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Editor's Note:

As CEJISS releases its fourth issue, international relations rests uncomfortably on the brink. The international atmosphere resembles a mixture of pre-WWI over-confidence among the great powers (particularly the US, Russia and China) and post-WWI global economic instability. The result of these dangerous ingredients is uncertain, though there is much to consider, especially as recent events seem to signal the return of the political over the economic. Despite current headlines indicating economic collapse – which is increasingly becoming a reality – the international political dynamics at play deserve attention.

At present there is a movement in the US, and to a lesser extent the EU, to 'bail-out' or nationalise faltering financial corporations. This may appear as a standard economic question – whether a state should bankroll a national company whose collapse could undermine the economic and wellbeing of its citizens. However, the decision has more to do with politics than economics, particularly in the case of the US, which prides itself as a prototype of Smith's invisible hand theory that limits a government's intervention in the economy. The actions of the US signal the beginning of the end of free-market systems in practise, implying that the political structures which encourage and maintain free-market systems are also eroding. This is likely to have wide-reaching implications to US domestic politics and, by extension, its role in international affairs. If the US can no longer cope with unrestrained market forces, then its ability to 'sell' the liberal-economic model abroad is greatly hampered. This is coupled with the fact that as more than \$ 1 trillion (USD) of tax paying money was allocated to some of the US's largest corporations, US citizens rightly ask the question of why they are not more adequately cared for with for example, health care. This question was partially answered by the election of Barack Obama to President of the US in November 2008.

Conceivably, the US under Obama will be more introspective; indicating a return, of sorts, to a form of isolationism whereby the US deploys ad hoc alliances on a case-by-case basis to secure its material interests while reducing its more enduring international commitments. While this policy approach may be logical given the credibility deficit currently plaguing the US, it could not come at a worse time for the EU, which relies heavily on the US for its security. Together the economic crisis and the failing credibility of the US on the international level underscores an essential tension in transatlantic relations, one that has not been lost on the EU's greatest geopolitical challenge, Russia.

Of the many political crises and conflicts in current international affairs, few will have longer implications for the security of the EU than the August conflict between Georgia and Russia. That conflict, it seems, had less to do with dissuading the Georgians from asserting their sovereignty in Abkhazia and South Ossetia and more to do with limiting Western influence, particularly

the EU's and NATO's, in the post-Soviet space. If the target audience of the August conflict was the EU and NATO, what were the messages Russia sought to convey?

Russia is signalling its return to great power politics. It demonstrated, through its actions, that there are new costs for Western states and institutions to bear in mind when considering relations in the post-Soviet/post-Czarist states of the Black Sea, the Caspian Sea, Central Asia and even the Baltic Sea areas. In practical terms Russia is reasserting itself in Kazakhstan, Uzbekistan, Tajikistan, Georgia, Azerbaijan, Armenia, Moldova, Ukraine, and Belarus. These states have, at one time or another, since their independence, flirted with the EU; attempting to initiate favoured nation status to gain access to the lucrative EU market-place. With time however, most of the states in the post-Soviet sphere have selected – for practical reasons associated to growing Russian power – a return to alignment with Russia rather than the EU. The only exceptions are the three Baltic states of Lithuania, Latvia and Estonia which are now full-fledged members of the EU and NATO, a fact that has limited, though not eradicated Russian influence in that region. Indeed, at every opportunity, Russia exploits EU vulnerabilities and, using its energy leverage, attempts to 'blackmail' concessions.

Russia's conflict with Georgia must be viewed as a direct challenge to EU security. This stems from the self-perception of the Union (together with the US) as a defender of democratic states, no matter their size or distance. Georgia is a democratic state which had been engaged in negotiations for NATO membership. This would have brought NATO to the unstable South Caucasus and provided a forward defence platform for the EU. However, seeing the reluctance of many EU members to bear responsibility for souring EU-Russian relations by including Georgia (and Ukraine) in NATO, Russia acted to undermine Georgian independence and increase its regional and international isolation. After all, the EU is unlikely to support Georgia's NATO candidacy if conflict could erupt there again – forcing NATO to enact its Article 5 for collective defence – a situation the EU is desperate to avoid as it is ill-prepared in military planning and lacks political will. Russia exploited the divergence of opinion in the EU and struck a blow to NATO and the EU's Common Foreign and Security Policy (CFSP) which is designed to consolidate EU security assets and defend shared interests including the newly democratic states in the Caspian region. Russia's actions have caused many in the EU to consider indefinitely postponing further NATO expansion, and to reconsider their relationships in the post-Soviet space. The inability of the EU and NATO to defend embattled democratic states will resonate in international relations for years to come. The EU's international perception suffered a major setback as a result of the wanton Russian invasion of Georgia and the EU's hollow promises of retribution.

Also, as *the* leader of the Collective Security Treaty Organisation (CSTO) and joint leader (with China) of the Shanghai Cooperation Organisation (SCO),

Russia is establishing new alliances in the post-Soviet space. These alliances have explicitly recognised NATO as a regional challenge rather than a strategic partner, despite sharing information and allowing NATO forces to use Central Asian airspace and land routes to re-supply its soldiers in neighbouring Afghanistan. In constructing a viable alternative to NATO for the post-Soviet states, Russia is effectively initiating a new 'great game' in the region. This 'great game' primarily concerns the control of increasingly important and finite energy resources of which the EU relies on for up to 65% of its energy needs. If Russia is able to fully consolidate its position in the post-Soviet space and continues to court Iran, Nigeria and Venezuela (among other energy producers), then the EU's energy security will be greatly imperilled.

As a result of the likely retreat of the US from full engagement in international relations and the re-emergence of Russia as a great geopolitical actor, the EU is coming under immense political and economic pressure. EU decision makers are at loggerheads over the most sensible policies to pursue. In the meantime international realities continue to change. What is needed is a comprehensive EU-level foreign policy makeover that will prevent Russia's geopolitical dominance of the EU eastern neighbourhood to demonstrate the EU's strategic influence in shaping its security boundaries and interests. This may be achieved through the adoption of the following 4 point approach:

- 1) *Immediately extend NATO membership to Georgia and Ukraine.* While this is certain to raise the ire of the Russians, it is unlikely that Russia will risk confrontation with NATO to counter their accession. On the other hand, such a bold initiative is in sync with the EU's and NATO's strategic culture of defending democracies and its interests in balancing against rising Russian power in the post-Soviet space.
- 2) *Quicken the pace of Turkish accession to the EU* to ensure Turkish commitments to North Mediterranean security and prevent it shifting its foreign policy priorities to accommodate Russia. Also, by including Turkey, the EU will send a positive message to the Islamic states in the post-Soviet space that the EU is not a 'Christian club' but rather open to all religious denominations. This will give a much needed boost to the Turkic movement that emerged in 1994 but has yet to bear fruit; a movement that will further constrict Russia's ability to monopolise influence in Central Asia.
- 3) *Use Turkey as a stepping-stone to establish a new alliance network in the post-Soviet space and Middle East that would include: Turkey, Israel, Jordan, Lebanon, Georgia, Azerbaijan and Armenia.* These states are so-called 'defensive democracies' which need the support of the EU to consolidate their democratic institutions and mature as responsible actors. Such an alliance initiative will help advance the EU value system while further balancing against Russia and its Iranian ally.

- 4) *Identifying and securing none-Russian sources of energy supplies* to reduce vulnerabilities to EU energy security. Such a policy should include alternative suppliers of energy (such as Azerbaijan, Brazil and Canada) and alternative sources of energy (such as biomass conversion, wind power, tidal and hydro-electricity) with the aim of increasing the EU's energy autarky and limit its pressure points from exogenous states.

The above serve only as examples of some ways the EU could reduce its vulnerabilities and increase its international clout. These are by no means without their share of risk, though it is time for the EU to adopt a more comprehensive foreign policy where its interests are advanced so its values may be adequately defended.

While the above commentary highlighted some pressing issues in international and European relations, the contents of CEJISS 2:2 provide more in-depth research into these and other related themes. Firstly, Miroslava Filipovic presents an analysis of global capital markets, which provides important insights into the deteriorating global economic situation. Filipovic's contribution makes the crucial link between economics and politics and seeks to demonstrate how the global capital market functions and why it has recently been unravelling. The second article by David Erkomaishvili deals with alliance formation in the post-Soviet space. Erkomaishvili's research, while providing the historical context which gave rise to relations in the post-Soviet space, is mostly centred on current events – 2008 – in the region. This includes developments in the Collective Security Treaty Organisation (SCTO) in the wake of the 2008 Russian-Georgian conflict. Thirdly, Liyan Hu and Ter-Shing Cheng introduce developments in Chinese regional policies towards the Central Asian states in the post-Soviet space. This account provides useful insights into the security concerns facing China and the policies it has developed to deal with its economic and political rise to great power status. This contribution also reveals the competition for influence currently underway in Central Asia, and assesses the various actors involved there. This is an essential read for those interested in understanding China's view of its Western neighbours and its increasingly important role in Central Asian politics. The fourth contribution, by Šarka Matejková, stands out for its theoretical treatment of humanitarian intervention and modes of international legitimation in a post-Cold War context. Matejková's research also provides a solid account of the Just War Theory (JWT) to highlight the conditions which need to be met in order for humanitarian interventions to reinforce the values they claim rather than the interests of their perpetrators. The fifth contribution by Radio Free Europe correspondent Abubakar Siddique, concerns recent events in Pakistan. It provides an in-depth analysis of the monumental changes underway in this South Asian state and clarifies some of the misunderstandings of Pakistani society in the West. Finally, Mohammed Obidallah looks at an underwritten aspect of the Palestinian-Israeli conflict: the control of key water resources. Obidallah deploys an international

legal argument to demonstrate the overuse of shared water resources by Israel as a sticking point in any potential final settlement of the conflict.

In addition to the research articles, CEJISS 2:2 also contains two comment and analysis articles – one dealing specifically with the Georgian-Russian conflict and the other providing a historic account of the communist regime's treatment of Catholics in Czechoslovakia – and three book reviews.

I hope that you enjoy the contents of CEJISS 2:2 and look forward to your comments and suggestions.

Mitchell A. Belfer

A handwritten signature in black ink, appearing to read 'M. Belfer', with a stylized flourish at the end.

Editor in Chief
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Cross-Cutting Issues in International Capital

Miroslava Filipović¹

Introduction

For many decades, particularly since the 1970s, markets have been praised as the most effective economic mechanisms, and the more market actors there are, the better the mechanisms work, making the world economy an ideal stage for the interplay of market forces. Different streams of liberalism and the ideas stemming from them, have emphasized the critical importance of unrestrained market functioning for the overall well-being of individuals, states and probably the global economy as a whole. From the 1970s onwards (or at least until the late 1990s), neo-liberalism strove to revive the ‘classical’ impetus to deregulate and/or move the formation of regulatory regimes from governments to the private sector. Transparency and a market-based approach have become critical features of global financial regulation.

On the other hand, a number of scholars have already emphasized that strict demarcation lines between economics and politics are gone, with an ever increasing intensity linking high politics and high finance. Furthermore, classical state-centric approaches to analyzing both international economics and international politics have faced numerous competing concepts with new actors, issues, policy domains and modes of politicking in the globalised world².

In order to have ‘global values’ authoritatively allocated, global governance might be viewed as the evolving system of coordination across multiple political levels of public authorities and private actors (NGOs and corporations) which seek to realize common goals or resolve common issues through the making and implementing of global/transnational norms, rules, programs and policies³. Nevertheless, processes of the ‘real world’ can develop very quickly

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² For example, see Cerny, 2007; Mugge; Scholte, 2002.

³ Baylis and Smith, p. 11.

and quite often theories do not keep pace. This is particularly true of the global economic sphere. According to Cerny,

Complex systems are characterized by “overlapping memberships” and “cross-cutting affiliations in the international / transnational/ global context – whether we look at states and state actors, multinational corporations, interest groups, and/or individuals – their tasks, roles and activities cut across the different levels and structures...”⁴

To put it differently, the global capital market might exemplify what Kratochwil⁵ has recently described as a shift from aiming to build a wall and protect the insiders to forming a set of loosely attached and boundary-spanning communities with questionable or temporary loyalties.

So, if the world economy is an ideal place for market forces to play “freely” and deliver optimal results, what are the building blocks of the global framework for capital flows and who really are the “builders”, what do they strive to achieve or how they make their agendas? In other words, which are the policy issues that cut across the global capital market?

The Global Capital Market

The last decade of the 20th century witnessed dramatic changes in the ways and shapes the world capital market was operating. The standard view of financial markets’ role – to allow a continuous mutation of assets (usually linked to national categories such as savings, investments, etc.) in search of improved results – has changed for good. And it is not only economists who have realized that world capital flows deserve different analyses and research tools. Such a view has been repeatedly applied by scholars, particularly in the area of International Political Economy⁶.

Assuming that a modern capital market presents a conglomerate of specialized markets for long-term financial assets – as well as a complex of institutions, mechanisms and instruments – a global capital market refers to the operations, mechanisms and processes within an integral whole. We may also describe the latter as a combination of international elements (usually referred to as cross-border or open border, depending on the analyst’s contra- or pro-globalization stand) and transnational elements (sometimes called trans-border transactions, like trans-world banking or trans-world securities, where distances and borders are irrelevant)⁷, with a strong degree of integration between the different national parts.

⁴ Cerny, 2007, p. 8.

⁵ Friedrich Kratochwil, p. 3.

⁶ For example, Higgott, R.: International Political Economy (IPE) and the Demand for Political Philosophy in an Era of Globalisation, European Central Bank, *CSGR Working Paper* 210/06, September 2006.

⁷ For details on globalization in finance, see: Baylis, J. and Smith, S, op. cit.

Technological innovations and rapid information flows, aided by a sharp increase in total savings, have fostered a dramatic capital flows globalization process since 1995. Due to better information and, hence, wider choice – savings are channeled into financial instruments across borders, coupled with an overall rise in competition rise. Today capital flows through various forms and among a rising number of economic points of the world economy. What also has to be born in mind is the fact that supply and demand channels have also been transformed. The table below gives a brief overview of the global capital market's size and structure, as well as of its comparison to the real economy.

