinus Nijhoff, 1990) 33 pp. 44–48.

[87] Sweet, *Terrorism and Airport Security* (Lewiston: Edwin Mellen Press, 2002) p. 479.

[88] *Ibid*. p. 482.

3. Qualified security personnel
4. adequate emergency response teams and internal airport policing
5. the maintenance of shared jurisdictions between airlines, airports and governments
6. the on-hands role of the airport manager[89]

As far back as 1967, the International Air Transport Association (IATA) working with security chiefs of major airlines formed what was called the Security Advisory Committee (SAC). This committee developed eight rules to ensure safety and security in air travel. The specific conditions (which remain relevant today) SAC called for were:

1. A creation of *sterile* areas for the boarding of all flights. A security screening of all passengers and their hand luggage was to be required prior to entering this sterile boarding zone. *All* persons and items entering the sterile boarding area require authorisation and are subject to security control measures.

2. The development of a direct and discrete communication system to link passenger screening points, and other access points, to an airport control centre capable and designated to act quickly in cases of unlawful action.

3. The establishment of an authorized law enforcement body armed and equipped to conduct patrols within the airport complex and be readily available to assist in cases of suspected or actual unlawful interference with civil aviation operations.

4. The creation of restricted access areas to be adequately enclosed thus preventing unauthorized entry to the *airside* of the airport.

5. The obligation of all staff working on the *airside* of an airport to display positive airport identification at all times.

6. The installation of physical barriers to separate public areas from all baggage, cargo and postal holds, and facilities to enable the screening of such items.

7. The standard that aircraft parking areas be adequately policed at all times

8. Establishing the security norm that all public observation view-points which overlook an airport's *airside* be adequately protected.[90]

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[89] St. John, *Air Piracy, Airport Security and International Terrorism*, (New York: Quorum Books, 1991) p. 78.

[90] Wallis, *How Safe Are Our Skies?: Assessing the Airlines' Response to Terrorism* (Westport: Praeger, 2003) p. 70.

Points to Consider

There are several other important points to consider with regard to airport security. While it is certain that law making and enforcement bodies have – most likely – already identified, and may be working on these, it is useful to briefly mention and present them. These points will assist in painting a clearer picture of airport security, and what still needs to be done to protect this increasingly important civilian facility.

1. Airline and airport staff must be trained to broadcast seemingly innocuous messages on the public announcement system to draw the attention of law enforcement officers in instances of an actual (recognised) or potential threat. This may ensure that a person (or persons) under scrutiny will not be able to identify that law enforcement authorities have already been summoned, and might as a result, keep his guard down.

2. Airline and airport authorities must utilise, on a wide level, plain-clothed security and first aid personnel trained in a variety of emergency services. These plain-clothed personnel should be present throughout an airport facility including in the 'extra sterile' area of the airport. Plain-clothed personnel can observe the activities of waiting passengers and act promptly if they note anything suspicious. In this manner, the advantage of the element of surprise can be shifted to airport authorities and away from potential air criminals.

3. Given the current practice at airports in India (perhaps elsewhere as well), where passengers are subject to several security checks prior to boarding an aircraft, and where each security check is conducted by a different security agency, concern may arise regarding the thoroughness of each check. It is likely that in having more than one security check, each repetition of procedure may undermine the credibility of its predecessor. Airport authorities must guard against this when drawing up a plan to establish a sound security check procedure.

4. While screening passengers, no form of preferential treatment must be accorded to dignitaries, diplomats, heads of state or other high ranking officials. In the eyes of airport authorities, all passengers must be equal irrespective of their age, category of travel, gender and race.

Conclusions

Undeniably, laws play a vital role in ensuring the safety and security of civil aviation. However, the mere fact of their existence is not enough; rather, they must be complemented by sound procedures which have been tested for loopholes, ease of universal application, efficacy and feasibility. Unilateral actions by states (such as the US) to require additionally high levels of security for

incoming flights and a correspondingly lower level for outbound (international) flights is not a panacea.[91] To help bridge this perceived gulf, the following proposal may hold promise.[92]

A Model for Improving Check-In Procedures at Airports and Thereby Enhance Security

Airport facilities are not comparable to shopping malls. While, admittedly, a place of commerce, its true purpose should not be diluted by an inundation of merchant establishments.[93] The *sterile* areas of an airport should remain just that – sterile – and efforts must be made to minimize the number of people, other than legitimate passengers, accessing it.

It is proposed that airport complexes be made accessible only to legitimate passengers and the work-force required to staff it. Friends, relatives and an assortment of other visitors who now have access to it, ostensibly to see off or receive their acquaintances, should be kept out of the airport complex thus rendering the number of people to an accountable and manageable level.[94] Only those people who *must* be there should be granted access.

In an attempt to deter non-essential persons frequenting airport complexes, it would be prudent to efface expansive parking facilities. It is proposed to establish a centre, located at a reasonable distance from the airport complex itself, at which passengers could be dropped off by their guests, and then be transported to the airport complex by the appropriate authorities and/or airlines. This system would likely cause a marginal rise in operational costs, but one which could reasonably be considered a very small price to pay for enhancing airport (and as a consequence aviation) security.[95]

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[91] The security procedures for flights into Washington DC's Reagan National airport (DCA) is far higher than those departing from it or into nearby Baltimore Washington International (BWI). A reason for this could be the vulnerability of the White House due to its proximity to DCA. One may argue, though, that the lives of those in the vicinity of BWI are equally precious as those found inhabiting the White House, thus calling for a standard level of security across *all* airports.

[92] This proposal is made while keeping a medium sized airport in mind. For larger or smaller airports with increased or reduced volumes of passengers and traffic, this proposal may be used *mutatis mutandis*.

[93] However, it would be foolish to ignore the substantial revenue airports generate from the merchant establishments they host- not just from the rent paid but also from the 'last minute' sales in which air passengers indulge With flight cancellations and delays, passengers often require facilities within the airport complex itself to help them tide over their hunger, thirst and the most natural concomitant of flight cancellations and delays- ennui.

[94] An added benefit of this move would be a decrease in the possibility of terrorist activities at the airport complex itself.

[95] While the elimination of parking facilities would reduce revenues generated from parking fees, the move would significantly reduce the incidence of terrorists planting vehicle bombs targeting airport facilities.

Once a passenger reaches an airport complex, all check-in baggage should be thoroughly screened.[96] When the airport security official handling this operation is satisfied that the bag is safe and 'clean', a tamper proof seal should be affixed to it, and the bag returned to the passenger.[97]

The passenger would then proceed with his/her bags, to the check-in counter to obtain his/her boarding card. Once the airline representative is satisfied with the credentials and identification documents of the passenger, and has noted that the check-in baggage has been cleared for acceptance, the passenger should be relieved of such baggage, issued a baggage acceptance receipt and boarding card and given instructions to submit him/herself and his/her carry-on baggage for security clearance.

At this point, the computer system should be able to correlate the advance passenger information and the passenger name record with details on 'no fly' and similar other lists to alert airline security staff of any potential threat posed by a particular passenger. Any positive response to this computer generated query should then be communicated to the airport security officials who would proceed to scrutinize such a passenger and his/her baggage (check-in and carry-on) more closely before allowing him/her to access the aircraft.[98]

When the passenger has obtained security clearance, s/he would be admitted to an 'extra sterile' pre-boarding waiting area, one with little or no external contact, such that s/he cannot accept any additional (and potentially hazardous) items to take on board.