Table 1: The world capital markets, 2006 (billions US\$)

	GDP	Capital market - total	Of which:	Capital market to GDP		
			Stock market capitalization	Bonds (public + private)	Bank assets	
World	48.434	194.462	50.827	69.201	74.435	402%
EU	13.658	73.984	13.069	23.192	37.736	542%
US	13.195	56.822	19.569	27.050	10.202	431%
Japan	4.377	20.110	4.796	8.724	6.590	459%
Asia*	6.271	19.210	6.857	3.508	8.845	306%

*emerging market countries

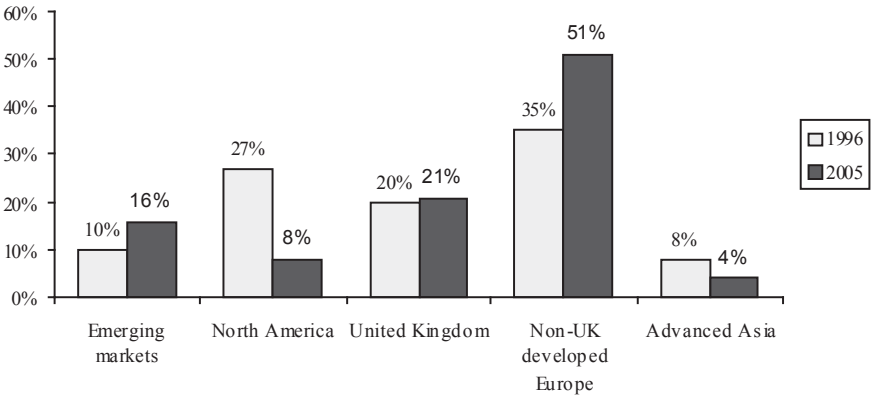
Source: Global Financial Stability Report, IMF, 2007

The above table could be read differently by economists and political scientists but most evidently those two readings should be considered simultaneously if accepted that the global capital market is indeed a complex system. Economists would probably conclude that the world economy is heavily indebted, especially when figures of bonds and bank assets are combined, and that the world long-term assets mutation is losing touch with the processes of real economy at the world scale. Political scientists, if bothered to read economic figures, could conclude that the distribution and origin of capital power have shifted from the US to the EU (wherein capital markets superseded the GDP value 5.5 times) and that the US – which maintains a double-sided top value of being, at the same time, the physical basis of the so-called ‘American Dream’ and the leader of the ‘free world’ – will probably decline in ranking. In addition, it should be noted that the global creditors/debtors scene has undergone very significant changes: the US is still the largest debtor while Asian/Chinese investors are becoming the largest creditors of the US; particularly when government debt is analysed. Also, both economic and

political readings of global data must consider another possible re-ranking of global values – resulting from imbalanced world energy markets, on the one hand, and dramatic consequences of climate change on the other hand – the values of economic and political stability have begun to rise in priority on the global agenda.

Nevertheless, economic data shows that, pertaining to the *structure of origin*, the US remains the largest holder (over two-fifths) of the total outstanding value of global financial assets, but its share declined slightly in the period 1993-2003. The fastest growth, according to capital origin, occurred in Eastern Europe and China, taking into account the very modest basis in those countries. Europe’s adoption of the Euro (€) as a common currency has fuelled rapid growth in intra-European flows; also, the EU15 countries have provided large amounts of finance to new members of the EU. Thanks to the large current account surpluses of Asia and the oil-exporting countries, emerging market countries’ shares – though representing a relatively small share of the overall capital flows – have grown significantly⁸.

Table 2: Structure of global capital outflows



Source: *Finance and Development*, March 2007

IMF analysis provides a recent account of global capital flows and assets: Japan, China and Germany are the leading net exporters of capital (their combined share is over one third of global capital flows in 2005), while the US alone accounts for nearly two thirds of the overall imported capital in 2005.⁹

⁸ Goswami, M. et al: Global Capital Flows – Defying Gravity, *Finance and Development*, Volume 44, March 2007, p. 14.

⁹ IMF (2007a).

After the equity market turmoil in the period between 1998 and 2001, equity price indices stabilized by the end of 2005; stability significantly contributed to a growing interest of both world supply and demand. Nevertheless, US equities were the most desired product in 2005 – foreign investors bought \$908 billion worth of American equities (in comparison, in 1988, foreigners invested *only* \$187 billion in buying US stocks).

Growth in global over-the-counter derivatives markets represents another major aspect of a global financial outlook, highlighting intensive efforts to improve risk management. In December 2005, the total notional amount of various derivatives exceeded \$284 trillion, with the gross market value standing at over \$9 trillion. In comparison to the figures of the end of 2003, the markets exhibited growth of 44 % and 43 % respectively¹⁰.

In comparison, the currency composition of the global capital market underwent less dramatic but still evident changes: in 2003, the US dollar lost its dominant position to the Euro. In 2005, 38 % of all international debt securities were denominated in US dollars while 45 % were denominated in Euros.

A steady increase of debt – especially corporate debt – will likely continue into the future; overtaking bank deposits and equity, thus further changing the profile of the global capital market. Contemplating future numbers, estimates indicate that by 2010, global capital assets will comprise about \$60 trillion worth of corporate debt securities (double the value of 2003), \$59 trillion of bank deposits, about \$57 trillion of equity and about \$30 trillion of government debt (an over 50% increase of the value in 2003).¹¹ In addition, equity derivatives certainly represent the market segment of rapidly rising importance and weight. In the language of financial professionals, the *noise* over this market segment has been considerable, although equity derivatives do not yet make up a large portion of the trade on exchanges around the world. According to the Bank for International Settlement, the gross market value of these instruments was recorded at \$671 billion, more than double the figure of 2004.¹² According to some estimates¹³, equity derivatives will contribute between \$16.8 and \$20 billion to investment banking revenues in 2007, outpacing cash equity reserves by over threefold.

If the global market is a complex system of assets, actors and institutions, any attempt to identify major trends and issues must take a longer, dynamic perspective with a more detailed look.

¹⁰ IMF (2007a); proceedings from the IOMA-IOCA Annual Conference - Lisbon 15-17 May 2006.

¹¹ Farrell, D et al (2005), p. 5.

¹² More data and a full set of historical time series are available on the BIS website <http://www.bis.org/statistics/derstats.htm>.

¹³ Equity Derivatives – Special Supplement, *The Banker*, July 2006.

Table 3: Global financial assets growth 1993-2003

Asset classes / Country of origin	Annual growth rate %	Financial growth to GDP
Total	8.4 %	3.3 times
Banking deposits	7.8 %	
Govern. Bonds	5.9 %	
Corporate bonds	10.2 %	
Equity	8.6 %	
USA	8.6 %	4 times
Euro zone	9.8 %	3.1 times
United Kingdom	11.3 %	3.9 times
Eastern Europe	19.3 %	1 time
Japan	4 %	4.1 times
China	14.5 %	3.2 times
India	11.9 %	1.4 times

Source: McKinsey Global Institute, www.mckinseyquarterly.com

While countries and areas showed different growth rates in the period 1993-2003, important financial growth is recorded in Eastern Europe, and also in China and India, with the latter two becoming increasingly significant financial players on the global level.

Overall, the global financial sector, and particularly banking, remains the profit leader, ahead of those traditional profit makers, such as the oil, gas and coal industries. According to some estimates, the world banking industry made almost \$790 billion of after tax profits alone in 2006 (to be doubled in 2016¹⁴). Looking ahead, it is projected that emerging markets will contribute roughly half of the absolute growth in new banking revenues from 2006 to 2016, with North America and Western Europe declining in share (25% and 20%, respectively). It is believed that both Russia and China will maintain their accelerated growth rates while India will record a financial growth higher than Central and Eastern Europe. On the global level, wholesale banking will probably undergo some restructuring in the years to come, with investment banking and the securities business providing a larger relative share of the operations and revenues.

Actors and Issues

Without attempting to present a comprehensive overview of changes related to all types of actors, few examples may suffice to illustrate major issues that define or will define the global capital market politics. It is also important to stress that although concrete examples of stock exchanges or financial actors

¹⁴ According to Dietz M. et al.

have been categorized under separate sub-headings, all of them could equally serve as examples for all other sub headings for the basic logic and the underlying values do not show significant differences among the actors.

More than in other major industries, it appears, long-term success in banking hangs on being in the right place at the right time. Over the last ten years, for example, 88 % of the growth in the revenues of Europe's 20 largest banks was attributable to market momentum – in other words, competing in or entering territories and market segments that enriched everybody.¹⁵

This conclusion, particularly the part related to the “right time”, “right place” and “entering territories”, could be applied to other financial markets' actors as well. The part that follows attempts to identify several major trends which are expected to further contribute to market momentum and change our views about political actions and reactions.

Globalization at Work: Across Jurisdictions

Firstly, multi-jurisdictional groups are a type of actor formed through the merger of stock exchanges from different countries, bilateral and multilateral agreements on cooperation, alliances, etc. The reason underlying their formation has been primarily to diversify, increase effectiveness, make better use of IT, etc. Nevertheless, the endless search for “regulation-friendly” environments – or the use of benefits arising from specific regulatory competition worldwide – plays a significant part in the creation of such groups. Such multifaceted actors continuously redefine their strategies, alongside with multiple sets of political values, agendas and norms they support. Two prominent examples show how transatlantic and/or cross-country mergers allow previous competitors to pull resources, think globally and work globally.

The transatlantic merger between the New York Stock Exchange Group, one of the world's largest equities exchanges, and Euronext, Europe's leading multinational exchange was being prepared for a long time. In April 2007, the deal created NYSE Euronext, encompassing seven exchanges from six countries. Although large multinational actors have existed for many decades, one cannot fully appreciate this new type of financial market actor without referring to numbers. Average daily turnover in April 2007 at NYSE Euronext amounted to \$120 billion (more than double that of its nearest rival, NASDAQ), while combined market capitalization approached \$25 trillion (six times higher than the Tokyo Stock Exchange, the second market in the world by market capitalization).

NYSE Euronext might be viewed as a prototype or precursor of future actors new to the global capital market: large, complex, far-reaching, cost-effective and,

¹⁵ *ibidem*, p. 1

most importantly, based in different regulatory environments¹⁶. Like NYSE Euronext, new actors can anticipate providing cross-border products and international listings; creating new capital market instruments (e.g., combining fixed income and equity, EFTs); offering and executing operations in multiple currencies and time zones; and above all, allowing easy, fast and cost-effective access to capital. Competitive pressures will motivate mergers targeting more efficient operations and increasing attention to economies of scale, consequently creating room for investment – by exchanges between themselves – into innovative products, value-added information and other services tailor-made to their clients.

OMX is another example of new multi-jurisdictional actors in Europe. By all measures, signals indicate that the merger of seven national exchanges¹⁷ from Nordic and Baltic countries into OMX was necessary to achieve a critical mass, in order to become more efficient and to reduce costs. Created in 2003, OMX today owns and operates the largest integrated securities marketplace in Northern Europe. In addition to securities, OMX provides technology solutions for financial and energy markets worldwide. OMX technology solutions span the entire transaction chain, enabling exchanges, marketplaces, clearing organizations, central securities depositories and other financial participants to achieve optimum efficiency and innovation. OMX conducts operations in numerous countries in Europe, Asia and in the US. At the beginning of 2007, OMX market capitalization (excluding investment funds) was \$1.152 billion (representing a twelve-month increase of 32% in dollar terms); over 800 companies and 5,000 bonds were listed on OMX (the highest growth in Europe). Reflecting the new business orientation of modern stock exchanges, OMX's own shares are listed on four European exchanges.

These two examples might point to one aspect of changing global structures of the world capital: numerous and diverse (national) economic and political layers are being efficiently combined into an operational whole.

Competition at Work: Growing Fast and Complex

The global capital market-place features another new type of actor: the *fast growing* actor. Capital market actors from Asia have been particularly assertive in tapping the global market, which is unsurprising keeping in mind the tremendous capital needs of the regional fast-track economies. Stock exchanges in Shanghai and Shenzhen (and partially, the Hong Kong Stock Exchange) have recorded growth several times higher in all major aspects of their businesses than that of 'traditionally' influential exchanges, such as the London SE or the NYSE Group. In February 2007 (as compared to Feb. 2006), for example, the

¹⁶ More details on the merger available at www.euronext.com and www.ne.com.

¹⁷ They include the Copenhagen, Helsinki, Iceland, Riga, Stockholm, Tallinn and Vilnius Stock Exchanges.

Shanghai SE (founded in 1990) recorded an increase of 560% in share trading values, and the number of share trades topped 100 million surpassed only by NYSE Group and NASDAQ¹⁸. In addition to sheer numbers, a political analyst must not overlook the fact that the majority of US creditors of a governmental or non-governmental nature come from China. The US position of global hegemon comes with an additional price: high sensitivity to extra-territorial capital markets' turbulences which are reasonably associated with very fast economic growth.

Intensive transnational linking and actors' changed organizational structures and strategies even forced regulators to seek new definitions of global actors. Coming to terms with the reality of modern capital flows unbounded by territorial or market segmentations, national and international regulators have changed their focus slightly from origins to operations. Such new actors' activities raise issues (due to permanent cross-sectoral and cross-border transfer of financial risk) especially relevant to a comprehensive assessment of the strengths, weaknesses and supervision of financial systems. A large and complex financial institution (LCFI) is likely to embody specific characteristics¹⁹. Such an actor is a significant player in both wholesale and retail, regional or global, financial markets with substantial international operations. A group of actors usually form an LCFI and may headquarter in a country of origin, or may be based abroad with significant local presence in the form of branches or locally incorporated subsidiaries (perhaps including local holding companies). The legal form of an LCFI's local presence may present important regulatory implications, thus allowing the LCFI to exploit regulatory differences and to rapidly adapt to local circumstances. An LCFI's international and domestic financial activities include: commercial banking and other lending (such as credit origination and securitization); securities trading, dealing and underwriting, mergers and acquisitions, and other capital market activity; life and general insurance, as well as custody and asset management. In some cases, the operations of the wider group may include significant industrial and other non-financial activities.

In comparison to 'traditional' global capital market actors, an LCFI possesses certain additional features such as prominence in the local payments, clearing and settlements structures. To realize its primary motives – and as a consequence of its characteristics – an LCFI's liabilities reflect very diverse sources of local and cross-border funding and reserves, while its assets include a full range of marketable and non marketable financial instruments held locally and abroad. Likely, off-balance sheet items are particularly important, because they reflect complex funding, as well as hedging and speculative trading strategies. Of course, both over-the-counter (OTC) markets and organized exchanges

¹⁸ World Federation of Stock Exchanges, p. 5.

¹⁹ *Financial Sector Assessment: A Handbook*, IMF, Washington 2005, p. 124.

exhibit these strategies. Despite many changes in LCFIs, compared to market actors, some features seem permanent: an LCFI likely comprises many different legal entities, and the link between those entities and its internal management structure may appear complicated or even opaque.

Profit at Work: Remodeling Tradition

Changes are also evident among the most ‘traditional’ actors on the global capital market – stock exchanges. Their transformation most often includes: opening up to foreign members (European stock exchanges, in particular); introducing electronic trade systems and changing their business nature through demutualization. Mutual or member organizations founded many stock exchanges; an individual or a securities firm, on the one hand, earned certain benefits (including rights to trade on the exchange and to establish a market in certain securities), and on the other hand, certain responsibilities (including obligations to act in accordance with membership rules to benefit the entire organization). This system worked effectively for many decades and, indeed, many argue it still does. Others however, believe that such structures constrain the exchanges and prevent them from competing effectively with rivals. Fast, efficient electronic systems that execute trades rapidly at little cost are particularly competitive rivals.

As exchanges needed greater resources to increase their competitive standing, a significant number of them decided to transform themselves into for-profit stock companies. They offered shares to the public and even listed on the exchange itself. In a number of cases, government authorities initiated the demutualization of domestic exchanges, believing it would improve the competitiveness and efficiency of the markets. According to the World Federation of Exchanges, as of March 2003, a total of 42 exchanges had demutualized. This figure encompasses exchanges in both developed and emerging markets, including, naming a few, the London Stock Exchange, Australian Stock Exchange, Deutsche Boerse, Athens Stock Exchange, Philippines Stock Exchange and Kuala Lumpur Stock Exchange.

The transformation of stock exchanges into *for-profit* share companies changes the modes of capital market operations and raises significant issues for securities regulators. Although many of the issues exist in the case of traditional stock exchanges, demutualization highlights potential conflicts of interest. Primarily, their regulatory functions (including the administration of their own operating rules) may be jeopardized, neglected or misused. Regulators handle such potential conflicts in a variety of ways. Some regulators have removed regulation from the exchange function entirely, giving it to an independent self-regulatory organization, or even assuming all or part of the functions themselves. Others consider improving internal controls at the exchange through enhanced regulatory oversight or strengthened corporate governance sufficient.