Airport authorities should ensure that this 'extra sterile' area is equipped with sufficiently screened commercial establishments stocking products which are legitimately permitted on board aircraft.[99]

Further, this area should be staffed with individuals who have been subject to extensive and exhaustive background checks, decreasing the possibility of an 'accomplice' acquired or known to be in this 'extra sterile' area.

Once a passenger is asked to board a flight, and the airline takes note of his/her having boarded the aircraft, computer systems should alert baggage

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[96] The advantages of screening check-in baggage in the presence of the passenger are two fold. First, it would increase confidence in the passenger that his belongings were not tampered with. Second, should the airport security official so require, he could request the passenger to open his bags thus vitiating the need to break open locks.

[97] Opening the bag at any time after this security procedure is complete must render the seal invalid thus alerting airport security officials to the fact that another security check on the bag is required. Upon arrival, if a passenger discovers a tampered seal, his ability to make a claim against the airline would be simplified. Of course, this last issue may be considered controversial and may require fine tuning in order to avoid vexatious and false claims.

[98] The airline staff should be in a position to inform airport security officials in a discrete and innocuous manner without arousing unnecessary anxiety or suspicion.

[99] Swiss army knives, cigarette lighters and souvenirs that could potentially be used as weapons on board aircraft are some of the items which should be proscribed.

handlers that a passenger-bag match has taken place and that his/her checked-in baggage may safely be loaded onto the aircraft. This process would not only ensure that the passenger accompanies his/her baggage, but would also reduce the chance of misplaced luggage.

It is also suggested that the procedure described above be applied to transit passengers as well. Should this procedure gain universal acceptance and application, air-faring nations would likely be more confident in the security of flights to and from other countries and could then devote their efforts to other, more productive, aspects of civil aviation.

Final Remarks

As discussed throughout this study, there is no shortage of laws aimed at handling situations after an attack on an aircraft or airport has occurred. States, together with international organisations, must realize that laws made reactively are of little consolation to those who have already suffered grief and loss. There is little solace in securing the metaphorical 'stable door' after a horse has bolted. What states and international organisations must focus on is the formulation of stringent laws, procedures and requirements applicable at an early stage, mitigating dangers before they come to fruition. For the civil aviation industry, the early stage is the airport.

If airport security laws, procedures and requirements were tightened and rigorously monitored for consistency, then much time, effort and money could be saved – resources currently being expended on enacting, implementing, enforcing and interpreting *new* aviation security laws. It is hoped that ideas of a similar nature to those contained in the model proposed above will perhaps inspire others to carry on researching the most efficient methods for increasing aviation security in the air and on the ground. But research is not enough. It is further hoped that those responsible for providing secure air travel take heed of the warnings and follow through with programmes to ensure that human lives are saved in a preventive manner – by adequately securing vulnerable public spaces of which the airport ranks high.

Comment & Analysis

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2008 Czech Presidential Elections: A Commentary

Petr Just

Again after five years, the attention of the Czech public and politicians was focused on the Presidential elections, one of the most important milestones of 2008 in terms of Czech political developments. The outcome of the last elections in 2003 was a little surprising as the candidate of the Civic Democratic Party (ODS), Václav Klaus, represented the opposition party without the necessary majority in both houses of Parliament. Instead, the ruling coalition of the Czech Social Democratic Party (ČSSD), the Christian-Democratic Union – Czechoslovak Peoples Party (KDU-ČSL), and the Union of Freedom – Democratic Union (US-DEU), accompanied by some independent and small party Senators was able – just mathematically – to elect its own candidate. However, a split in the major coalition party ČSSD, and support given to Klaus by the Communist Party of Bohemia and Moravia (KSČM), brought the Honorary Chairman of the ODS, Václav Klaus, to the Presidential office.

In February 2007, on the day of the forth anniversary of his first election, Klaus announced that he would seek reelection in 2008. His party, the ODS, later formally approved his nomination and filed his candidacy later in 2007.

Klaus succeeded in his reelection attempt, but the way to defending the Presidency was long and complicated. In 2003 members of both houses of Parliament, who – according to the Constitution of the Czech Republic – elect the President at the Joint Session, had to meet three times before they elected the President, and each attempt took three rounds. Also, this time legislators had to meet repeatedly. Klaus won in the third round of the second election process. This year's elections were enriched by new instruments of the political culture. It showed that the Presidential elections can be accompanied by filibustering, blackmailing, pressure, gunpowder and bullets in envelopes, mysteries concerning the disappearance and absence of some members of Parliament; all of which occurred in an environment of the negative evaluation the public gives – in a long-term perspectives – to politicians and politics generally.

"Pulling Rabbits from the Hat"

Looking for a challenger to Klaus was a long and complicated process. Several candidates were pulled out as a "rabbit from the hat", as the Czech phrase goes. Their glory lapsed at the same speed it grew. Looking for a challenger invited scruples. It showed that Klaus – despite the controversies he evokes – is a very strong and charismatic political figure in the Czech Republic. He could rest upon a strong and compact corpus of 122 ODS Deputies and Senators, as well as intensive support given to him in the long-term by the Czech public.

If his challenger was supposed to be successful, he would have to carry almost the whole of the rest of the political spectrum. In contrast to Klaus, he would have to accost a very diverse, heterogeneous, and non-compact conglomerate of political ideologies. It seemed to be an almost impossible task: to find a candidate who would be acceptable to communists, socialists, liberals, greens, conservatives, and Christian democrats, especially when even within these groups were individuals who publicly declared their support for Klaus. Any potential challenger therefore could not rely on even all of the Deputies and Senators from an anti-Klaus coalition.

The names mentioned (and also rejected) during 2007 included the former Czechoslovak Minister of Foreign Affairs, Jiří Dienstbier (proposed by ČSSD); the President of the Czech Academy of Sciences, Václav Pačes (independent); the Vice-President of the Senate, Petr Pithart (KDU-ČSL); and Chief Justice of the Constitutional Court, Pavel Rychetský (a former ČSSD member before becoming Chief Justice). The last two candidates mentioned rejected this idea themselves.

Émigré as President?

It became more and more obvious that Klaus's challenger would have to be a relatively politically unshaped personality, or at least not so politically pronounced, and would have to be able to accost all anti-Klaus subjects. Klaus, who has been active in Czechoslovak/Czech politics since 1989, was challenged by the Green Party (SZ) nominee, the Czech-American economist Jan Švejnar, who left Czechoslovakia with his parents when he was 17 years old. The fact that this candidate for the Czech presidency spent most of his life in exile, and that he holds both Czech and U. S. citizenship, became one of the most frequent targets from anti-Švejnar and pro-Klaus activists. These criticisms even lead Švejnar to announce that, in case he was elected President of the Czech Republic, he would abandon his U. S. citizenship.

Let me remind readers that this was not the first time somebody has been judged according to his émigré status and returning to his or her former home country. It was President Klaus who in December 2006 confirmed the nomination of Karel Schwarzenberg for the position of Minister of Foreign Affairs in

the second cabinet of Mirek Topolánek. Klaus pointed out that Schwarzenberg also holds double citizenship (Klaus mistakenly thought Schwarzenberg was Czech-Austrian, whereas the truth is that he is Czech-Swiss). On the other hand, there were politicians in the past whose dual citizenship was not a problem (for example, the former Minister of Foreign Affairs Jan Kavan, and the Deputy Prime Minister Egon Lánský, both of whom served in the minority government of Miloš Zeman in 1998–2002).