The pillars of financial tradition, large institutional investors – like insurers, pension funds and hedge funds – have also embarked on the transformation wave. It is evident that such players have been partially shifting asset allocation from traditional investments (beta) to alternative investments (alpha). Traditional investments, such as mutual funds, are usually targeted to deliver performance similar to a given benchmark, and they are greatly influenced by general market conditions. Institutional investors, such as pension funds, usually face legal constraints in order to deliver at least a certain level of performance. New accounting rules force them to keep a specific balance between their assets and liabilities, so they turn to preserving their capital with an absolute and positive return objective (alpha) instead of capturing the market risk premium with a relative return objective (beta).

This search for new asset classes and new investment strategies created a new generation of so-called structured products, previously related to retail markets. Structured products are synthetic investment instruments specifically created to satisfy needs that the cash financial instruments available on markets cannot satisfy. They are mostly used to reduce the risk exposure of a portfolio, or to utilize the current market trend in order to deliver absolute returns. For example, in 2006, Goldman Sachs designed a new product named a Boosted Annual Coupon Note (BANCO). Sold to multiple investors, this product is a note of which the principle is protected, but the coupon is linked to the return of EuroSTOXX 50²⁰. The coupon is capped, and if the cap becomes effective (i.e. the limit is reached), the investor is locked into that rate for the duration of the transaction's life.

The transformation into *for-profit* companies changes the modes of capital market operations and raises significant issues for global governance structures. Demutualization highlights potential conflicts of interest, primarily those related to self-regulation, thus signaling to a potential change in their political agenda whereon different aspects of the value of freedom (to self-regulate and to earn-and-distribute profit) might reverse their order. Nevertheless, changes in operational strategies of large institutional investors might point to a new way of targeting high profits while at the same time not jeopardizing stability which is one of the most prominent values sought for among global financial players.

Cooperation at Work: Joining and Pioneering

As a consequence of both technological advances and increasing competition, new actors from other domains have appeared on the scene. One example of how financial market participants can also join forces among themselves and with other experts in dealing with non-monetary issues is the Giovaninni

²⁰ EuroSTOXX 50 is a blue-chip stock index of the Euro zone, created jointly by the Deutsche Bourse and the Dow Jones Company.

Group: a group of financial market participants formed in 1996 and chaired by Alberto Giovannini (advisor to the EU Commission). The group engaged extensively in analyzing barriers to the efficient clearing and settlement of securities cross-border transactions among EU member states. The Group published two reports on the removal of barriers; recommending the elimination of differences in IT (Barrier One), other interfaces, national differences in securities issuance practices, etc. The group established a deadline of 2011 for all actors to comply with the Barrier One Protocol.

One unique actor on the world capital market deserves special attention. The Society for Worldwide Interbank Financial Telecommunication (SWIFT) is a global private actor (a member-owned cooperative) with the membership originating from a variety of countries, whose number surpasses the one of UN members.²¹ Over 8,000 banking organizations, securities institutions and corporate customers in more than 208 countries exchange millions of standardized financial messages through SWIFT on a daily basis. Its role is two-fold. On the one hand, SWIFT provides the proprietary communications platform, products and services that allow financial markets' actors to connect and exchange information securely and reliably. But, on the other hand, SWIFT's mission is also to act as the catalyst that brings the financial community together to work collaboratively in order to shape market practice, define standards and consider solutions to issues of mutual interest.

SWIFT is a community-inspired co-operative, founded by and for the financial services industry. We work globally with more than 8,300 organizations including banks, market infrastructures, securities institutions, corporations, network providers, business partners and technology companies to ensure the financial world can carry out its business operations with certainty.²²

In addition to numerous activities organized to meet such a two-fold aim, SWIFT actively supports the creation of virtual communities that bring together individual actors from different fields but with shared problems, visions and strategies. In 2007, there were more than 5.000 members and 80 communities in the SWIFT community network. For example, these sub communities are organized along product lines, expansion strategies, geographic location, particular issues such as the Single European Payment Area or SWIFT standards, etc. SWIFT's unrivalled position as the global finance communication spine lies in its global nature and flexibility to simultaneously encompass regional differences, sub-sectoral industrial needs and individual actor's aims and values, without fragmenting its overall strategy. It may indeed serve as the most illustrative example of multiple playing fields of the global capital and of actors' overlapping membership.

²¹ As of July 2006, the number of UN member states is 192.

²² SWIFT (2007), p. 1.

Another representative example at the furthest end from such institutionalized actors is The Association for the Taxation of Financial Transactions for the Aid of Citizens (ATTAC). Formed in France in 1998 as an international movement for democratic control of financial markets, today ATTAC works through networks of individuals in more than 30 countries, actively campaigning over a wide range of issues, such as off-shore centres, functioning of international financial institutions, etc. As one author has put it: “From a polite discussion among educated gentlemen, the debate over global financial governance has evolved into a much wider, more contested and very public exercise.”²³ Although not yet spectacularly prominent, the activities of ATTAC and numerous other initiatives might point to a rise of a particular “global social resistance” to contemporary financial flows or the global public sphere, the impact of which is probably still to come.

Quite frequently capital market innovations are introduced by actors from previously competing (or at least much differentiated) financial sub sectors - hence pointing to a rising category of highly adaptable and innovative actors. For example, in 2006, Marsh and McLennan Securities announced the completion of a multi-territory, multi-peril catastrophe bond transaction offering to the Catlin Group (Bermuda), covering up to \$200 million, in addition to the traditional reinsurance. Cat bonds transfer a set of risks from the sponsor (usually a reinsurance company) to investors. If a catastrophe takes place (earthquake, windstorm or a similar disaster at a prespecified location), part or all of the investors’ claims are transferred to the sponsor. Thus, a completely new capital market instrument was introduced to the market. In the period 1997-2005, the value of cat bonds increased fourfold to about \$2 billion, with a steady rise in new issues²⁴.

Increases in the frequency of natural disasters occurring worldwide and subsequent large losses may produce one positive consequence: international capital markets have started to develop new instruments to allow, on the one hand, a new dimension of portfolio diversification for investors, and on the other hand, to pool capital in the incidence of prespecified catastrophes. Climate change and capital flows have never been more closely related.

Energy at Work: Fuelling Capital Flows

Another type of actors can be distinguished not only with respect to their role or financial strategies but also in accordance with the origin of the wealth they invest in the capital market – new petrodollar actors. A continuous and unprecedented rise of oil prices over the past years has also contributed to the emergence of numerous actors from oil-exporting countries. Not only do they

²³ Germain, R. p. 7.

²⁴ Source: www.today.reuters.com

share the same economic basis for generating their investment capital, they also share other characteristics. For example, if analyzed by country of origin, those actors usually include central banks, sovereign wealth funds (state-owned investment funds), government investment corporations and companies controlled by governments, wealthy individuals and private companies. In addition, most of them (apart from the sovereign wealth fund) are risk-prone investors and they are all eager to make the best use of the available capital for a short period of time. The transparency of their structure and operations are usually not up to the highest standards, and private petrodollar actors very often maintain close links to their governments. Moreover, we still have to wait and see how sovereign investors will behave as shareholders of foreign companies because this is a new territory for both practitioners and scholars.

This new type of actors brings about two issues which are the most important for analyzing the global market profile and its politics: the influence actors derive from a sheer volume of the capital invested, and the highly politicized domain of an energy resource – oil production and export. Regarding the first, it is estimated that petrodollar actors invested globally about \$484 billion in 2006, four times the amount invested in 2002, which classify them among the fastest growing actors. Their investments made up over 36% of total net capital outflows of all countries with current account surpluses.²⁵ The same source anticipates that between 2007 and 2020, the member states of the Gulf Cooperation Council will earn \$5 trillion to \$9 trillion from exports of crude oil, and much of this could be invested into overseas capital markets²⁶. As for the second issue, there is no need to elaborate here about those various and sensitive high-politics issues of oil price manipulation, international and cross-border coalition building, use of oil export and supply as political tool (etc.).

Conclusion

The main changes brought by financial globalization are trends toward intensive cross-border financial, greater risk-sharing internationally, an increasing share of cross-border asset holdings; and an increasing global profile of financial markets, actors and institutions. The present-day globalised economy poses a multitude of challenges to both the construction and functioning of unrestrained market framework(s), thus also requiring changes in the way we perceive and analyze current economic and political developments. Firstly, the blocks traditionally built by national governments and international governance actors have proved to be insufficient – new building forces are (expected to be) provided by private actors. Secondly, an unprecedented rise of multi-jurisdictional and multi-domain groups probably underscores the onset of critical

²⁵ Farrell, D. and Lund, S, p. 4.

²⁶ Boer de, K. et al, p. 10.

reconfiguration of the global public domain. Third, issues and categories must not be anymore classified as “international” (outside national territories) and “national” (within the borders), while “multinational” or “transnational” issues are no longer primarily of economic origin and floating somewhere in the outer spaces of the global economy. Fourth, clear distinctions among the majority of actors do not apply anymore: capital market actors can no longer be categorized due to the areas of their actions or engagement or interest, or due to the type of actors they link or form networks with. Finally, when trying to analyze the complex interdependence of the global capital market, one must be prepared to research into at first glance not related issues that span the market: from energy and climate change over digitalization to social dynamics. To summarize, the global capital market of today deserves a new analytical view that could fully appreciate its changeable and detachable structures – boundary-spanning communities with overlapping and temporary membership pose a serious challenge for further research into global capital politics.

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Collective Security and Unilateral Decisions – Security Prospects for the post-Soviet Space

David Erkomaishvili¹

Unlike anywhere else within the international community, the post-Soviet space (pSs) is unique since the states within it are bound together not only because of common history and culture, but also due to political geography and largely uniform self-perceptions. The Commonwealth of Independent States (CIS) – the cultural, political, economic and security successor of the USSR – has important and even a strategic advantage over comparable organizations such as: Le Francophonie, the Commonwealth of Nations, and the Iberian Union. These associations of states are not geographically proximate leading to different international relations and geopolitical orientations. Indeed, the aforementioned owe their existence to naval power in the colonial period and the ability of ‘home’ countries to project political and military power to distant lands. This resulted in a lack of geographic integrity. Therefore, post-colonial organizations are characterized by the remoteness of their constituent parts and a disparity in world-views. For instance, the Commonwealth of Nations includes India, South Africa and Australia. These three states can hardly be said to share a similar, let alone homogeneous, international relations outlook. Such geopolitical diffusion waters down such associations and renders them useful only in advancing certain cultural and political activities. In contrast, the states in the pSs are geographically continuous, a fact that may expedite the construction and utilisation of a common economic space, customs union, and a free trade area that may facilitate the free movement of capital, labour, goods and services.

While heterogeneous political evolutions occurred among the states in the pSs they do share a common foundation; the dissolution of the Soviet Union. Paradoxically however, the pSs currently appears on the international scene as a unique socio-political structure. Despite its omission from political and geopolitical maps, the post-Soviet political skeleton binds independent states

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that were once a part of the Soviet system with energy resources and transport corridors, established markets, commercial and economic relationships. Also, the states of the pSs share specific state administrative systems, collective remains the Russian Empire and the Soviet Union.

Today the CIS forms the bedrock of an established pSs framework that may be utilised as a starting point for an array of additional integration projects in areas as varied as security, economics, diplomacy, enviro- and energy politics. Cooperation within the CIS structure has for example ripened into the Collective Security Treaty Organisation (CSTO) and the Eurasian Economic Community (EAEC) – perhaps the two most promising long-term projects in the pSs to date.

The initial stages of state formation among the newly independent pSs states is largely complete, edging them towards a crossroads where, on the one hand, they may choose to evolve into parts of a larger integration project to, for example, establish a Eurasian Union on a mutually beneficial basis and thus replicating the model of the EU. On the other hand, these states may opt to construct new barriers in an attempt to become parts of integration structures rooted outside the pSs. This latter option carries the threat of an intensification of international tensions and could prove to challenge the basic configuration of the current international system. Both scenarios are equally possible and are in sync with international trends of states ceding some of their sovereignty in favour of economic, political and military cooperation with others.

Alliance Formation in the Post-Soviet Space

The geopolitical role of the pSs is increasing tremendously. The theory of *the* pivot point of international power relations being geographically rooted in Eurasia was proposed by Sir Halford John Mackinder as far back as 1904. This theory has taken on renewed importance in the expanses of the modern pSs. According to Mackinder's theory, the Eurasian heartland holds the key to those seeking international geopolitical dominance. As the so-called 'Great Game' between the UK and Russia in the 19th century illustrated that the region bears importance to states not geographically proximate, justifying Mackinder's assessment.

But how do states acquire a dominant role in the context of international relations? Often states seeking to enhance their relative power positions are challenged by others leading to war. If war is to be avoided, and yet power distribution altered, other means of exercising control over other actors must be utilised. Since wars remain relatively rare, it is safe to assume that most states are either satisfied with their power position in international relations or have found alternative ways of enhancing their power without triggering a conflict. Alliances seem to be one way for states to alter their power position without resorting directly to war, though there is a body of alliance literature which

attributes the war-proneness of states and regions to alliance formation. For the foreseeable future it seems that state objectives in the pSs will be achieved through the construction and maintenance of alliances in military, political and economic affairs.

While traditional alliances in Eurasia were largely hierarchical and relied on force in order to maintain cohesion, a shift has occurred since the collapse of the USSR and, at present, regional cooperation does not imply the aggressive behaviour of more powerful states vis-à-vis the more vulnerable. As in other regions, participation in an alliance may provide smaller pSs states with opportunities to exercise a degree of influence in the decisions of more powerful partners. For small states, participation in pSs alliances is a reliable way of increasing their political weight and influence over international decision-making; as part of powerful association. More influential pSs (re: Russia) states enjoy stable and constructive participation and active promotion of their interests in regional and international politics more easily through an enduring alliance framework. Finally, pSs alliances tend to be flexible and may act to resolve conflict situations by providing optimal multi-layered solutions including acting as a forum for negotiations and dialogue, able to bring conflicting parties – regional and non-regional actors – to the negotiating table more easily.

There are, however, nuances surrounding alliance formation in the pSs. The basic reasons for alliances in the pSs are usually associated to potential economic benefits and as additional guarantees of state interest defence and promotion. Importantly, successful alliances in the pSs specifically, and in international relations more generally, tend to be rooted on a single issue or project. Such issues or projects may include: increasing energy security including its transportation (shared pipelines, port facilities, expeditions and research), collective security arrangements (against a commonly recognised actual or potential challenge such as religious terrorism) and/or economic cooperation (for example, free-trade areas, lowered or removed tariffs, visa waivers on labour). Without the existence of common reference points it is likely that the alliance will lack cohesion, not be effective and disintegrate in the face of an existing challenge or when a more beneficial alliance is formed.

To be sure, the pSs is an offspring of the Soviet system. The eventual fragmentation of the Soviet state into separate, independent republics hampered their autonomous existence. As a result, states in the current pSs continue to have territorial disputes, conflicting ownership claims over natural resources and cannot yet constructively develop in isolation of each other, as the large number of developmental processes are deeply interconnected.

Relations in the post-Soviet space can relatively be broken down into several levels. The first level concerns the relations between pSs states and Russia, the largest, wealthiest, most internationally influential and powerful of the pSs states. There are four subtypes of such relations: a balancing relationship. This

implies that two or more pSs states seek to balance against the interests of the EU, US, Russia, China and/or other players in the pSs; friendly/strategic relations with Russia (usually positive) maintaining political and economic distance from Russia (often with negative connotations); and neutrality (neither supportive of or opposed to Russia).