It is also worth mentioning that, for example, all three Baltic countries have had as their head of state returned émigrés. The President of Lithuania in 1998–2003, and again since 2004, Valdas Adamkus, spent the whole period of Soviet rule over Lithuania in the United States, where he was even politically active as a member of the Republican Party and a high ranking officer at the Federal Environmental Protection Agency. The Latvian President in 1999–2007, Vaira Vike-Freiberga, spent most of her life in Canada. And the Current Estonian President, Thomas Hendrik Ilves, was even born in exile, in the United States, where he lived and worked for Radio Free Europe. The fact that they ran for the presidency after returning from exile did not pose a problem for any of them.

But let's return to Švejnar. As we have already said, his nomination was initiated by the Green Party. It was the only party of the current center-right coalition cabinet that openly rejected support for Klaus. They had been criticizing him especially for his environmental statements, but also for his euroscepticism. The Green candidate gained support from the ČSSD and the Club for Open Democracy, a Senate caucus representing small center-right, mostly liberal political parties and movements such as the US-DEU, the Civic Democratic Alliance (ODA), the Liberal and Reform Party (LIRA), Way of Change (CZ), and the European Democrats (ED).

While backing for Švejnar from the Greens and the Club for Open Democracy was not surprising at all, the support given by the Social Democrats was not expected. Many Social Democrats pointed out that Švejnar was not a typical Social Democratic candidate. His attitude towards governmental public finance reform is not as radically negative as the ČSSD would expect. Also, on the issue of the U. S. radar base in the Czech Republic, Švejnar totally opposed the ČSSD standpoint, not just on the question whether the radar should or should not be located in the Czech Republic at all, but also on the question of whether there should be a referendum about the issue. Švejnar thinks that strategic security and defense issues should not be decided by the people in a referendum.

So on the key topics of current internal political discourse, Švejnar is definitely not standing on the side of ČSSD. With a little exaggeration we could say that Švejnar's position on the radar issue is much closer to the coalition cabinet than Václav Klaus' position.

The Communist's Strange Strategy

The Communists also discussed Švejnar's candidacy for a while, and later they initiated quite an interesting strategic game. They decided to support Švejnar just in the first and second rounds so to ensure his progression to the third round, therefore allowing him to stand against Klaus during the whole electoral process. However, in the third round, Communist legislators (except 3 Senators) did not support any candidate, neither Švejnar nor Klaus, precipitating the failure of the first election process and calling for new elections. They wanted to show that their votes are necessary for electing the President, and therefore increase their price in political negotiations. The first part of the scenario was fulfilled according to the Communist's wishes: their strategic game ensured that nobody was elected in the first election process. The following process initiated by the Communists, however, called out scruples. The expected strengthening of the position of the Communists during elections did not happen.

Their strategy for the second election process shocked many observers of the Czech political scene. They decided to nominate their own candidate, and selected an independent member of the European Parliament and former journalist, Jana Bobošíková, a fairly controversial figure. Their choice called out scruples and was regarded by many as a ploy. Also, it seemed that the only meaning of her candidacy was to launch her campaign before the upcoming European Parliament elections, scheduled for spring 2009. Furthermore, by nominating her, the Communists wanted to attract the attention of the public. The Švejnar camp accused the Communists of splitting anti-Klaus forces, and Bobošíková later took her candidacy back. The official explanation was that the Communists didn't find her the support needed. However, it was clear from the very beginning that she would not receive any votes besides those of the Communists, and even inside the KSČM support for her was not unanimous.

The Communist's attempts to increase their price fell flat. What's more, the election results showed that the President can be elected without a single Communist vote anyway. Both candidates –Klaus and Švejnar – admitted before the elections that anybody who wants to be elected President needs Communist votes. The results showed that this is a myth, that there can be a presidential majority without a single Communist vote. Klaus, who faced criticism after the 2003 elections for being elected thanks to Communist votes, will now be able to define his position towards the KSČM more negatively, as he is not bound by any gratitude for voting for him. The fact that the new President was elected without the Communists hides the fact that he was elected by a close shave, as he received just one vote over the quorum.

If we say, on the one hand, that the elected President did not need a single Communist elector, on the other hand he still needed votes from deserters from

the opposition ČSSD party. Miloš Melčák and Michal Pohanka had deserted from the Social Democrats at the beginning of 2007 when they supported the formation of a center-right minority government of the ODS, KDU-ČSL, and Greens. They were both expelled from their party and since then have acted as independent Deputies, supporting, however, key governmental programs. Melčák and Pohanka both decided to vote for Klaus and so did another – and now also former – Social Democrat, Evžen Snítilý. For supporting Klaus he was expelled from the party, although he says he will vote with the Social Democrats in parliament.

The KDU-ČSL and their Shift

Švejnar was, during both election processes, supported by part of the KDU-ČSL as well, although it was a minority group within the party. On the other side, this Švejnar group within the KDU-ČSL included, among others, the KDU-ČSL Chairman, Jiří Čunek, and the former Chairwoman of the KDU-ČSL parliamentary club, Michaela Šojdrová. Klaus supporters prevailed, which ended in the quite surprising resolution of the KDU-ČSL National Committee, suggesting its legislators and presidential electors vote for Klaus. It was known that there were a few KDU-ČSL representatives who would support the incumbent President Klaus – for example, the former Chairman and current Minister of Finance Miroslav Kalousek – and that few others were considering voting for Klaus. However, it seemed that a majority of Christian Democrats belonged to the anti-Klaus group.

In March 2007, I wrote in an article, about the relations of Klaus and the KDU-ČSL, the following: "The traditionally pro-European KDU-ČSL badly endures some of Klaus's statements against the European Union. Differences between Václav Klaus and the KDU-ČSL on foreign and European policy were most visible when the KDU-ČSL former Chairman Cyril Svoboda headed the Ministry of Foreign Affairs." We also have to add that the coexistence of the ODS and KDU-ČSL in two center-right coalition cabinets between 1992 and 1997 was not ideal at all. Many influential Christian Democrats – including Věra Luxová, the widow of Josef Lux, the former KDU-ČSL Chairman and Deputy Prime Minister and Minister of agriculture in Klaus cabinets – pointed out this negative past experience they had with Klaus as Prime Minister.

When Klaus became President for the first time in 2003, the KDU-ČSL was a coalition partner in a government lead by the ČSSD and characterized by very tight relations between the President and the Government, especially on foreign policy and European issues. This conflict was – as stated above – personalized by Klaus and Svoboda. Paradoxically, it was Svoboda who made the most surprising shift when announcing he would support Klaus, although he had been considered a typical representative of the anti-Klaus left wing group in the

KDU-ČSL. His explanation was very unfortunate and intensified speculation that the KDU-ČSL had made a deal with the ODS: Christian democrats will support Václav Klaus, and in return the ODS will vote for a law allowing the restitution of some religious property and returning it to the Catholic Church. Although Christian democrats, the ODS, and even Klaus rejected the allegation, suspicion of the deal remained.

What made the KDU-ČSL change their attitude and officially support Klaus? President Klaus tried to present himself as a conservative politician. During his first term, for example, he vetoed a law allowing same-sex registered partnerships. His conservatism was most visible during his second candidate speech: "If you do not want to regard the thousand years of tradition of our civilization, its Christian values, its accent on the classic family and respect for life in every stage, then do not vote for me, because I respect these values. If you want to live in a future formed by the modern wave, when smoking will be prohibited but drugs will be tolerated, when the institution of marriage will be endangered and the town halls will be full just of same-sex pairs waiting for registration, when old and sick people will be mercifully devitalized, when we will be given orders what to eat, drink, how to speak, then this is not my program. This is not my vision of the future," said Klaus. According to many commentators, this was an attempt to catch as many KDU-ČSL electors as possible.

A Clear Situation in the ODS

The clearest situation concerning support for the candidates was in the ODS. Its candidate, founding father, long time Chairman, and current Honorary Chairman, Václav Klaus, has enjoyed its support since the moment he first announced his intention to run again. Although relations between Klaus and the ODS froze due to some of his standpoints and opinions expressed during a seven month period of looking for a stable cabinet after the 2006 elections, the possibility that any ODS legislators would not support him was very low. The unity of 122 votes secured, by 81 Deputies and 41 Senators of the ODS, put Klaus in the position of frontrunner.

Reelecting Klaus for a second term was probably most welcomed by the Prime Minister and Chairman of the ODS, Mirek Topolánek. It stabilized his permanently weak and unstable party position and, if nothing critical happens, he may rest till the fall 2008 when not only Senate and regional elections are held, but the ODS National Convention leadership election will take place.

Can Any Candidate End the Persistence of America's Tragic Diplomacy?

Jeremy Zorby

While scandals, failed military interventions, and public cynicism can characterize the terms of several Presidents in American history, few will stand out more than the two terms of George W. Bush. After September 11th 2001, the President quickly went from a public approval rating of less than 50% to nearly 90%. No other president – except for his father – had experienced such a manic shift in the pendulum of public support. Because of this, some historians began to make the claim that Bush would go down in history as one of America's greatest Presidents. However, these historians (not to mention politicians) caught up in the emotion of the time overlooked the confrontational rhetoric and naïve idealism of the President and his close advisors. In Classical Greek tragedies, the main character (usually an influential public figure) experiences a downfall as a result of hubris. This single word can sum up the two terms of the 43rd President.

"We're in a lot of trouble!", said Peter Finch's character, Howard Beale, in the 1976 film "Network." And certainly, Americans aren't the only ones who are "as mad as hell." As an American currently living abroad, it is easy for me to see the growing cynicism toward the United States and its policies around the world. This is the byproduct of the last eight years, which have been the low point of our tragic diplomacy. There were many missed opportunities following the events of September 11th, including a failure to renew President Clinton's peace process initiative, and to maintain close relationships with those who were sympathetic.

However, the exact opposite occurred, and now we are faced with two failed wars, an unstable Middle East, an empowered Iran, and no even-handed approach to the Israel-Palestinian conflict (perhaps America's most key issue to regaining global respect). As a result of these failed policies, the President has managed to destroy the confidence of our allies and, equally importantly, raised the level of mistrust in the Arab and Muslim world to an all-time high. It is frightening to imagine that our position in the world could get any worse.

The question is: Which candidate will get us out of these quagmires, and, more importantly, will engage in proper and smart diplomacy by taking a departure from the current model of military force and regain lost support from abroad? After having closely analyzed the speeches of the three 2008 presidential candidates, the future does not look too bright. Here is why.

John McCain

McCain's fiery speeches make statements of the necessity for more than just a strategic bond between Israel and the United States, but also a "moral one." In a speech before United Christians for Israel, he called for American support to "intensify – to include providing military equipment and technology and ensuring that Israel maintains its qualitative military edge," and to isolate Hamas.[1] With regards to Iran, he maintains that diplomacy should be the first measure; however he has also made it clear that a nuclear Iran will not be accepted.

He is committed to finishing the job in Iraq, which is no doubt sincere, but realistically doesn't seem possible to accomplish without help from the international community. Also, McCain's approach to national security includes expanding the military, modernizing weapons systems, and developing and deploying missile defenses. Clearly, McCain's foreign policy will be a mere continuation of Bush's, and that certainly won't put the United States on a better standing with the world.

Hillary Clinton

Clinton has made it one of her top issues to bring American troops home as soon as possible. This message seems rather irresponsible. While a majority of Americans are dissatisfied with the war, it would not be wise to make a rash decision to bring American troops home with little dialogue, just as it was not wise to rush into the war with little dialogue.

It has been made clear that Clinton would continue to give unconditional support to Israel. An interesting fact is that on her website there is barely any attention given to the issue. It is difficult to draw conclusions from this, but one thing for sure is that she has not demonstrated an even-handed vision during the debates and her speeches.

However, Clinton can be praised for her strong favorability towards diplomatic engagement with Iran. She has stated that this is the most pragmatic way to finding a solution. During the June 3rd debate, she made the point that "all during the Cold War, we always talked with the Soviet Union…" and continued to say that the U.S. should still engage in diplomacy with Iran, despite its status as an enemy.[2] Her stance on Iran is much different from her counterpart McCain, who makes outright references to conflict with Iran. But her 2007 vote to declare Iran's revolutionary guard as a terrorist organization was either simply counterproductive to future diplomacy or a crass attempt to shore up her image as a tough leader for the 2008 general election.

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[1] Available at: http://www.johnmccain.com/Informing/News/Speeches/df96a751-be4f-4275–8d28–2c38ad036983.htm, 18 July 2007.

[2] Available at: http://www.ontheissues.org/2008/Hillary_Clinton_War_+_Peace.htm "Iran having a nuclear weapon is absolutely unacceptable." 3 July 2007

While she would be less confrontational and therefore might do better than McCain, she still does not possess a clear plan to heal the wounds created by our tragic diplomacy.

Barack Obama

Regarding Iraq, Obama has a similar stance to that of Clinton. He also stresses an aggressive attempt to engage in regional diplomacy with both Syria and Iran. He resembles both of his opponents in the belief that the United States' primary role in the Middle East must be to ensure the security of Israel. However, a speech to Jewish community leaders in Cleveland offered a rare opportunity for new dialogue on the issue U.S. and Israeli relations. He stated,

> I think there is a strain within the pro-Israel community that says unless you adopt an unwavering pro-Likud approach to Israel that you're anti-Israel, and that can't be the measure of our friendship with Israel. If we cannot have an honest dialogue about how we achieve these goals, then we're not going to make progress And frankly, some of the commentary that I've seen which suggests guilt by association, or the notion that unless we are never ever going to ask any difficult questions about how we move peace forward or secure an Israel that is non-military or non-belligerent or doesn't talk about just crushing the opposition, that that somehow is being soft or anti-Israel, I think we're going to have problems moving forward. And that, I think, is something we have to have an honest dialogue about.[3]

Such a comment is rare in American politics and should be surprising because of his past statements from various speeches and debates. However, it demonstrates that Obama has the capability to envision an even-handed approach to the issue. This could be due to his background: being the son of an African immigrant and having lived abroad in Indonesia, Obama is likely to have a more global view than his opponents. This asset is something necessary for the future of American diplomacy. Right now, the only hope for better a better foreign policy under the leadership of Obama is seen by his promise to communicate closely with allies, and the above recent remark made in Cleveland. However, that is still not enough.