The second level is in regards to Russia's relations with the republics of the CIS. This level mainly consists of three sublevels: recognition and development of relations with friendly but failed (or unrecognised) states such as, Abkhazia, South Ossetia or Transdnistria; development of relations with the EU, whereas the pSs is given secondary importance; the pursuit of a more confident integration policy with other post-Soviet republics.

The third level characterizes the specific relations between pSs republics themselves. The sublevels include: developmental projects through enhanced bilateral relations and participation in alliances. As a side note, the recent recognition by Russia of Abkhazia and South Ossetia as independent republics breaks with traditional pSs regional practises. These recognitions represent the first time since the collapse of the USSR that a wave of new states has appeared. This fact adds a new sublevel determining the relations between pSs republics.

Enforcing Alliances

Until the eruption of armed violence between Georgia and Russia (August 2008) – the first large-scale conflict *between* states in the pSp – CSTO had several possible directions in which it could develop though seemed to be moving towards greater harmonisation with its members in the areas of inter-state military and humanitarian policies. As neither of these fields requires bold initiatives or sweeping changes, the CSTO never appeared to seriously manifest itself internationally.

To be sure, there were many collective projects within the CSTO such as: annual military exercises; the establishment of a “Rubezh,” a joint command post exercise which plays the *key* role in the CSTO system of operational and combat training; programmes for military modernization and development of humanitarian components in state of emergency situations; and combating drug trafficking had been the primary focus of CSTO activities. However, the 2008 Caucasus crisis has altered the security fabric of the pSs. The CSTO has become one of the main regional actors in the aftermath of war, gaining increments of influence and international clout as a *real* political-military alliance.

The first and most obvious point to become evident immediately following the outbreak of hostilities in Georgia, was the silence maintained by the traditional CIS allies of Russia. Neither Belarus nor Kazakhstan (the biggest investor in Georgia's economy) – not to mention the rest of CSTO allies – issued

clear political statements. The statements that were made amounted to nothing more than mundane comments on low governmental levels.

Policies of ‘wait and see’ run counter to the CSTO Charter which implies that allies must provide support to a belligerent member state.² The only state in the whole pSs to clearly and timely state its position was Ukraine.

The initial attempts by Russia to mobilize its allies in the Shanghai Cooperation Organisation (SCO) to support its actions in the Caucasus did not reach Moscow’s expectations. The SCO members did not directly mention ‘Georgian aggression’ – the phrase diplomats from the Kremlin were lobbying for – in their final declaration.³ Also, Chinese reluctance to damage its relations with the West in favour of open support to Russia played an important role in the SCO’s final declaration. However, in preparation to the subsequent CSTO summit on 05 September the Russian leadership was engaged in meeting CSTO members’ presidents personally in order to persuade them to support Moscow’s position in its confrontation with Georgia, especially after the SCO summit held on 28 August in Dushanbe (Tajikistan), which left Russia without essential diplomatic support. The SCO summit’s final declaration only expressed the commitment of its members to the principle of maintaining the territorial integrity of states in international affairs.⁴

Moscow – left alarmingly alone in its decision to recognise South Ossetia and Abkhazia – needed strong support for its actions, whereas its CIS partners kept silence. In the lead-up to the CSTO’s Council on Collective Security meeting, Russian President Dmitry Medvedev in a meeting with his Armenian counterpart Serzh Sargsyan (Armenia would have been taking over chairmanship of the alliance) on 02 September 2008 announced that Moscow awaited the development of a common position among its allies. The summit had been transferred to Moscow although it was scheduled to be held in Bishkek, as Kyrgyzstan was, at the time, chairing the CSTO.

Work on the CSTO statement did not proceed smoothly. Not all of Russia’s partners in the alliance were ready to undermine their relations with the West over the situation in Georgia. While most members were ready to speak in support of Russia’s peacekeeping role, they were tempted to omit the fact of the actual confrontation between Russia and Georgia and wanted to water-down the main issues the conflict raised.⁵ Moscow, for its part, wanted its allies to fully denounce Georgian actions while accepting Russian actions as legitimate.

² The CSTO member states shall give their support to another belligerent member of the alliance or to a member state which is a target of belligerency. For details please see the CSTO Charter’s articles 3, 9 and 22.

³ See *Dushanbe Declaration of Heads of SCO Member States*, 28 August, 2008.

⁴ Ibid.

⁵ *CSTO is Being Set Against Georgia*, Vladimir Soloviev, Natalia Grib, Kommersant Newspaper, 03 September, 2008.

Perhaps Medvedev's meeting with his Byelorussia counterpart Alexander Lukashenka on 20 August 2008, where Russia agreed to reduce gas prices and allocate the postponed long-term \$2 billion stabilization credit; and Putin's visit to Tashkent on 02 September 2008 where the purchase price for Uzbek gas supplied to Gazprom was increased to \$300 (per 1000 cubic meters), were rewards in exchange for the support of Russia's position at the 05 September 2008 summit.

Bribery in international relations is common practise; it is not unique to the pSs. To draw a parallel, the relations between NATO members – where the US plays a dominant role – policies are not arrived at 'free of charge.' One recent example is the US missile defence system designed for Central Europe. Poland, has agreed to host elements of the system for political and economic benefits from the US.

The Moscow Declaration: A Move towards Real Alignment?

Presently, the absence of operational instruments of mutual cooperation in the military and political spheres within the CSTO is obvious. Until and during the Russo-Georgian conflict, Russia's was the most important voice in the CSTO and its interests reflected more than the others. Additionally, Russia is, for all intents and purposes, the guarantor of security in the pSs and has been the most ready to use military power if it deems it necessary.

Given the current state of affairs in the pSp, the question of what are the prospects for developing the CSTO following the Russo-Georgian war and its resulting establishment of two new states, is central to understanding the alliance's future. This question has been partially answered by the so-called, 'Declaration of the Moscow Session of the Collective Security Council,' the outcome of the CSTO summit held on 05 September 2008. This Declaration is not merely a document outlining an allied assessment of the situation in South Ossetia; it is also the first real consolidated position of the alliance, a view on international politics and the place of CSTO in it.⁶

Contained in the document is a statement of open support for Russia's position on NATO's eastward expansion; a warning on the potential consequences of the deployment of new missile defence facilities near the borders of CSTO members and voices concern regarding Georgia's attempt to militarily resolve its territorial dispute which resulted in a humanitarian crisis.⁷ For the first time since the CSTO's establishment there appears consolidated political support of the Collective Security Council – the highest decision making body in the

⁶ See *Declaration of the Moscow Session of the Collective Security Council of the Collective Security Treaty Organization, Moscow, 05 September, 2008.*

⁷ Ibid.

CSTO – on an actual international security issue. Although the CSTO’s reaction was belated, and mobilized by Russia, the fact that a consolidated position emerged is more important than how such a position was reached.

The Moscow session of the Collective Security Council, like no other in its history, allowed Moscow to consolidate allies in the pSs under a unified structure. One of the significant outcomes of the summit was the decision to hold all subsequent CSTO heads of state summits in Moscow irrespective of which country holds the rotating chairmanship of the alliance. There is no doubt that Russia dominates the CSTO. And, following the Russo-Georgian conflict Russia’s status, in the pSs, has drastically changed. Moscow demonstrated its military power and willingness to deploy such instruments to enhance its security and/or achieve its international relations goals. Despite the fact the deploying military force caused much consternation in the West, it has added more credibility to the CSTO as a military bloc *under* Moscow’s leadership.

The CSTO has gained relevance, to the point that NATO – the premier example of a collective defence alliance – cannot afford to ignore it as it had previously. The realisation in NATO that the CSTO is an alliance to be taken seriously comes as the security situation in Afghanistan – under NATO auspices – deteriorates. CSTO members form a ring around northern Afghanistan and have been essential in keeping NATO forces supplied (overland) without the constant fear of ambushes similar to the supply lines coming from Pakistan. The geographic proximity of the CSTO has raised its importance among NATO planners, just as the presence of NATO personnel in Central Asia has got the CSTO to review its region and international role with caution. For instance, the CSTO – re: Declaration of the Moscow Session of the Collective Security Council – is positioning itself as an international security organisation that has prioritised the fight against terrorism; drug trafficking; illegal migration; and the reinforcement of borderland security for its members. Thus the CSTO and NATO may, for the time being, share many of the same basic interests. In fact, the CSTO indicated in its Moscow Declaration, a readiness to establish a cooperative relationship with NATO to combat the narco-terrorist threat emanating from Afghanistan and generally stabilise that country.⁸ This is not the first CSTO attempt to cooperate with NATO, though previous efforts were largely unsuccessful due to NATO’s relative power and the CSTO’s relative weakness. In the aftermath of the 11 September 2001 terrorist attacks against the US, and the declaration of a ‘war-on-terror,’ the CSTO emerged as a natural partner to NATO. Since then, there has been movement to recognising common goals in their security policies, though these may not be as harmonious as first envisioned. Despite occasional differences, NATO and the CSTO do

⁸ See *Declaration of the Moscow Session of the Collective Security Council of the Collective Security Treaty Organization, Moscow, 05 September, 2008.*

have interrelated regional and international security concerns in the Caucasus, Central Asia and Eastern Europe.

Military cooperation within the framework of the CSTO has been intensifying. In the aftermath of the 2008 Russo-Georgian conflict the leadership of the CSTO re-launched the idea of developing a five-sided military force for political containment in the Central Asian region. According to Nikolai Bordyuzha (Secretary General of the CSTO) the forces will include full units and divisions.⁹ The military group of the CSTO is being designed with a primary mission to politically and militarily contain the situation in Afghanistan from spreading to other Central Asian states. However, according to Bordyuzha, this military group should be ready to confront any challenge to the sovereignty of the CSTO members. Presumably the military group would have up to 11000 well-trained personnel. The core of the force will be collective forces, deployable as a rapid reaction to emergency situations. The 'five sides' envisioned in this project are: Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Russia.

In a competitive world, superpowers tend to believe in establishing buffer zones to protect regional interests – an area where the interests of competing powers cannot prevail – and spheres of influence. Russia considers the pSs as being in its vital strategic interests.¹⁰ While the realisation of Russian goals in the pSs could trigger a regional and international scramble for influence, it seems that Russia's greatest geopolitical challengers are also its most important trading partners namely the EU and NATO states. For the time being however, Western rhetoric (and actions) points away from the resurrection of the strategic rivalry, characterised as the *Great Game*, in the twenty first century.

The EU, for example, projects its non-military interests by advancing more normative standards in various fields of cooperation with the CIS states, resulting in a proliferation of influence without sparking an arms race or intensifying a strategic struggle. This approach, while broadly underpinning Western efforts, is not typically adhered to by the US. Instead, the US is more strategically assertive and the US has often instructed its diplomatic core to openly challenge Russian geopolitical ambitions – in the pSs and beyond – and has criticised Russia on a range of issue stretching from human rights abuses to instigating a new cold war with the West. It should be noted that the two aforementioned 'Western' approaches to Russia and the pSs differ greatly from the other worldly power geographically connected to the region; China. The Chinese approach is more conciliatory towards Russia as they share interests and geopolitical outlooks within the SCO, and China promotes its interests in the pSs, mostly in Central Asia, without much hindrance from Russia, other CSTO members or Western states.

⁹ *Interfax News Agency Newslines*, 12 September, 2008.

¹⁰ See National Security Concept of the Russian Federation for more details.

Following the Moscow summit, the CSTO received a boost for deeper military commitments between members and the development of elements of coordinated foreign and military policy to guide political and military decisions. There are two essential aspects to unifying the military and foreign policies of CSTO members: constructing a modern, high-tech and efficient CSTO military and streamlining collective decisions in a unified control, command and communications (C3) intra-alliance network. Since Russia is the most influential member of the CSTO it stands to reason that such militarisation stems from Russia's adoption of a tougher line in its relations to its (CSTO) partners, possibly due to an exchange of policy support within the CSTO for internal and international security (military, energy and economic) enhancements. Ultimately, Russia's geopolitical interests are being fulfilled by a group of other pSs states – the CSTO allies. Such military developments within the CSTO may trigger severe Western reactions, particularly if NATO begins to identify a militarising CSTO as a strategic threat rather than a strategic partner. Western reactions will probably be directed to the economic realm and the adoption of a 'containment' policy deploying economic or political, rather than military tools of coercion. Such Western 'interference' is likely to cause a deterioration in relations between NATO and the EU on the one hand, and Russia on the other. In the event that NATO begins to view the CSTO as a strategic challenge, and takes action to alter the behaviour of some members of the CSTO, crises and confrontations in Central Asia may become a norm.

Returning to the idea of a militarising CSTO, it is prudent to identify and discuss which states will contribute and what their contributions may consist of. Before turning to the specifics, two states: Armenia and Belarus, have not signalled their participation in the political containment force. Neither of these countries have permanent, vested interests in Central Asia so, presumably, their contribution to the joint military force will be negligible and confined to political support within CSTO and international relations chambers.

Three CSTO members border on Afghanistan, namely: Kyrgyzstan, Tajikistan and Uzbekistan. Kyrgyzstan, which besides hosting a CSTO military base, is also home to a US base, does not possess high-quality armed forces which would be effective for collective defence. Uzbekistan maintains the largest armed forces in Central Asia. However waging a large-scale military campaign against Afghan Islamists is beyond its capacity. Finally, Tajikistan cannot field any serious military resources, and for a long time (since the 1990's) Russia's 201st division has secured the largest part of the Tajik border with Afghanistan and has assisted in the stabilization of the country following its civil war.

In contrast to the other Central Asian republics, Kazakhstan does not share a border with Afghanistan and thus has not experienced any large scale clashes with internal Islamic extremism supported by Afghan or Arab insurgents. Kazakhstan may boast being one of the most developed countries in the pSs region

(besides Russia). Kazakhstan is a net oil and gas exporter with massive state coffers that have been, in part, going to constructing modern military forces.

Despite the fact that Kazakhstan (the richest and wealthiest Central Asian state) and Uzbekistan (the most populous Central Asian state) have a competitive relationship – both view themselves as *the* natural regional leader – in reality, Russia has taken a leadership initiative. Thus the establishment of CSTO military forces should be viewed as an extension of Russian influence in Central Asia. This connection between a regionally assertive Russia and the militarisation of the CSTO can be clearly seen in a key outcome of the 2008 confrontation between Russia Georgia. On 03 September 2008 the Interfax-AVN military news agency reported that Rosoboronexport (the state agency for Russia's export of defence-related and dual use products – technologies and services) is ready to prioritise CSTO orders and supply them with state-of-the-art weapons systems.¹¹ This military face-lift comes at a time when the full scope of military supplies from NATO members to Georgia prior to and following hostilities has been revealed. Russia is interested in balancing against the US and NATO in the pSs. It is through the expansion of and depth of military cooperation within the CSTO that Russia hopes to do so. Whether Moscow will be successful in such an ambitious security programme is unclear. However, as Russia gains international and regional confidence it will endeavour to carve out a geopolitical niche whether that comes at a cost to NATO or not.

Territorial Fragmentation in the pSs

The pSs may serve as an important reflection of international relations more generally. Many of the changes underway within the pSs, such as: alliance formation, state modernisation, technological modernisation and the processes of both territorial fragmentation as well as globalisation, provides a snap-shot of wider international relations trends. Just before turning to the conclusion of this research, it is necessary to review one of the most acute challenges occurring within the pSs – territorial fragmentation – which is relevant for the direction of 21st century international relations. To provide an account of such fragmentation a presentation of the summer 2008 Russo-Georgian conflict will be explored.