Conclusion

The reality is that so much can change between now and election day, including the foreign policy stances of McCain, Clinton, and Obama. However, one thing for sure is that the winner in 2008 will begin their presidency with a number of issues that are among the biggest challenges of the last few

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[3] Available at: http://blog.washingtonpost.com/the-trail/2008/02/26/obamas_ohio_grilling. html 24 February 2008.

decades. But with well-informed decisions, a departure from the current model of confrontation, and a stronger emphasis on soft power, the U.S. can begin to improve its image, all the while preserving its influence. This can only be done by engaging and listening to allies (for example, on how to deal with Iraq, since it is in the interest of all), and enforcing an even-handed policy with Israel and Palestine, which is in the interest of all three players. Equally as important, recklessly pulling out of Iraq without sufficient dialogue and careful planning, and engaging in confrontational rhetoric with Iran, will only continue the tragic history of American diplomacy, a sure path to a whole new set of major issues.

Finally, special attention should be given to the most recent failed attempt at a peace process in Annapolis. During the Forum 2000 meetings in Prague in October 2007, Kishore Mahbubani, a prominent author and scholar, stated that if there is one issue America should focus all of its attention on, it is the "silver bullet issue" of Israel and Palestine. Also, during an interview between the Al-Jazeera correspondent Mark Levine and a senior Hamas leader, Levine asked the anonymous leader about whether violence works or not. He replied "We know the violence doesn't work, but we don't know how to stop."[4] This reality is all the more reason why the next administration should dedicate a great deal of its focus to tempering its tendency to tip too far towards Israel, and playing more of a just, rational, and diplomatically aggressive role in creating a two-state solution that is not influenced by certain interest groups in Washington.

Unfortunately, none of the candidates has proved that they have the capability of doing this.

An International Conspiracy Against the Republic: The First Post-War Political Show Trials in Czechoslovakia

Marie Homerová

When civilizations or systems undergo extensive change, one replacing another wholesale, those responsible for instituting the new system often feel it necessary to eradicate as many aspects of the old system as possible. This is done in order to secure the new order. Scholars are only now able to study in

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4   Available   at: http://english.aljazeera.net/NR/exeres/BB1E373A-50F9–403A-9263–98D09D584A31.htm 9 March 2008.

detail the dramatic developments which occurred quite rapidly in Czechoslovakia late in the 1940s and early in the 1950s. Materials recently opened for review allow us to understand the details of one mechanism used by totalitarian regimes in the Twentieth Century: the large show trial.

The Nazis were driven from Czechoslovakia in mid-1945 and democracy was immediately restored to the country. However, less than three years later, in February 1948, the Communist Party seized total political power. One result was a new law promulgated in order to protect "*the People's Folk Democratic Republic.*" It was introduced in accordance with the Communist ideological program promoting what they characterized as a sharp struggle against the class enemy and domestic reactionaries. This new legislation facilitated the persecution of three major groups: the leaders and members of the pre-war democratic political parties, domestic non-communists who had fought against the Nazi occupation, and Czechoslovak soldiers who had fought on the side of the Western allies of democratic Czechoslovakia during the war. In addition, much negative attention was directed against the Catholic Church, which was considered to be the most dangerous potential opponent for the new atheist regime, and anti-Semitism was employed by the regime as a major element in its drive for Stalinization.

To combat these perceived enemies, the Communist regime gradually introduced and elaborated an extensive system of investigative techniques and instructions for the StB – the secret police. A major the task of the StB, we now know, was to prepare political trials and other forms of persecution. Their assignment was carried out relentlessly. Over the years from 1948 to 1955, several waves of show trials affected and horrified Czechoslovak society and the international community. Czechoslovakia had been the last country incorporated into the Soviet bloc, and therefore the big post war "purge trials" or "show trials" began later than in the other Soviet satellite countries.

The Communist bloc employed a form of what Orwell called "newspeak." For example: In the Czech and Slovak languages they introduced the term "*the camp of peace*" to describe the new system. But it was hardly peaceful on the domestic front. Following the Communist putsch, numerous brutal show trials were held, mostly aimed against Catholics, the members of the anti-Nazi resistance, or "*kulaks.*" During the 1950s a total of about 230,000 people were victimized by the new regime, of whom about 200 were executed. Their victimizers have never been punished, or their punishment has been only symbolic. However, last year, on November 7, 2007 – 57 years later – one of the judges in the Horakova case, who was still alive, was in fact sentenced to 8 years.

Perhaps the best known in the outside world of all the Czechoslovak show trials was the one against Rudolf Slansky, the former Czechoslovak communist leader, and his associates, which ended in their execution. Ironically, Slansky had helped to initiate the brutal system of persecution of democrats and free

thinkers, including the construction of labor camps holding many of them, which consumed him.

Even earlier than the Slansky trial, however, another set of show trials was put before the public – an experience that riveted the nation and helped assure the reduction of the Czechs to subject status for almost half a century more. These first trials started immediately after February 1948, that is, very soon after the communists in their putsch usurped all the major posts in the government and took the most significant positions in the army and the police forces. This trial was aimed against three sets of great national heroes and heroines: democratic politicians who had gone into Western exile with the government (temporarily removed to London) following Nazi invasion and occupation, soldiers who fought against the Nazis for the Czech government, and members of the domestic anti-Nazi underground who had remained in the country but cooperated with the government during the Second World War.

The first to go was General Heliodor Pika, a Czech military leader, along with a group of fellow Czechoslovak Western officers who had operated out of London. They were put on trial in March 1948, only a few weeks after the change of regime. General Pika, a significant member of the Czechoslovak military establishment with the exiled government in London, had been active on both the Western and the Eastern fronts, commanding the most significant military operations. Once put on trial, he was denounced as a traitor to Czechoslovakia. He became the first executed victim of the newly established persecution machine.

From the very beginning of the new regime, the Communists inserted their propaganda into all contemporary mass media. Rhetoric broadcasts on the radio was replete with expressions new to the Czechoslovak vocabulary: "*the fight against class enemies*" or "*Western imperialism hostile to the proletariat.*" The radio dangled the threat of a Third World War which it reported was being prepared by "*American imperialists and Zionists.*" The nation was startled to learn that the "*class enemies*" were people whose political views had always been thought of as democratic. Many were significant members of the pre-war Czechoslovak democratic political parties, but others were previously unknown, typical, average citizens. The democratic leaders were generally portrayed as "*pro-American spies and helpers participating in international capitalist conspiracies.*"

The frenzy peaked in 1949–1950, just as the Iron Curtain, taking the form of a walling up of the frontiers of the country, was erected, just as hundreds were trying to flee from the new regime. Thereafter, during the 1950s persecution methods typical of both the Nazis and the Soviets emerged in Czechoslovakia.

The indicted democratic opponents of new communist regime included especially those who had been arrested by the Nazi occupation regime during

World War II. Having survived Nazi concentration camps, these men and women nonetheless were to be imprisoned once again when the new totalitarian machine started its work in 1948. Perhaps the most well-known of them was Dr. Milada Horakova, a pre-war politician from the National Democratic Party and a prominent activist in the pre-war women's movement.

A published author, Dr. Horakova was born in Prague on December 25, 1901, and she was hanged on June 27, 1950 at a prison in Prague. For the past four years the day of her execution has been honored as "Commemoration Day of the Victims of the Communist Regime" in the Czech Republic.

A lawyer and a successful politician during the democratic years from 1927 to 1940, Dr. Horakova worked in the Central Social Institute in Prague. She became a leader of the Czech women's movement, and in 1929 she joined the Czech National Socialist Party, which, despite its name, was a strong opponent of the Nazis. She was active in the anti-Nazi resistance movement, beginning with the invasion in 1939, but was arrested by the Gestapo in 1940. Her trial by the Nazi regime led to her imprisonment, first in Terezin (Theresienstadt) in the north of the country, and then in Nazi prisons in Germany itself.

Following the liberation of Czechoslovakia, Dr. Horakova was elected to the first free, post-war Czech parliament, and she was also elected chairwoman of the Council of Czechoslovak Women. But on September 27, 1949, she was arrested and charged with treason and espionage. She said that she had remained true to the principles of Czechoslovak democracy.

The trial of Mrs. Milada Horakova differed from all previous Communist trials. It was the first monstrous show trial in Czechoslovakia constructed with the help of Soviet advisors. Two Soviet advisers, Lichachov and Makarov (perhaps not their true names), arrived in Prague in 1949. They had been requested by Klement Gottwald, the first "*working class*" President of Czechoslovakia, and by Rudolf Slansky, then secretary of the Communist Party. Both advisors traveled from Hungary where they had helped lead the show trial against Laszlo Rajk. Their task in Czechoslovakia was the same as in Hungary: to train a team of Czechoslovak secret policemen in Soviet methods of investigation and accusation; their expertise included specific kinds of manipulation of political prisoners. They had gained a great deal of experience in the 1930s during the Soviet purges. After 1945 they had also plied their trade in Bulgaria and Albania.

In retrospect we can see that the aim of every show trial was to break the personalities of the victims, to shock the public and to indoctrinate the youth. In the words of the Czechoslovak media of that day, the main task of the time was "*to reveal the true face of the class enemy and the evils of capitalist imperialists.*" In reality such trials existed to deter citizens from any criticism and to suppress any possible anti-Communist resistance.

The two Soviet advisors began to train Czech secret policemen as yet inexperienced in the necessary techniques; training began immediately after the first meetings, which were held at the State Prosecution facilities. It was here that the concept and extent of the forthcoming trial was drawn up. The masterminds suggested and then literally drew up a network whose center was to be the trial of Dr. Horakova in Prague; it would be accompanied by a series of minor regional trials. The planners and makers of the trial procedures wanted to create the impression of an enormous "*anti-communist international conspiracy.*" According to the preparatory plans, every region in Czechoslovakia had both "*main leaders and their helpers.*" Their names were gathered and then written down on a map of the alleged network by the StB. In March of 1950 the major newspapers brought stunning information to the public: "*632 traitors of the Republic*" were revealed and had been imprisoned.

At the beginning of the investigation in 1949, the concept of the trial with Dr. Milada Horakova and her associates was vague, but as a result of the efforts of the Soviet advisors it was gradually refined; by 1950 it was prepared for public consumption. Its political goals were evident; all of the indicted were significant politicians of the pre-war political parties, members of the Western exile resistance factions or other potential opponents of the Communist regime. The accused this time were pre-war politicians from the Social Democratic Party, the National Democratic Party, the Christian Democratic Party, "Trotskyites", and others considered to be hostile groups.

Under the supervision of the Soviet advisors, the StB worked out and applied specific methods of investigation for every individual political prisoner. Different methods of pressure were used to destroy the will and psychological bearings of each personality. Besides beatings and starvation, prisoners were not allowed to sit down and they had to pace in their little cells until total exhaustion set in. Their night sleep was repeatedly interrupted. The psychological pressure grew even worse and included unbelievable rudeness and brutality. The prisoners, many of whom were educated intellectuals, were warned that their families would be physically liquidated. Their relatives were in fact forced to move out of their flats, imprisoned, sent to labor camps or persecuted in their everyday life, and their children were forbidden to study. The political prisoners were deliberately imprisoned with murderers or other serious criminals. The StB used also their own planted "*prisoners,*" agents who shared the prison cells with the "*class enemies.*"

Survivors of both totalitarian regimes attest to the fact that there were few or no differences between the Nazi and the Communist prisons. The aim of both regimes was the same: to eradicate human dignity. Prisoners were systematically forced to feel their absolute helplessness and total obedience. The investigators from the StB, who took over the investigation after the departure of the Soviet advisors, expressed their admiration for the new "*contributive Soviet methods*" and even "*improved*" upon some such cruelties.

Those who were psychologically strongest among the political prisoners feigned obedience, perhaps because they secretly believed that they would have the chance to deny all accusations in front of a judge during the public trial. Having lived in a democratic pre-war Czechoslovakia, they were convinced of the independence of the judiciary. Their belief was only a subjective one, however, because all the judges leading the political show trials in the 1950s were chosen by the StB and manipulated carefully by them. In addition, the leading prisoners, considered most dangerous, were carefully monitored; numerous archival documents available today show how these "*stubborn*" prisoners were watched day and night and then psychologically analyzed in detail during subsequent StB planning sessions. On the basis of such psychological observance and discussions, the StB decided upon the individual treatment of each prisoner. They focused especially on Dr. Horakova, who was considered to be the real and leading danger. It is evident from the archival documents that the trial with Dr. Horakova was prepared as a big show with the screenplay finalized well in advance.

The main role in an extensive international conspiracy was assigned to Dr. Horakova, since she was known to have had many contacts abroad. She also had been chairwoman of the Committee for International Affairs in the pre-war parliament. Moreover, the secret police knew about her contacts with former Czechoslovak politicians who had managed to flee abroad just before the Iron Curtain descended completely. Moreover, Dr. Horakova believed that the Communist regime would not last long, a widespread sentiment in the early 1950s. Therefore, she did not hide her political convictions.

The official prosecution speeches during the trial – and at the associated, minor regional trials – contained expressive passages, sentiments and expressions typically found in Communist rhetoric of the period. The lack of evidence or compelling arguments by the prosecution did not appear to disturb the judges, some of whom were newly created "*proletariat judges*" chosen from individuals of the "*working class*". Such judges, often without any secondary schooling, had graduated from, or were still studying at, special two-year Communist Party courses. Those on trial were described as "*disgusting traitors,*" "*American spies,*" or "*international terrorists preparing political murders motivated by class hatred.*" Such expressive accusations also appeared in all contemporary mass media, especially on the radio and in newsreels, because radio and film were considered by the government be the most effective means of reaching the public.

During the preparatory phase, which was filled with intensive propaganda, StB agents worked on the prisoners. They wanted them to play the role of traitors in public reliably and without any incident. It was Dr. Horakova in particular whom they suspected would not play along and behave properly. Despite torture and humiliation, Dr. Horakova and a few other prominent democratic politicians (two women among them) represented a potential danger for the

planned big show. During their meetings, the StB frequently discussed how to achieve the total psychological shattering of such unpredictable persons and how to force from them the desired confessions.