According to Abkhazia's President Sergei Bagapsh, the priority for newly independent Abkhazia is to amalgamate into the Union State of Russia and Belarus and later join CIS and the CSTO. Such ambitions raise a problematic: in order to grant full CSTO membership to Abkhazia, all members must recognize it as an independent state, decisions likely to spark the ire of the US, EU and NATO. This problematic is compounded due to the tight-rope many CSTO members walk in terms of their own territorial disputes and domestic secession

¹¹ *Interfax-AVN Military News Agency Newswire*, 03 September, 2008.

movements. For example, Armenia has a frozen conflict with Azerbaijan in Nagorno-Karabakh, and it will not recognize the independence of Abkhazia until Nagorno-Karabakh is recognized. This position was unambiguously declared by the Armenian president on 03 September 2008.¹² Central Asian members of the CSTO have large ethnic minorities and unresolved territorial disputes, particularly over the control and use of increasingly scarce water resources.

It is not so much a question of which states will recognize Abkhazia and South Ossetia within the CIS. Instead, it is a question of how the international relations situation – vis-à-vis the US, EU and NATO – can prompt the post-Soviet republics to recognize the independence of these two states, and what they will gain in exchange for such recognition from Russia, the leading proponent of their entry into the CIS. Only through answering the above can researchers hope to address a more central concern namely; whether Abkhazia will join the CSTO. Abkhazia is singled out here because it seems that South Ossetia cannot yet emerge as a viable independent state, despite Russia's recognition. Instead, South Ossetia is likely to remain a footnote in the transformation of the larger regional political configuration: an example of a failing pSs state whose importance is linked to its geopolitical position rather than its socio-political and economic potential.

Ossetia is sandwiched between the predominantly Muslim populated Kabardino-Balkaria and Ingushetia. It is viewed by Moscow as a reliable Russian outpost in the Caucasus, a bridge to Christian Georgia. Russia has yet dismissed the possible inclusion of South Ossetia into the Russian Federation as the territory is regarded as a playing chip in political manoeuvres with Georgia and its Western allies. In the event that the succeeding Georgian government will adopt a more loyal stance towards Kremlin, negotiations over the possible re-confederation of Georgia, Abkhazia and South Ossetia may emerge as determining relations between Moscow and Tbilisi. In fact, Russian Minister of Foreign Affairs, Sergey Lavrov, has not precluded such an arrangement in the future. Also worth mentioning is the potential of new Islamist-separatist movements emerging in the region and Russia's view that additional, Russian-friendly territories in the Caucasus will assist it in projecting its power.

At present, Russia maintains security obligations on the basis of bilateral agreements over specific deployments of Russian military forces. There are solid grounds for further development of this model over the short-term. Treaties of Friendship, Cooperation and Mutual Assistance between Moscow, Tskhinvali (capitol of South Ossetia) and Sukhumi (capitol of Abkhazia) are constructed on the basis of a ten year period with the option of renewal over the next five years with the consent of relevant parties. The borders of the newly independent states will be guarded in cooperation with Russian regular troops. Incidentally, the CSTO Caucasus Region of Collective Security traces its roots

¹² *Interfax News Agency Newslines*, 03 September, 2008.

back to the joint patrolling of Armenian and Russian forces of the Armenian-Turkish border, a parallel that may help researchers understand the longer-term magnitude the 2008 remapping of the region bears.

Perhaps then, one of the most important outcomes of the 2008 Russo-Georgian conflict is the level and depth of the security obligations Russia advanced separate from the alliance framework of the CSTO, a policy inspired by US's fulfilment of its foreign policy goals in Iraq without the clear support of its NATO allies. The question of whether Russia will avoid including South Ossetia and Abkhazia into the CSTO Caucasus Region of Collective Security and if this will encourage further alliance expansion, emerges as integral.

In the final Declaration of the Moscow Session of the Collective Security Council members supported actions to ensure the security of Abkhazia and South Ossetia. However, the possible membership of Abkhazia and/or South Ossetia in the CSTO will require additional guarantees of security for the republics by others in addition to Russia. These guarantees will extend beyond rhetoric and probably include multilateral CSTO forces being stationed in the newly independent states. For this to occur CSTO members will have to assess their ability, willingness and readiness to be involved in potentially contagious military actions on regional and international levels. This leaves CSTO members with stark choices to make as, since the collapse of the USSR, Abkhazia has been a military flash point no less than three times. The assessment of CSTO members must also include the acknowledgement that a NATO Membership Action Plan for Georgia is in the works implying that a repeat of the 2008 conflict will likely have a spillover effect. If NATO absorbs and extends its security guarantees to Georgia, Abkhazia and South Ossetia will be rushed into the CSTO, ensuring that any conflict over the territories will involve NATO. While Russia seems content with the post-conflict status quo in Abkhazia and South Ossetia, the other members of the CSTO will have to make weighty decisions over how far they are willing to go to achieve their foreign policy goals. Such decisions will not be made rashly. Instead, the coming months and even years will reveal much about the efficiency of the CSTO and whether it adequately represents the security and international relations interests of its members.

Security Cooperation and Stability in the Post-Soviet Space

In 1907 the Anglo-Russian Convention delimited spheres of influence between the competing British and Russian Empires in Asia and brought an end to the so-called, *Great Game*. However, peoples locked into the resulting spheres of influence – bound to their respective empires through techniques of co-option, social level deterrence, and coercion – end up losing more than their political autonomy. Often, cultural and religious diffusions accompanied such geopolitical carvings. In the contemporary world it is no longer acceptable

and hence the *Great Game* of the 19th and early 20th century cannot be fully replicated. However, there are two lessons which that era produced which may give pause for thought.

Firstly, for developments in the pSs to be constructive and on par with most other parts of the international community it is essential to diffuse the strength of influence that accompanies competing great powers so that no single state may gain regional hegemony. Since there is no way to eliminate the interests of great powers in the pSs, a balance of power system must be worked out to prevent wanton actions that might destabilise the region and with it, the rest of the international community. Secondly, more than a century since the Anglo-Russian Convention and the structure of international relations facilitates the actualisation of the individual interests of all states including those in the pSs. Also, nearly all states in the pSs wish to maintain their independence and not succumb to a new *Great Game* whereby they lose their political and cultural identity for enhanced security within an empire-*esq* entity. Instead, the majority of pSs states want to belong to security and economic unions as equals with each other and larger worldly powers. To defend themselves from actual and/or perceived challenges states – in this case pSs states – look to military power as a means of producing security and stability. The problem is that when this occurs in many bordering states in close spatial proximity, security and stability are usually the first victims of an ensuing conflict spiral. Negative militarisation brings real threats to security and stability in the pSs and threatens – because of contagion – adjoining regions such as the EU, the South Asian Subcontinent, the Middle East and East Asia.

Until now, there is no agreement on whether or how to control the militarisation of the pSs, an issue that should be prioritised by all responsible powers and the international community at large.

One interim measure could be the creation of an international forum (for example a Forum of Eurasian Cooperation) to provide a neutral venue that facilitates dialogue and respectful interactions between post-Soviet Republics (including Russia), the EU, the US and China, with the option of extending participation to other interested parties. Such a forum could, at this historical junction, serve as a compromise in the relations between Russia, the EU and the US so that constructive and progressive developments occur in the pSs. Such a forum could help resolve outstanding tensions and encourage reconciliation over competing regional interests.

Just as the SCO has successfully helped Russia and China recognise each others individual and shared interests in Central Asia, resolve political, economic and strategic disagreements and develop regional infrastructure, a Forum of Eurasian Cooperation could extend such work to identify the competing interests within the pSs and assist in finding ways to overcome them. To be sure, the pSs is replete with shared challenges. Even if the main regional and international protagonists refuse to cooperate, actual and/or potential WMD

proliferation, drug trafficking, religious inspired terrorism, separatism, environmental and water issues, are and will continue to stymie progress. In order to overcome such challenges regional cooperation must be prioritised.

A positive step in this direction was Medvedev's initiative to establish a European Security Treaty that would include the EU together with pSs countries with the purpose of addressing shared challenges and opening (and keeping open) the channels of cooperation so that misunderstandings and crises may be averted. This initiative was well received in the CSTO, a fact shown by the unanimous approval the initiative received as it was incorporated in the final draft of the Declaration of the Moscow Session of the Collective Security Council.

It remains uncertain as to whether Medvedev's initiative will bear fruit over a short or long time-frame. However, as competing alliances are being formed, nurtured and extending into the pSs, it is becoming increasingly evident that dialogue and negotiations are needed to avoid the return of a *Great Game*, where cycles of political violence and instability plagued both the Russian and British Empires in the 19th century. If the international community learns from past mistakes, then the current situation in the pSs needs to be dealt with diplomatically, and quickly, or else the risk of confrontation could again loom within and beyond the region.

While the research presented in this work sought to answer the problematic of alliances in the pSs, it stands to conclude by highlighting the fact that alliances may be tools for both increasing and decreasing the security of their members. In the case of the pSs, where states are relatively young, insecure and prone to great power bullying, alliances should be developed that assist in providing recourse for inter-state grievances and to ensure the survival of alliance members. To do so, pSs alliances must be open and responsible and act to reinforce cooperation rather than be self-fulfilling.

China's Energy Security and Geo-Economic Interests in Central Asia

Liyan Hu and Ter-Shing Cheng¹

Introduction

Energy security, a relatively new term in international relations jargon, implies states (or other political communities) securing adequate and reliable energy supplies at stable prices. Currently, this involves securing so-called primary energy supplies which include, coal, petroleum, natural gas, hydro-electricity as well as a variety of other, alternative resources. A large proportion of primary energy is converted into electricity and indeed, the more advanced an economy, the larger the proportion electricity represents of final energy consumption.

At a growth rate consistently hovering around 9 %, the rapid and somewhat gluttonous economic development in China has produced negative echo effects such as environmental degradation, economic disparities and, recently, an energy crisis. As a state develops economically, especially at the rate China has, its level of energy consumption rises as well. As long as China's population growth and economic boom continue at rapid pace, its energy consumption will continue to climb sharply as well. Recently, China became the second highest energy consumer in the world, surpassing Japan though still significantly trailing after the US. The constant and safe importation of oil has thus become a crucial issue in China's energy sector (Yang, 2001). In addition to the Middle East – China's main import conduit – most other Chinese energy investments are made in its western, Central Asian neighbors, particularly Kazakhstan. Investments to the Central Asian republics usually gravitate around constructing or repairing infrastructure that may be used for energy importation such as road works and railroad networks.

Central Asia is a significant raw materials and market place for China. Historically, China has done little to influence Central Asia, partly due to its own instability along its periphery, and internal problems in the Chinese heartland.

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The emerging arena of China's new posture is Central Asia, where, with Russia, it co-dominates the Shanghai Cooperation Organization (SCO), a nascent multilateral venture. China has gone to great lengths to foster warm relations with each of the newly independent Central Asia states. However, economic competition in Central Asia will intensify in the coming years and it is worried that more powerful competitors such as the US and Russia may become more assertive in the quest to secure regional oil supplies. Similarly, other powers such as Japan, the EU, Iran and Turkey, will also assert their influence in the region. How can we make sense the views of China regarding energy security in Central Asia and the ensuing economic benefits such energy security will likely induce? This article examines Chinese engagement in the energy sector of Central Asia by asking the question: how geo-economic factors affect China's energy strategy in Central Asia and correspond to China's economic development and social transformation.

Increasing Energy Demand and Challenges for China

China is the world's most populous country and has a rapidly growing economy. The real gross domestic product (GDP) is estimated to have grown at 11.4% in 2007, and is expected at average at 6.6% (per annum) until 2020 (World Bank, 1997). China's spectacular economic growth is largely responsible for its rising energy demands, and most projections assume that rapid growth will continue. China's rising energy demands have quickly become an issue of international politics because the sudden surge in oil imports since 2004 exceeded most predictions. At the same time there is great publicity generated as Chinese oil and gas companies seeks to acquire foreign oil assets to meet domestic demands, raising concerns among other energy dependant states that such a large and increasingly prosperous state will corner a large portion of the international energy market.

China's rapidly growing economy will drive energy demand growth of about 4-5 % annually through 2015 (China Statistic Bureau, 2008). As shown in Figure 1, total primary energy consumption in China increased from less than 18 quadrillion Btu in 1980 to 37.1 quadrillion Btu in 1996. It is projected to reach 82 quadrillion Btu by 2015 (EIA, 2008). While energy production in China sharply increased since 1980, consumption exceeded production by the end of the 1990s, and the gap between consumption and production is continuing.

China's rapid growth in energy demand over the past two years poses challenges to its energy security. This consumption spike is fuelled by rapid general economic growth; the speed of industrialization; rapid urbanization; and growth of exports. Influence of China's rising energy demand on the world's energy and political stability can be highlighted by several points. Firstly, since 2001 the average annual growth rate of energy consumption, 4-5%, is far behind that of the GDP, which hovers around 9% annually (EIA, 2008). Secondly, in the

China's Energy Production and Consumption

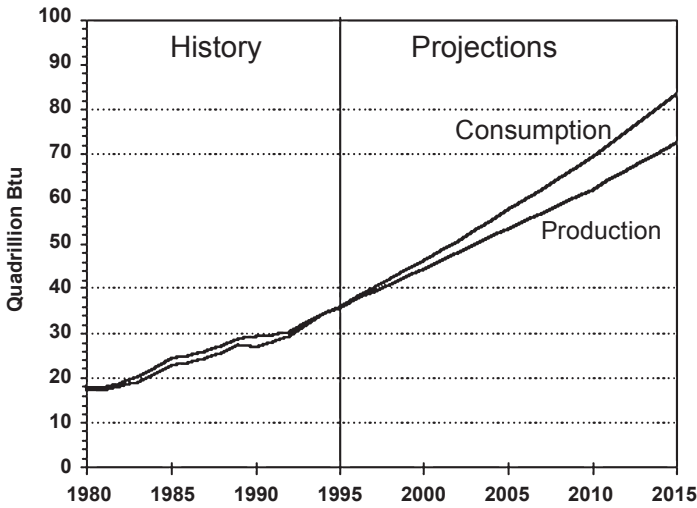


Figure 1.

Source: EIA, *China Energy Situation*, 2008

first two decades of economic reform, the size of China's economy quadrupled while energy consumption only doubled, a fact that can be attributed to improved energy utilization. Thirdly, China's energy demand will continue to rise despite the potential reduction in energy intensity, because its per capita energy consumption lags behind the global average. Fourthly, coal is the principal fuel source for China, accounting for nearly 60 % of primary energy production and over 70% of electricity generation (EIA, 2008).

Furthermore, China's demand for oil and gas will rise faster than its demand for coal. Oil consumption alone has risen four fold in the last two decades (Xu, 2006). Since domestic oil production has been consistent, imported oil has steadily increased since 1993. This is reflected in the figures; China's dependence on foreign oil, 6.3% in 1993 has jumped to 30% in 2000 and to 46% in 2004 (EIA, 2006). The reason oil consumption continues to rise is due to the government's desire to change the country's fuel mix; to reduce such wide reliance on coal. Also, China has signed and ratified the Kyoto Protocol (May 2008), which binds states to decrease carbon emissions in a bid to retard climate change. Coal usage is wide spread in China because of two factors: its abundance and as a result, its relatively stable and inexpensive costs. As of 2004, in China's energy mix coal consumption accounted for more than 70%, a much higher figure than the 25.5% international average (China daily, 2004).