The trial became a Communist spectacle from day one. All the indicted were accused of conspiracy against the Republic. The victims confessed all the crimes the prosecution had elaborated for them in advance. Because of the torture that had been meted out to them, the prisoners confessed one by one to charges such as pro-American espionage or subversive activities against the new regime. Even those who were felt to be stubborn personalities, who had been expected to resist confessions by the StB, confessed in accordance with the wishes of the prosecution. However, some individuals, especially Dr. Horakova, frequently used clues such as formulating the sentences in their confessions in such a way as to prove that the prosecution and the trial as a whole were faked.

As of 1950, political prisoners did not yet have to memorize their speeches word by word for their confessions; this requirement was introduced by the StB in the following years, after the show trials in 1950 and most probably as a result of them. Thus the defendants at the Horakova trials did have some leeway to express themselves when on the stand, even though this expression could not be overt. Political prisoners in 1950 were pressured to answer questions from the prosecutors and judges in accordance with the prosecution's plans. However, the archival documents available to scholars and others since the Velvet Revolution of 1989 show that the original confession of Dr. Horakova and her colleagues differed from the official versions published in the contemporary media.

Fortuitously, the original and faked documents have been preserved in the Czechoslovak archives, placed there immediately after the trials ended. Access by independent observers was allowed beginning in 1990, Communist historians having shown no interest in researching such explosive sources.

A comparison between the original records and the propaganda fakes illustrates how the regime manipulated public perceptions in the 1950s. For example, the original protocols and stenographic texts were "*adapted*" for the media. Numerous sentences were re-written or left out of the text. The original radio recording of Dr. Horakova's confession was treated that way, with significant parts left out or rearranged. The trial of Dr. Horakova had been on the radio every day, but not all parts were broadcast. The (edited) confessions were then reported to have "*initiated the fury of the working class*" nationwide. Many petitions from factories were signed and sent to the Central Committee of the Communist Party demanding death sentences for all the "*traitors,*" especially for Dr. Horakova.

The Communist ideologists in the 1950s published materials from the trial as part of their own propaganda; the result was *The Gray Book*, a typical

fake of that era. Inconvenient sentences or paragraphs were omitted, and many sentences or their intended messages were completely altered. The propagandists also re-wrote the actual dialogue between the judges and the indicted during the trial. Thus were the confessions of Milada Horakova and other "*class enemies*" presented to the public, written up in the way the Communists needed in order to manipulate the Czechoslovak public. They wanted to persuade the public at home and abroad of the breadth and enormous reach of the "*international conspiracy motivated by imperialists and their Czechoslovak helpers.*"

The trial verdicts for the political prisoners were: 14 executions and 52 life-sentences, with sentences ranging from 10 to 30 years imprisonment for the others. Many well-known intellectuals, among them Albert Einstein and George Bernard Shaw, protested against such cruel verdicts, especially against the death sentence for Dr. Horakova. In spite of all protests, Dr. Milada Horakova was executed early on the morning of June 27, 1950, shortly after the trial had ended. She was the only woman prisoner executed since the founding of Czechoslovakia (except during the Nazi occupation). The StB threw the ashes of Dr. Horakova and other victims onto a road in an unknown locality so that their martyrdom could not be celebrated with a pilgrimage to their resting place.

In her last letter to her sixteen-year-old daughter before her execution, she wrote: "When you realise that something is just and true, then be so resolute that you will be able to die for it." American readers might be interested to know that she was posthumously awarded the Truman-Reagan Medal of Freedom by the U.S. Victims of Communism Memorial Foundation, in a ceremony that took place at the Czech Embassy in Washington on November 14, 2006. The ceremony was attended by outgoing Secretary of Defense, Donald Rumsfeld, and John Warner, the Chairman of the Senate Armed Services Committee.

The comparison of the original show trial transcripts and the fakes produced by Communist propagandists provides a highly illustrative example of how the events of the 1950s were distorted and misused by the regime to its great advantage. Perhaps also it helps to shed some light on why the population of a country specifically created by Tomas Masaryk and U.S. President Woodrow Wilson in 1918 to be the most democratic and pluralistic country in Central Europe was unable to become reacquainted with democracy until so many years afterward.

A Comment on Energy Security in the EU

Michaela Radouchová

Developments in international economic, industrial, political and military affairs largely depend on the access states and other political communities have to energy supplies. Such wide-scale dependency increases the acuteness of competition between international actors for the remaining fossil fuel resources. This competition has led to the massive rise in the price of petroleum for states and by extension, consumers. Together, competition and price rises has already begun to strain the economies of petroleum-dependent countries and promises that strains will continue to be felt.

Energy dependency is essentially due to the acceptance that economies of scale require the use of non-renewable energy supplies such as: petroleum, natural gas and even coal; those resources that are limited in quantity. Such dependency is not necessarily inevitable then, as the multitude of alternative resources such as, hydroelectric, has the potential to power even the most industrial society. However, it seems that the costs of transforming a non-renewable resource based economy are great, and states are reluctant to make the proper long-term investments while the relatively cheap and accessible non-renewable resources are readily available. This is short sighted and such policies are responsible for increasing international tensions as states compete for the diminishing non-renewable energy supplies.

The EU too, despite its identification of energy security and potential energy diversification as a prime driving force in its foreign affairs, fits into the above competition. I would like to spend the remainder of this commentary discussing energy security in the EU.

Whereas, in the 18th and 19th century European states were largely autarkic in energy production (due to the abundance of coal – the primary energy resource at the time), the present EU is not. Instead, it has come to rely on energy imports from unstable regions and states which do not share the current value system of the EU. This reliance is problematic for economic, environmental and political reasons.

Economically, the EU faces problems associated with supply and demand. As demand rises and supplies are heavily competed over, prices rise as well. This means that the cost of maintaining a non-renewable resource based economy (and industrial base) will get more expensive year by year. With OPEC (the traditional source for keeping energy prices balanced) either unable or unwilling to place a price-ceiling on petroleum; that resource is open to normal market forces, implying that the 50% price increase the EU has witnessed over the past decade is only an indication of things to come. Additionally, non-OPEC

members, notably Russia, Kazakhstan and Brazil, are not bound to OPEC decisions and thus as they become larger energy suppliers, are not restrained on how much they can increase prices and thus increase their own political and economic clout at the expense of the energy dependant EU.

This economic problem bleeds into the political realm. Currently, the EU has only a limited base of energy suppliers. The primary countries feeding EU economies are: Russian, Saudi Arabia, Libya and Iran. Dependence on the imported energy supplies from these states is full of political risks including:

1) The risk of energy blackmail for regional or political gains as seen in Russia's political use of energy in the Ukraine, Georgia, Azerbaijan and Armenia

2) The risk that the monies provided unstable or politically unsavory in exchange for their energy resources can be used to purchase arms or other tools that may assist in maintaining such regimes and/or increasing their international power

In general, energy dependence weakens the EU's international and regional clout and raises the clout of oil rich states.

Given this bleak situation, the natural question is why the EU simply does not work harder to break its energy dependency?

The short answer is addiction. EU states are addicted to 'energy through oil' and their economic and industrial activities are designed with oil in mind. The costs associated, in research and development and applying the changes to EU societies are extremely high. However, such changes are required. Additionally, in the meantime, the EU needs to launch a conservation programme and attempt to strike a balance between the supply and demand of energy. In other words, enforce policies that are aimed at reducing the frivolous use of energy. These policies should be directed at private citizens as well as commercial and industrial centres. This can be coupled with further advances in the development of renewable resources.