At the same time, China is heavily investing in renewable energy sources. For instance, China envisions that 15% of its energy supplies will stem from solar power, wind power and biomass conversion by 2020 (Hayes, 2006).

Another reason for further heightened energy demand concerns the proliferation of private family cars. In 2007, energy consumption for transportation and telecommunication services accounted for 7.5% of total energy consumption. The pace of automobile ownership demands in China will create a serious challenge to energy supplies, especially oil (Xu, 2006) as the Chinese automobile industry continues to be focused on the internal combustion engine.

Domestic resources will be unable to meet China's energy demands in general terms. Although China is rich in energy resources, it is poorly endowed on a per capita basis due to its huge population. China's vast coal reserves will continue to provide most of its electricity needs for the foreseeable future, however coal will increasingly be unable to satisfy the demands of China's ever-increasing industrial base which is starting to rely on easily accessed sweet oil for competitive production. As such, China's oil supply situation is precarious. China has proven oil reserves of 16 billion barrels (bb), which constitutes a mere 2.3% of the global total, a relative trickle for a country that contains 22% of the world's total population (BPC, 2006). This estimate includes 390 million barrels (mb) of onshore reserves and 290 mb of offshore reserves, divided between the East China Sea, the South China Sea (including the Taiwan Strait), the Yellow Sea, and the Bohai Gulf (Downs, 2000). The uneven production, consumption, and distribution of energy will be one of China's greatest challenges over the coming years.

China's growing demand for oil production is exacerbated by the fact that the major oil fields in eastern China, which account for about 90% of total crude production, have peaked and are currently in decline. Furthermore, efforts to develop both offshore reserves and the Tarim Basin in Xinjiang Uighur Autonomous Region have proved disappointing. Offshore production for 1996 was around 7.3 mb, only 10% of the total output at a cost of more than double that of onshore wells (Sheives, 2006). The potential profitability of oil exploration in the Tarim Basin, once likened to Saudi Arabia, is being seriously questioned. Investment is declining because of the failure of both Chinese and foreign companies to make the kind of discovery that would confirm the basin, which has proven reserves of only 1.5 bb, as a major oil source (Sheives, 2006). In all, China's oil production will not be able to keep pace with consumption, which is projected to increase from 3.5 mb per day (mb/d) to 8.8 mb/d over the same period (EIA, 2008).

China's natural gas supply is even more limited than oil. Proven gas reserves are listed at 41 trillion cubic feet, 0.8% of the world total. These reserves are largely undeveloped as a result of policies based on the view that natural gas exploration and production is subordinate to oil leading to a lack of investment, infrastructural development, and technological advances. However,

environmental concerns, chronic energy imbalances and shortages, and rising petroleum imports have motivated the Chinese government to begin to develop its natural gas reserves. Most of China's natural gas is currently used for industrial purposes, but the share used for power generation and residential cooking and heating is expected to expand significantly. Natural gas production in China is projected to increase from 654.6 billion cubic feet in 1995 to 3.8 trillion cubic feet in 2020, with demand expected to increase from 654.6 billion cubic feet in 1995 to 5.5 trillion cubic feet in 2020 (EIA, 2006).

The widening gap between China's oil supply and demand and the projected gap between natural gas supply and demand implies that China will increasingly rely on imported oil and gas. As shown in Figure 1 above the shortfall between oil consumption and production was 400,000 barrels per day in 1996 and is projected to grow to around 5.2 mb/d in 2020 (EIA, 2008). Without new discoveries, this means that China's oil import dependence will increase from around 11% in 1996 to almost 60% in 2020 (EIA, 2008). China began importing natural gas in 2005. The share of imports in China's natural gas consumption is expected to be at least 30% by 2020 (EIA, 2008). Without the discovery of substantial new reserves or a decision by the Chinese government to reverse its policy of market reform and restrict imports, these statistics indicate that China's reliance on foreign sources of oil and gas will continue to grow over the next two decades.

China's Energy Policy and Economic Interests in Central Asia

China's foreign energy investment adopted by the government was disjointed, often fixed on multiple, mutually exclusive objectives, and designed to meet political ends at the expense of economic considerations (Xu, 2006). China's economic development has significant implications for national and global energy supplies. In the first two decades, in all three energy sub-sectors, the emphasis was on reforming industry and making it more efficient to meet domestic demands. The main foreign policy concern at the time was to ensure foreign investment and China was quite successful in targeting its energy sector (IEA, 2000). However, there was no integrated policy directing the country's energy development.

In present day China, foreign policy rather than energy policy is prioritised. The result of increased dependence on imported energy makes China's government very uncomfortable, and its foreign energy policy is about adopting a much broader strategic and diplomatic perspective than energy policy alone. China, with a share of 12% of the world's total energy consumption, is a significant player in the global energy market in its own right. It wants to be treated as a major player; demands its 'right' to share the world's energy resources; to sit at the international energy table; and is determined to do what other oil majors do in international energy markets (Xu, 2006).

China's recent foreign energy strategy has evolved into a four-pronged approach: to develop multiple import sources and import locations by increasing oil imports from Russia and Central Asia, raising the proportion of crude oil imports from Africa and Latin America, and diversifying oil imports from the Middle East to different countries; to build up oil reserves to avoid unexpected interruption; to promote and strengthen regional and bilateral energy cooperation; and to participate in the Energy Charter Treaty. To secure and diversify its access to overseas energy resources, China listed Central Asia as one of "three strategy regions" for Chinese oil companies to target. This was due to the fact that this regional focus occurred in the shadow of the US-led 'war on terror' in Afghanistan and later Iraq (Xu, 2006). However, Central Asia as part of China's energy strategy, has drawn significant international attention and the powers interested in the region tend to regard China as a regional competitor rather than a strategic partner.

Geo-economic interests in Central Asia relate to the ability of states to acquire raw materials and corner regional markets. In relation to raw material reserves, Central Asia is vital to China as it is second only to the Arabian Gulf in terms of oil resources. The Central Asian region has vast oil and gas resources – re: Kazakhstan, Turkmenistan, and to a lesser extent Uzbekistan – and China has begun to link-up energy pipelines from these states to China's western border. In June 1997, the Chinese National Petroleum Corporation (CNPC) purchased 60% of Kazakhstan's Aktyubinsk Oil Company for \$4.3 billion (USD). The CNPC also announced the construction of a 3000km pipeline linking western Kazakhstan to China's Xinjiang province with a price tag of \$3.5 billion (USD). In total, between 1997 and early 2005, "CNPC invested nearly \$10 billion in Kazakhstan" (Fu and Han 2005; Xu 1999). It also reached preliminary agreements on oil and gas development and other Chinese investments in Uzbekistan. Considering regional stability, developmental projects in China's northwest bring some economic benefits to the Muslims in Xinjiang and may assuage some of the separatist tendencies, notwithstanding resentment towards such projects by the Muslim population to improve their standard of living (Ong, 2005). China sees the development of its western region, including increasing oil production in Xinjiang, as vital to its economic security.

The stability of China's western region, including Xinjiang, is interlaced with China's energy security and its eastern regional economic development. In terms of improving indigenous supply security, the Chinese government launched a programme of "developing the West" of which constructing a pipeline between Tarim and Shanghai was an important component to link the pipeline from Central Asia to Tarim in Xinjiang. China expects the Tarim Basin in Xinjiang to replace the northeast as its new energy base, supplying over one fifth of its total oil by 2010, including an output of 35 million tonnes and an import of 10 million tonnes of crude oil from Kazakhstan. The CNPC

raised the issue of constructing a west-east pipeline in 1996 but it was not endorsed until 2000 when the central government decided to pull the country out of the economic slow-down with the injection of huge public spending (Chung 2004).

China and Other Powers in Central Asia

As mentioned, Central Asia is an oil rich region, in which global and regional powers are interested in economic investment, providing and receiving military assistance, and carving out permanent influence in the region. US involvement in Central Asia is primarily strategic in nature, which is not only associated with access to energy but also an attempt to democratize the region. The US' concerns gravitate around the region's oil and as an important theatre in the 'war on terrorism.' Additionally, the US views this theatre as a convenient platform to counter an increasingly assertive Russia and/or China, or to blunt extensions of Iranian influence.

US officials have prioritised preventing Russia and China forming competitive blocs and alliances in Central Asia. It is these processes that reduce opportunities for genuine regional cooperation, actions permitting the free exercise of national sovereignty (Blank, 2008). The US's policy of defending the independence, integrity, and security of the Central Asian states serves to extend the vital geo-strategic interests of the US in forestalling the possible rise of a Eurasian 'empire' on either continent. Of all the major rivals for influence in Central Asia, the US is the region's foremost champion when it comes to matters of sovereignty and independence.

The US perspective on China's interests and investments in Central Asia is that of a direct threat to its interests and consequently to regional stability. The argument is that China took advantage of the absence of the US military in the region and allowing China to avoid over-reliance on sea-lanes – dominated by the US Navy – and to pass through regions where China's land power has the advantage (Blank, 2008) to ensure energy supplies. In doing so, US dominance in the region is severely constrained (Downs 2000).

The US is also continuously seeking to prevent the emergence of a Russian energy monopoly related to oil markets in the region. The US views Central Asia's large energy holdings as dominated by Russia due mainly to the dearth of pipelines which regional governments are unable to exercise effective economic or foreign policy control over thus reducing their independence and increasing their dependence on Russia. Therefore, energy access on equal terms with the US is closely linked to regional states' independence and sovereignty but 'safeguarded' by US security guarantees. The objective of US energy policy has been focused on fostering the development of multiple pipelines and links to foreign consumers and producers of energy, one recent example includes providing electricity to India (Blank, 2008).

Alternatively, China's energy policies in Central Asia reflect its foreign policy, which itself is primarily derived from perceptions of threat to domestic security. One central motive is the need to forestall any possible threat to China's internal stability and integrity originating from the borderlands (He, 2008). Chinese foreign policy towards Central Asia is not merely energy centric, but also concerns maintaining ethno-political stability in its unstable northwest province of Xinjiang. Separatist movements in Xinjiang have actively and violently pursued independence, or at the least greater autonomy, since the PRC fully consolidated the province into China in the 1950s (Sheives, 2006). Much of the violence engaged in by this movement occurred during the 1990s, and was spurred on by a host of economic, social and political issues, such as urbanization, Han migration, and economic underdevelopment compared to China's east coast (Blank, 2008). To insure China's integrity and domestic stability, it has taken action against movements within the Turkic Ughur population; actions that escalated by Pan-Turkic nationalism in Xinjiang which also began to actively and, in some cases, violently pursue similar independence commencing with the declaration of a new state called East Turkestan.

Additionally and related to its energy policy towards Central Asia, China's rising energy demand became an issue of international politics due to three reasons: first, because its sudden surge in oil imports in 2004 exceeded most predictions; second because of the publicity generated by Chinese oil and gas companies seeking to acquire new foreign oil assets; and because of the perceived security implications of such demands. Both strategically and geographically, Central Asia's proximity to China provides a more secure route for accessing and transporting energy supplies. Politically, China and Russia are co-leaders of the SCO, and China shares some important political challenges with the members of this organization, including issues related to energy sector developments. Economically, the prospects are mixed, for energy products including oil, gas distillates, coal and hydroelectricity remain an excellent natural resource to the Central Asian states. However, one significant economic disadvantage is the tendency for these Central Asian States to delay investment in the transportation infrastructure needed for healthy energy trade (Sheives, 2006).

Russia, for its part, attempts to monopolize regional pipelines for its own use. In 2006, Russia proposed a SCO and Iranian gas and oil amalgamation in which Russia sought to prevent Central Asian states from selling natural gas on the open international market to customers of their choice (Blank, 2008). Attempts at establishing a Russia-led cartel would facilitate Russia's ability to squeeze European customers for economic, political, and strategic gains at the expense of Western interests. However these strategies are vital for Russia because its production costs are too high to compete on an even playing field (Blank, 2006). Central Asia's abundant energy deposits, if marketed abroad, are large enough to restrict Russia's ability to compete in world markets,

particularly the markets of India, Japan, China and South Korea, which are widely expected to surge in the next 20 years.

Regarding Russia, another objective in Central Asia relates to its fear of a growing US military challenge, particularly air strikes originating from the south of Russia, Central Asia, or possibly the Indian Ocean. Russian military planners clearly regard the US and NATO forces as its primary regional – and international – opponent. Apparently Russia is constructing an integrated land, sea and air force throughout the Caspian basin, and unified air defenses are critical to the protection of US forces in forward theatres of potential combat. Therefore, Russia is steadily moving to implement a comprehensive economic-political-military strategy in Central Asia emphasizing the safe-guarding of the regional status quo against any possible foreign threat. The Central Asian republics are members of the Commonwealth of Independent States (CIS), and their regional safety is important for Russian military planning.

China is a very keen promoter of the SCO. This is because it is aware that Central Asia is Russia's traditional stronghold and therefore considerable time and diplomatic efforts must be invested to counter Russia dominance there. The SCO is an important ingredient for economic cooperation in the energy field, in which Russia, Kazakhstan, Uzbekistan and Iran are big exporters, and China and India are significant importers. The size of the armed forces of China and Russia belong to the top three in the world (Haas, 2007). Maintaining a considerable territory in and around Central Asia, containing some 30% of the world's total population, controlling considerable energy resources, nuclear arms and significant conventional armed forces, the SCO is, in theory, a formidable economic, political and military superpower (Haas, 2007). Historically, China is less influence in Central Asia for the reason that China primarily concentrated on domestic development. China's participation in the SCO serves as an indication of a shift away from playing the role of an insular state to fulfilling a more constructive role in shaping regional security.

Furthermore, China and Russia share strategic interests in balancing against the US in Central Asia, possibly through platforms such as the SCO. Such balancing may stem from the quest to counter US encroachers in Central Asia, but may very well constrict US unilateralism in world politics. The US's economic motives and military presence in Central Asia is a part of plot to control energy resources in the Caspian Sea to reduce its import dependence on Persian Gulf supplies (Ong, 2005). The US maintains a strategy to keep the Baku-Tbilisi-Ceyhan pipeline open, thus avoiding hostile states such as Iran, and unpredictable states such as Russia.

Although China's preferred instrument for most political transactions in Central Asia is the SCO, energy deals are typically handled separately outside of this context. Despite rhetoric about multilateralism, China tends to shy away from multilateral discussions about its access to energy (Blank, 2006). It has good reasons for doing so; its success with both Russian and Central Asian

energy suppliers is inconsistent. In fact, Russia has regularly obstructed China's quest for independent access to, or ownership of, Central Asian or Russian energy. In addition to the US, China also competes with Russia for influence in Central Asia. This competition can be viewed as a continuation of the rivalry that has existed since czarist Russia expanded eastwards from the Urals.

While not as influential as the US or Russia, Iran and Turkey have also made bids at mastery of the Central Asian region. Iran's influence is not yet comprehensive enough to make a significant impact and is largely restricted to Tajikistan – the only Persian-speaking country in Central Asia. Turkey's influence is more tangible. It was the first state to recognize the independence of the post-Soviet Central Asian republics and the first to open embassies in those states. The first Turkic summit led by Turkey, with its members: Azerbaijan, Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan, was held in Ankara in 1992. Since then however, the call for some form of pan-Turkism has somewhat petered out (Ong, 2005).

Other powers such as Japan and the EU also play important roles in Central Asia. The EU pays increasing attention to Central Asia for the specific purpose of gaining unhindered access to various pipelines, permitting petrol-states to sell their resources abroad without fear of Russian interventions (Matveeva, 2006). Nonetheless, the economic and political implications of Russia's control over Central Asia's relationship to the EU could have serious repercussions for all parties. As a result of this fear of continuing Russian influence, a harmony of interests has developed between the US and EU. This cooperative spirit is especially strong in light of Russia's push to establish a gas cartel between the gas-producing states of Central Asia and the Persian Gulf, through its state-owned conglomerate, Gazprom (Blank, 2008). While Russia seeks to consolidate its position, the EU has commenced an enhanced (and regular) energy dialogue with Central Asia states in the framework of the so-called Baku Initiative – a forum for energy policy dialogue between the EU, the Caspian and Black Sea States – to involve the energy market and technological cooperation with Central Asia.² Through this initiative, the EU intends to provide political support to Central Asian countries in developing a Caspian Sea-Black Sea-EU energy transport corridor.

Japan has also begun to seize the opportunities offered by the resource rich and stabilizing states of Central Asia. Japanese engagement in Central Asia, which although still limited, has materialized in the eighteen years since the collapse of the USSR. In terms of energy resources, Japan aims to compensate for its own lack of resources and over-dependence on Middle Eastern supplies. This may be achieved through, firstly, Japan's 'Central Asia plus Japan' dialogue initiative announced in 2004. This initiative is distinct in that it encourages Central Asian regional integration to enhance the capacities of these countries

² See: http://ec.europa.eu/dgs/energy_transport/international/regional/caspian/index_en.htm.

to deal with regional problems by themselves. This is in sharp contrast to the policies of China, the US, Russia and the EU, which attempt to provide political coverage for the members, or establish a type of regional hegemony. The intention of Japan is to actively and assertively pursue Central Asia diplomacy, to help the states in the region gain much needed confidence. This has both normative and realist dimensions as Japan knows that its competitive edge rests in establishing a cooperative network in which it plays a key, coordinating role. This more thoughtful approach comes as Japan realizes that it does not have the political or financial weight to counter the more aggressive Russian, Chinese and US policies in the region. Japan hopes that it can undermine these states' influence through the art of diplomacy rather than the exercise of more traditional means of power (Dadabaev, 2006). Another term of international standing, Japan's Central Asian or Silk Road diplomacy attempts to send a message to its Chinese and Russian neighbors that its policy towards Central Asian region is not motivated by a competitive drive for natural resources and geopolitical influence.

Conclusion

Post-Cold War China has vital security interests in the Central Asian region and these will increase over time due largely to considerations of domestic instability and economic advancements. China's energy strategy in Central Asia focuses on behaving like a normal player in energy markets, buying as much oil as it can, and investing in as many places as it can afford to. It is unlikely that China would be willing to seek the energy supplies at the expense of a peaceful regional and continuing economic developments.

Politically, the growth of militant Islam in Central Asia concerns China as it may act as a spark to increased separatist agitation in the Xinjiang province which would further complicate the long-anticipated stability in China's north-western frontier. Economically, China realizes that it must compete with other great powers to secure future energy supplies in resource-rich Central Asia. Therefore, regional policy has been prioritised. In geopolitical terms, Central Asia is one of the key areas of power competition. The Central Asian states are relatively weak, and few can resist the penetration of exogenous great powers. Currently, as China and Russia are partners in the SCO, they have committed themselves to mutually compete against the US in the region. This should not undervalue China's realization of its own vulnerabilities, particularly in the area of energy security, as China is well aware of the challenges it faces from its more traditional adversary the US and its new-found-friend, Russia. Indeed, China has recognized the challenge of a potential energy monopoly it faces from Russia as well as energy market competition with the US, Japan and the EU. One way for China to enhance its role in Central Asia is through diplomacy, and it therefore maintains good relations with the nascent Central

Asian states for regional security. Diplomacy may not always produce the results that China seeks however, and as all great powers, diplomacy veils more traditional power. For present day China, as energy security has been hoisted atop its security planning, it may become increasingly sensitive to alterations in the regional status quo. This may very well heighten already tense regional relations, though China seems well placed to positively contribute to regional security both unilaterally and through multilateral forums such as the SCO. Ultimately, time will tell as to whether Central Asia's resources and the wealth their sale generates will go towards further cooperative development projects or if a new "Great Game" will once again shape the political relationships in the Asian heartland.

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The Russian Minority in Post-Communist Politics: a Case Study of Ukraine, Moldova and Chechnya¹

Scott Romaniuk²

Introduction

From the moment the republics of the Soviet Union proclaimed their independence in 1991, the face of the Soviet ethno-cultural demographic changed significantly. Soviet dissolution was the primary expedient for the creation of the Russian diaspora, as twenty-five million Russians found themselves located in freshly created states that were re-designed as their new political homelands.³ In due course, displaced Russians were forced to either return to the newly created Russian Federation, or assume a fresh political identity that ultimately distinguished them as the new Russian diaspora of the former Soviet Socialist Republics. The most acute problem that arose from Soviet dissolution was to determine the nature of the relationship that ethnic Russians would share with their new ethno-cultural counterparts in the former republics as well as with the new Russian nation and the post-Communist Russian state.

This article examines the minority factor resulting from Soviet dissolution by focusing on the identity 'transformation' of millions of ethnic Russians and the historical context behind Russian self-expression, the framework for conceptualizing diasporas and ethnic minorities, the inter-ethnic relationship

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³ Graham Smith. Transnational Politics and the Politics of the Russian Diaspora, *Ethnic and Racial Studies*, vol. 22, issue 3 (May 1999), 500. <<http://www.library.ualberta.ca/subject/politicalscience/index.cfm>> (accessed 29 January 2007).

between Russians and indigenes of Ukraine, Russians and Russia, and how Russians are viewed and view themselves. Additionally, this article examines how socio-political orientations of displaced Russian minorities and secessionism has been presented as issues of regional security by addressing Ukraine, Moldova and Chechnya as examples. Ukraine serves as a case in point of a former Soviet Socialist Republic that has become fully independent of Russian authority that still shares many political disputes with its neighbour, while both Moldova and Chechnya are used as examples of territorial entities that currently seek independence – Chechnya from Russia and the enclave of Trans-Dniestria from Moldova. The term ‘post-Soviet space’ refers to how the collapse of the Soviet Empire has seen a strong assertion of national identity together with an affirmation of national boundaries. Since the collapse of communism in the former Soviet Union, the Baltic States (Estonia, Latvia, and Lithuania), Ukraine, Belarus, Moldova, Azerbaijan, Armenia, Georgia, and the Central Asian states (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan), still have a colonial relationship with Russia. Commonly known as the Post-Soviet States, these states are also regularly termed the former Soviet Republics, and were referred to as the New Independent States (NIS) in the immediate aftermath of the Soviet Union’s 1991 breakup.

An exploration of the relationship between Russian and non-Russian residents in Ukraine will observe the boundaries of minority identity in post-Soviet space. Additionally, I will discuss the fluidity of the Russian diaspora, presenting models of cultural, ethnic and linguistic overlap between Russians and Ukrainians in parts of the former Ukraine Soviet Socialist Republic (UkrSSR). Should the Russian government have the right to interfere in the domestic affairs of sovereign nations in order to overturn unfavourable outcomes that do not respect the political equality of resident Russian minorities? Do less-defined Russian ethnic minorities create contention between the Russian state and states where Russian minorities reside? Has the ambiguous linkage between Russian ‘settler’ (*russkii* - Русский) and ‘Russian’ (*Rossii* - Россия) been concluded or has it remained a driving force in Russian politics and foreign policy? How does the traditional understanding and nuance of nationalism and nationhood relate to the principles and assumption behind the re-emergence of ethnocratic state? The former have created the basis of a renewed sense of Russian chauvinism that, since the break-up of the Soviet Union, illustrates the Russian Federation’s search for renewed power and prestige both regionally and internationally.

The gradual process of Russian minorities in the former Soviet Republics turning from an Imperial minority to an ordinary one has been a process in motion since 1991. In most cases, the formation of the Russian diaspora in neighbouring countries was a result of state-organized colonization, and forms the basis for local nationalism and national movements as well as the

development of policy in Moscow based on ethnodemographic proportions. The future of Russian's living outside the Russian Federation, as well as the future of national and cultural policies will depend on the resolution of differences between the concepts of Russian as an ethnicity and language, *russkii*, and Russian as in the nation state, *Rossiiia*.⁴ Since the collapse of the Soviet Union, the issue of *russkii* and *Rossiiia* has not been reconciled and provides a crucible that has been given political significance within the Russian state and among neighbouring states. Integration of Russian minorities into the 'near abroad' following the fall of communism has been unsuccessful and serves as an expedient to renewed polarization within the former Soviet Socialist Republics of Ukraine. Russian foreign policy serves as poignant exemplification that the Russian Federation has assumed the responsibility of protecting displaced Russian minorities in contiguous regions, and uses Russian 'compatriots abroad' as a mechanism with which it can re-exert political influence and power throughout Eurasia. As the Soviet Union dissolved, Ukraine exemplified one of the largest concentrations of Russian migrants of all the former republics. To accommodate the scope of this article, a focus will be maintained on Russian minorities within the former Ukraine, and will include issues of Russian ethnic minority in Moldova and Chechnya. I will showcase the events that center on this state in the early 1990's as a model for issues of regional security and ethnic protectionism.

Historical Identity

In the Soviet Union, the country in which people lived characterized their nationality. The recognition of national identities was relatively easy, but the boundaries of ethnic identification were comparatively ambiguous along the Soviet Union's internal borders. Since the Russification of non-Russians was encouraged during the Soviet-era, identifying individuals as 'Russian' became a difficult process. Exploring the relationship between creating a Russian diaspora and the disintegration of the USSR invariably entangles itself with elements of state expansion and the idea of Russian migration yet the term "Soviet" remained absolutely vital in conglomerating the multi-ethnic empire.⁵

With the break-up of the Soviet Union came the moving idea of "sovereignization" that challenged the old idea of ethnic bonding under the

⁴ See Pål Kolstø states in his article *Territorialising Diasporas: The Case of Russians in the Former Soviet Republics* that "while the distinction between *rossiiskii*, referring to the state, and *russkii* referring to the language, culture, and ethnicity, is blurred in English and most other languages, it is unambiguously clear in Russian."

⁵ See Pål Kolstø, *Territorialising Diasporas: The Case of Russians in the Former Soviet Republics*, *Millennium*, vol. 28, issue 3 (1999). <<http://www.library.ualberta.ca/subject/politicalscience/index.cfm>> (accessed 28 January 2007)

guise of “Sovietization”, and led to the discovery and recognition of new political identities in an entirely fresh dimension.⁶ Russian historian Vasilii Kliuchevskii drew upon the close inter-relationship between state expansion and migration as a major feature that Russia simply colonized itself.⁷ Explaining that the scope for colonization expanded simultaneously with the expansion of state territory invariably implies a fundamental linkage between Russians and the people living in the Russian colonies. Conversely, Richard Pipes, in asserting that Kliuchevskii ignored the fact that the areas being colonized were already inhabited, holds that Russia was merely colonizing the lands of others and in doing so, Russians were being incorporated into a unique relationship with imperial minorities in the colonies.⁸ Russian state expansion in a long history, beginning in 1552 with the conquest of Kazan, which marked the beginning of the multinational Russian empire, and ending as recently as 1945, when the last new territories were added to the Russian Empire in the aftermath of the Second World War. Over the course of those four centuries, history witnessed a constant diffusion of Russian migrants from the core of the Russian empire to its outskirts. With this time-line in mind, it may be argued that the creation of the Russian Empire is the product of three intersecting phases of expansion – Russian expansion east after the fall of Kazan, westward expansion, and then southern expansion.⁹ What was once perceived as an imperial minority has thence become an ordinary minority, although Russian movements were indeed elements of co-colonization. Such imperial minority has moved more so toward being an ordinary minority with the collapse of the Soviet Russia. The creation of the Soviet Union in 1921, exemplified a continued blending of minorities in the borderlands, whether they were imperial minorities, or not, the policy of “Sovietization” blanketed the recognition of many of the distinct minorities throughout the USSR. Such an effect is best depicted as a process of excessive spread of inter-ethnic contact or relations in the Soviet Union, which largely provoked accusations of assimilation and erosion of the very foundation of the existence of pre-existing ethnoses.¹⁰

The blanketing perspective has come to be seen as a Russian myth, or the Russian perception of an ‘imagined community’ according to Graham Smith

⁶ Vladimir Shlapentokh, Munir Sendich and Emil Payin, *The New Russian Diaspora, Russian Minorities in the Former Soviet Republics*, (Armonk, NY: M. E. Sharpe, 1994), 40 and 41.

⁷ Paul Kolstoe, *Russians in the Former Soviet Republics*, (Bloomington and Indianapolis, IL: Indiana University Press, 1995), 18 and 19.

⁸ Richard Pipes, Reflections on the Nationality Problems in the Soviet Union, in Nathan Glazer and Daniel P. Moynihan (eds), *Ethnicity: Theory and Experience*, Cambridge, MA, 1975, pp. 453-65, p. 455.

⁹ Paul Kolstoe, *Russians in the Former Soviet Republics*, (Bloomington and Indianapolis, IL: Indiana University Press, 1995), 18 and 19.

¹⁰ *Ibid.*, 160 and 161.

in *Nation-building in the Post-Soviet Borderlands*.¹¹ In turn, this mythic view resonates in the Russian understanding of present-day Russian state neighbours, especially those that comprise the Commonwealth of Independent States (CIS). Russian elites in Moscow have been heavily influenced by mythic “Sovietization”, and sought to prove that there is no sensible alternative to effectively maintaining power and prestige in post-Soviet Russia other than re-enacting the systemic Soviet relationship, except it would be done along Russo-lines as opposed to one of a Soviet nature.

Reification of the systematic relationship is a resolute indication of the political leverage that Russian minorities in the ‘near abroad’ can play in reasserting Russian power and prestige in the post-Soviet world. Russophile myths have demonstrated their power and persistence, replacing the former “Soviet” identity with the new monolithic Russian identity where the Slavic factor was a very important aspect of the relationship that would develop between Russian and the non-Russian republics, including Belarus and Ukraine. It was a factor that was advocated by Russian historian Ruslan Khasbulatov for bringing the former Soviet states closer together in terms of the communities of the nation; the dissipation of the ethnic heterogeneity of the Soviet Union.¹²

Among the many factors that contribute to the current problems of national identity in the former republics, the artificial minority plantation has contributed most to the perception of displaced Russians. Communist cessation simply augmented this problem given how political frame-work of the USSR held the various minorities together under a single Soviet identity, which preserved a distinctiveness of its own. Upon disintegration of the USSR, the Soviet nationality¹³ vanished and became obsolete in terms of an intrinsic political identifier. The status of Russians living outside the Russian homeland is explained by Timothy Heleniak:

[...] Russians became part of a large Diaspora population “without moving an inch or leaving their homes.” They went from being members of a

¹¹ Graham Smith, *et al.*, *Nation-building in the Post-Soviet Borderlands: The Politics of National Identity*. (Cambridge, UK: Cambridge University Press, 2000), 23.

¹² See Ruslan Khasbulatov, *The Struggle for Russia, Power and Change in the Democratic Revolution*. (London, UK: Routledge, 1993).