EU states will not be able to foot the bill for the complete renovation of its economic and industrial capacity alone; it will need help from the private sector. Apparently, the European commission is trying to coordinate EU wide changes that bridge public needs with private monies. For example, the Commission encourages EU members to use tax breaks for those companies which have adopted energy conservation models on their products.

These are steps in the right direction, though much more needs to be done in order to break the energy dependency of the EU. Change in approach often follows from changes in thinking. Unfortunately, changes in thinking tend to occur after it's too late. It is my hope that the EU (states and citizen) are able to recognise the economic, political and environmental dangers and take proper precautions before reaching the point of no return. Provisions over EU energy supplies and developments in utilising alternative energy sources is the only

guarantee that the EU will be able to preserve its international relations priorities based on democratisation, human rights and the social market system. Without such provisions, it is likely that the European 'zone of peace' will be eroded by the same competition currently plaguing other less developed regions. The EUrope of tomorrow does not have to be the Europe of 1914.

Another European Cross-Road? Kosovo on the Brink of Recognition and Chaos

Jana Přehnalová and Vendula Nedvědická

The current situation facing Kosovo is the result of a long historic process which essentially began several hundred years ago. This process accelerated following the break-up of the Federal People's Republic of Yugoslavia in the early 1990s. While the series of conflicts between Croats, Serbs and Bosniaks resulted in national independence for the six Yugoslav Republics, Kosovo remained an inseparable part of Serbia, despite its strong independence oriented identity. This was to change in the late 1990s when the Kosovo Liberation Army (KLA) was formed and began a low-intensity conflict with Serbia in the hope of wrestling authority away from Belgrade. As KLA attacks became more frequent, and negotiations broke down, Serbia responded in the spirit of 1990s Balkan excesses, with a deliberate policy of ethnic cleansing and wanton violence against both KLA targets and the Ethnic Albanian civilian population. As the humanitarian situation deteriorated NATO was prompted to intervene. This intervention went under the name of Operation Allied Force and was designed to end the humanitarian crisis in Kosovo. The problem then (1999) as now was what to do with Kosovo once NATO was in firm control of it. After operations in Kosovo subsided, the UNSC passed Resolution 1244 which retro-actively legitimated NATO military deployments – in what has become known as the 'Zorro Principle' which highlights the morality but illegality of an action – and authorised NATO to deploy peacekeeping forces under the command of 'KFOR.'

The 1999 war, and subsequent administration of Kosovo by NATO and the UN (under UNMIK), did not solve the Kosovo question. Ethnic tensions periodically flared-up (between Kosovar Muslims and Serbs) and until 2007, the future of Kosovo seemed very uncertain. However, in February 2007 Martii Ahtisaari, the former UN Special Envoy to the Kosovo Status Negotiations, prepared a contingency plan for the 'supervised' independence of Kosovo. The

draft-plan was turned over to the Security Council for negotiation. After many intense negotiating sessions, the draft was shelved, owing primarily to Russian intransigence, which will be discussed below.

Despite the intention of Kosovo to declare unilateral independence in 2007, it was postponed by Kosovo Albanian leaders until after the after the 2008 Kosovo Presidential elections. It is interesting that all serious candidates promised a swift declaration of independence.

Just about two weeks after the election of Fatmir Sejdiu to President of Kosovo the declaration of independence was made by members of the Kosovo Assembly meeting on 17 February 2008. The declaration kicked-off a tidal wave of reactions. The declaration was unanimously approved from all 109 members present (eleven deputies from ethnic minorities were absent, including Serbs).

Kosovo as an independent state is currently recognised by only a minority of states, around 30, with more than 40 others openly rejecting recognition, expressing concerns or urging further negotiations.

Other states and secessionists throughout international society take Kosovo as either a positive or negative precedent. Secessionists seem to want to follow the Kosovo model while many states seek to prevent it becoming an international norm, lest the multitude of minority groups striving for independence also declare so unilaterally. The most outspoken opponent of Kosovo's independence (besides Serbia) has been Russia. Russia voted against the Ahtisaari draft in the UN Security Council which was the main reason why the plan was redrafted four times and ultimately shelved. There has not been any indication that Russia's position will change under Dmitry Medvedev. This is the main reason why the Republic of Kosovo has not been recognised by the UN – negotiations over the acceptance would be blocked by Russia. While there are many factors driving Russia's Kosovo position, its fears that Kosovo's recognition may reinvigorate secessionists from Chechnya and lead to its declaration of independence as well. Additionally, there are many other states which fear worsening situations in their territories due to increased demands of minorities to separate and construct their own political entities. For example: Georgia fears the independence of Abkhazia and South Ossetia, Spain regarding the Basques, and Cyprus and the Turkish Republic of Northern Cyprus, are cases in point. The precedent is not only felt in Europe, many Asian and African states also worry about whether they are now going to come under pressure to be subdivided to meet the aspirations of various ethnic, religious and linguistic minorities. India, Indonesia, China serve as good examples of these.

At present, Kosovo is not capable of guaranteeing its own existence. It is heavily reliant on NATO for external and internal security provision and on the EU and UN for economic and political stability. Kosovo may not be able to take security responsibility for itself for a long time, and domestic situation is

extremely volatile. With a population of two million, Kosovo has inherited an angry minority of ethnic Serbs (at least one hundred thousand), which naturally reject independence and seek protection and a return of Serbia. The recognition of Kosovo may cause more long-term troubles than it can possibly solve.

On the other hand, the US, with Britain, France, Italy and Germany, which comprised the bulk of the NATO force deployed, first against Serbia (1999), and then as the military guarantee against renewed hostilities have already recognised the new state. In light of these key recognitions, NATO has pledged to maintain its troop presence in Kosovo indefinitely, even though the UN administration will begin its phased handover of political responsibility to the Kosovar authorities. Many in Kosovo are counting on the EU to fill the administrative gap left by the withdraw of the UN.

Kosovo presents one of the greatest challenges yet to common European policies. Deploying an EU mission to replace the UN administration in Kosovo would require agreement from *all* member states. Cyprus, Greece, Slovakia and Spain, however, are all wary of fallout with their own separatist movements and have publicly pledged not to recognise Kosovo. This is in spite of the fact that the EU has been an integral part of the international effort to build a new future for Kosovo since the 1999 conflict. The EU – its members and institutions, notably the European Commission – play a prominent role in the reconstruction and development of Kosovo. In fact, the EU is by far the single largest donor, providing financial assistance to Kosovo and is at the forefront of the reconstruction effort there.

Finally, despite the heavy international presence in Kosovo and the interests that are at stake, ultimate responsibility for the future of Kosovo lies on Kosovo Albanians themselves. They have been assisted in gaining control of their republic and now must demonstrate that they can maintain the democratic principles the state was founded on. This includes the protection of minority rights for the Serbian population within their frontiers. They also have the responsibility to construct a strong economy, attract foreign investment and generally adhere to the social market system which the EU has encouraged. Under the UN and EU mandates Kosovo's efforts were extensive and they positively contributed to the long-term stability and viability of their state. Irrespective of the international pressures mounting against them, Kosovo is now an independent entity. Hopefully, it will not become another European crossroad, but rather continue on the path to success through deeper democratisation and integration into European political and economic structures.

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