¹³ Many contributions to the study of Soviet nationalism began to appear immediately following the Second World War, and the numbers have peaked in recent years. Such accounts to the question of Soviet nationality included elements of Russian ethnocentrism, as Edward Allworth describes, in the Soviet nationality’s drive to sweep away smaller identities and implant Russia’s image everywhere in the USSR. In his work, he explains that explanations and descriptions of Soviet nationality have been burdened by (1) the notion that the Soviet nationality questions is a matter of the continuation or cessation of the state structure; (2) the idea of inter-group relations; (3) the concept is transcendent of individual nationality group interests or internal developments; (4) the concepts embodiment in the growth or decline of individual group identity and how those groups respond to the meaning of identity.

privileged majority who arguably saw their homeland as the entire Soviet Union to minority members of 14 newly independent nation states. Some of these states were experiencing sovereignty for the first time in decades and others for the first time in history. All sought to elevate the status of the titular group to some degree, and many were quite hostile to the existence of a Russian minority that ranged from two to 38 % of their populations.¹⁴

Soviet identity had lost its ability to bring and hold ethnic groups together while former Soviet territories have become the stage of re-emerging contestation over whether Russians living in the former republics have created the new Russian diaspora or simply exemplify themselves as an ethnic minority. In the aftermath of Soviet collapse, the Russian diaspora populations were ultimately confronted with two very difficult choices in such a way that a contentious political massif had emerged in the centre of Ukrainian society. Russian diaspora reactions included the options of either remaining in the non-Russian states to form a political opposition minority in order to preserve their minority rights, or simply leaving the non-Russian states.¹⁵ As a result of minority reaction, Russia has sought to fill the void left by the faded “Soviet” identity and the emergence of irredentism has occurred, especially where geographically large concentrations of Russians live in geographical locales contiguous Russia.

The Russian diaspora issue played a less significant role when Boris Yeltsin was in office, but since then, Vladimir Putin emphasized his intentions of restoring Russian power and prestige in Eastern Europe. Russian nationalism has become a stronger force in domestic affairs and foreign policy than it had since the break-up of the Soviet Union.

Terry Martin’s work titled *Affirmative Action Empire*, offers an historical anchor for Russia’s re-affirming identity in the former Soviet Union. Martin draws parallels between the matters presiding over Russian concentrations in Ukraine and irredentist concerns that surfaced in late 1991. The re-emergence of Russian dominance in the 1930’s is comparable to the re-assertion of Russia’s right to national self-expression through Russian ethnic minorities that are spread throughout the former Soviet republics. Russia’s present-day position on Russian self-awareness and the period between 1933 and 1938 serves as another point for comparison, as well as the status of the Russian Soviet Federated Socialist Republic.

¹⁴ See Timothy Heleniak, Migration of the Russian Diaspora after the Breakup of the Soviet Union, *Journal of International Affairs*, vol. 57, issue 2 (Spring 2004): 99-117. <<http://www.library.ualberta.ca/subject/politicalscience/index.cfm>> (accessed 29 January 2007).

¹⁵ See Timothy Heleniak, Migration of the Russian Diaspora after the Breakup of the Soviet Union, *Journal of International Affairs*, vol. 57, issue 2 (Spring 2004): 99-117. <<http://www.library.ualberta.ca/subject/politicalscience/index.cfm>> (accessed 29 January 2007).

Developments from 1933-1938 threatened the foundations of the Affirmative Action Empire because they demanded that the significance of Russian national self-expression be minimized in order to avoid provoking so-called defensive nationalism by the formerly oppressed non-Russian communities.¹⁶ Now the non-Russian communities are stigmatized and perceived as potential oppressors of Russian minorities, surfacing renewed tension in terms of co-colonization and potential territorial competition. Such minorities have been used as a mechanism by which Russian expression in terms of power and prestige can be made in the post-Soviet period.

Conceptualizing Diasporas

Traditional approaches to diaspora-minority binaries have been concerned with discussing the subject along a 'majority/minority' axis where any minority population is subsequently treated as a foreign diaspora that saw its transposition take place at a specific point in history. The diaspora-minority binary precipitates an over simplification in the understanding of which groups are dominant and which merely fall among the minority, especially along quantitative lines. Thus, demographics should not authoritatively determine which community is diasporic and which is not. Rather, there is a considerable breadth to the nature of relations between the majority and minority communities, and poses several critical questions that need to be addressed before the nature of the diaspora can be further understood.

The first question is how the minority community came into existence in the host nation—was it a migratory policy of the homeland, a voluntary movement or a result of past colonization? The second question should address the relationship between the diasporic community and the homeland as well as the host nation. The third question considers the relationship between the host country and the homeland and should gauge whether or not these two are on friendly terms or if the relationship is characterized by historical enmity or hostility that has surfaced more recently. The third question serves as a springboard to exploring a mutual history between the homeland and host nation, the roots of hostility if it hostility does has or does exist, and whether there is any real need for the home nation to “protect” or “defend” the minority population living in the host nation.

While substantial limitations exist in understanding diasporas along previous models, Avtar Brah presents a methodological approach to diasporic climates whereby he refers to the 'diasporic space' as:

the point at which boundaries of inclusion and exclusion, of belonging and otherness, of 'us' and 'them' are contested". Diaspora space is thus

¹⁶ Terry Martin. *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939*. (London, UK: Cornell University Press, 2001), 394.

envisaged as ‘inhabited’ not only by those migrants and their descendants who have settled in a ‘foreign’ homeland but equally by those who are viewed as indigenous.¹⁷

This model largely helps to identify the diasporic space itself, but fails to help understand the special relationship that is created in this space between the “us” and “them.” Accordingly, Brah explains the diasporic space called ‘England’ where African, Caribbean, Irish, Asian, Jewish and other diasporas intersect among themselves as well as with the entity constructed as ‘Englishness.’¹⁸

Brah’s example of England helps to explain how the various minority communities come together under the unifying identity of “English” just as the various ethnic groups of the Soviet Union become unified under the political identity of “Soviet.” In Ukraine, both Russian migrants and indigenous Ukrainians experienced the effects of “Sovietization”, whether they were negative effects of not, but in 1991, this political characterization ceased to exist. The departure of Sovietism essentially left communities stranded, not necessarily abandoned, but those that were left to drift are yet to be understood as minority groups or diasporic Russians.

Neil Melvin echoes precarious dynamics of the stranded diaspora where the creation of independent states from the Soviet Union fostered the misleading impression that the inter-ethnic relations, especially those between Russians and indigenes, were largely harmonious.¹⁹ This harmony disguised a series of sharp conflict that existed since Soviet dissolution; conflict continues to have a toxic effect on ethnic relations in the ‘near abroad’ to the present day. The Soviet shell demonstrated a blanketing effect, after which the toxic effect that has taken hold of Ukrainian society has facilitated the re-emergence of the ethnocratic state and is a focus in many other former Soviet Republics, most notably Ukraine.

Russian Identity in Ukraine

One of the strongest issues that facilitated the societal rift within Ukraine since the break-up of the Soviet Union is the three-way socio-cultural division that includes Ukrainophone Ukrainians, Russofone Ukrainians and ethnic Russians.²⁰ Such a division has mitigated Ukrainian national agenda, foreign

¹⁷ Avtar Brah, *Cartographies of Diaspora, Contesting Identities*, (London, UK: Routledge, 1996), 208 and 209.

¹⁸ Avtar Brah, *Cartographies of Diaspora, Contesting Identities*, (London, UK: Routledge, 1996), 208 and 209.

¹⁹ See Neil Melvin, *Russians Beyond Russia, The Politics of National Identity*, (London, UK: Chatham House Papers, 1995).

²⁰ Graham Smith, et al. *Nation-building in the Post-Soviet Borderlands: The Politics of National Identity*. (Cambridge, UK: Cambridge University Press, 2000), 119.

policy and has impacted international affairs. This section will briefly explore the socio-cultural issues as national elements of Ukraine that have contributed to ethnic stratification since the advent of the Communist era in terms of the three-way socio-cultural division in the former UkrSSR.

A particularly deterministic attempt to sort the ambiguous nature of these divisional classifications has been to approach each group in terms of 'native tongue' as an ancestral anchor. In sociological survey conducted in 1989, 64 % of the Ukrainian population classified as 'native tongue' Ukrainians, 9 % as of ethnic Ukrainians identifying Russian as their 'native tongue' and 22 % as Russian in terms of both ethnicity and language.²¹ Challenging the ancestral methodology is the reality of ethnic boundaries in Ukraine still being extremely fluid and retaining deep historical roots. Ukraine has undergone nearly seventy years of linguistic and ethnic merging during the Soviet era alone—a period in which Russians and Ukrainians mingled in every-day life. Many individuals in Ukrainian society accepted and utilized both Russian and Ukrainian as their native languages; since, many Russians have certainly considered Ukraine as their primary homeland, if not, then their only homeland.²² Therefore, an even greater ambiguity has been created by way of the very evident ethnic fluidity in Ukraine. For the Russian diaspora living there, they are a national minority whose language, culture and socio-political status are being continually shifted toward the periphery of national and state interests.²³

Ukrainophone Ukrainians are the focal group of Ukraine whose ethno-political discourse focuses on their unique and genuine rights as indigenes of the country, and creates a political precedent for what has been termed Ukrainian 'space'. The Ukrainophone Ukrainians exude a dismissive attitude toward Russofone Ukrainians and Ethnic Russians, and advocates a profound discourse of indigenous rights. As the main structural language of Ukrainophones often centers on such concepts as 'indigenous', 'colonialism', and 'Russification', that this group will always stand behind a nationalist argument for the rights as a distinguished people who are set aside from the Russians through their traditional European distinctiveness has become a solid principle in Ukrainian national discourse.

Russofone Ukrainians are the unique group in Ukraine, because they split commonalities with their Ukrainophone counterpart. Russofone Ukrainians facilitate the principles behind "sovereignization", which emerged after the break-up of the Soviet Union, precipitating an expression of neo-political

²¹ Graham Smith, et al. *Nation-building in the Post-Soviet Borderlands: The Politics of National Identity*. (Cambridge, UK: Cambridge University Press, 2000), 119.

²² Susanne Michel Birgerson, *After the Breakup of Multi-Ethnic Empire: Russia, Successor States, and Eurasian Security*. (Westport, CT: Praeger, 2002), 102-104.

²³ Vladimir Shlapentokh, Munir Sendich and Emil Payin, *The New Russian Diaspora, Russian Minorities in the Former Soviet Republics*, (Armonk, NY: M. E. Sharpe, 1994), 59.

identity.²⁴ Russofones claim their territorial rights in Ukraine in terms of traditional Russian 'space' that was brought about by forcible *Russification*, particularly through Brezhnev's projects of Russification.²⁵ Thus, while Russofone's do not deny the nationalist vision of Ukrainians, or the existence of the Ukrainian 'self', their own autonomist apparitions run parallel to those of Ukrainophones, claiming that theirs is also a genuine indigenous tradition with deep and firm historical roots.²⁶

For Ukraine's ethnic Russian minority, the situation is peculiar due to differing policies of both Russia and Ukraine that concern the rate of social transformation within each country.²⁷ Both have formed social objectives and expectations that do not necessarily line in congruency with each others'. Ukrainophone Ukrainians maintain a distinct ethnopolitical discourse that focuses their perceived rights as a so-called 'indigenous' people, which subsequently portrays Russians as outsiders, or in a more traditionally colonial perspective, as 'settlers'. The effects of this ethnopolitical discourse is two-fold, first it disenfranchises the Russian diaspora's long-term moral claim to the rights what were officially granted to them by the Ukrainian government in 1991; second, it implies the potentiality of Ukrainian reclamation of those territorial sections of Ukraine that are inhabited by ethnic Russians. The second effect is a sub-set of the first, and operates on a potentially dangerous premise of re-emerging ethnocratic reproach.

In fact a Russo-centric counter claim may attempt to point-out that any nationalist Ukrainophone who supports these discourses are in fact themselves the ethnopolitical 'aliens' of Ukraine—the product of Habsburg, Polish or even German ruse, and an artificial implant into Ukrainian society preventing Ukrainians and Russians from living in a natural state of harmony.²⁸ Present-day discourse on the ethnic issues of Ukraine often center on 'group identity', 'national revival' and 'Ukrainian people' with the clear understanding that these terms refer to those [people] from Ukraine, but could it refer to people merely living in Ukraine? Ukraine is a complex ethnic structure, representing a single piece that once played a role in the breadth of Russia before Soviet collapse, often presented as a model civic state after the in the post-Soviet era.²⁹

²⁴ Nadia Diuk and Adrian Karatnycky, *New Nations Rising: The Fall of the Soviets and the Challenge of Independence*. (New York, NY: John Wiley & Sonse, Inc., 1993), 73, 74 and 75.

²⁵ *Ibid.*, 73.

²⁶ Graham Smith, *et al. Nation-building in the Post-Soviet Borderlands: The Politics of National Identity*. (Cambridge, UK: Cambridge University Press, 2000), 121 and 122.

²⁷ Vladimir Shlapentokh, Munir Sendich and Emil Payin, *The New Russian Diaspora, Russian Minorities in the Former Soviet Republics*, (Armonk, NY: M. E. Sharpe, 1994), 59.

²⁸ Graham Smith, *et al. Nation-building in the Post-Soviet Borderlands: The Politics of National Identity*. (Cambridge, UK: Cambridge University Press, 2000), 120 and 121.

²⁹ See James H. Billington, *Russian Transformed: Breakthrough to Hope*. New York, NY: The Free Press, 1992.

Particular ethnic groups within Ukraine have recently demonstrated signs of trying to turn Ukraine into a ostensible ‘ethnic democracy’ where political rights should be confined to people believed to be or perceive themselves to be true Ukrainians.³⁰ If so, then does the previously discusses ethno-social confrontation as well as the alienation of minorities within Ukraine, particularly the Russian diaspora, simultaneously promulgate Russian claim to diasporic “protection”? How dangerous is the president that is set by the conceptualization of such a professed ‘ethnic democracy’ and how strongly does it impact regional relations and security?

Ultimately, the current relationship between the Ukrainophones and Russofones is one of contesting ideals that retain a repressionist undercurrent; in which Russofones still perceive Ukraine as a mere appendage of the Russian state, inextricably linked through what has historically been viewed as a common faith and language. Therefore, therein rests a potential threat in gauging the interrelation of Ukrainians and Ethnic Russians living in Ukraine as members of an ‘ethnic Democracy’ because it represents elements of ethno-repressionism. Nadia Diuk and Adrian Karatnycky describe the historic system of totalitarian repression as one that “combined with widespread national oppression [that] kept the abiding force of Ukrainian national identity hidden for more than sixty years, creating a burden that made the Ukrainians a quintessentially hidden nation.”³¹ Investigating the ethnic climate of Ukraine shows that hidden subdivisions not only exist, especially in regions that are geographically contiguous with Russia, but both defined and lesser defined Russian ethnic minorities create contention between the Russian homeland and ethnocratic states where Russian minorities reside

Russian’s and the ‘Homeland’

With an increased reference to Russians living outside of the Russian state, an important change has occurred in Moscow’s perception on citizenship.³² An inclusion of such terms as ‘compatriots abroad’, Russian minorities, diaspora communities and ‘near abroad’ Russians, a shift has also occurred in Russia’s perceived role as an ethnocratic *protecteur*.³³ In the midst of Russian identity being re-defined, there has been no formal agreement among Russians whether Russia’s future should include formal and/or in-formal control Russians living

³⁰ Graham Smith, *et al. Nation-building in the Post-Soviet Borderlands: The Politics of National Identity*. (Cambridge, UK: Cambridge University Press, 2000), 120, 121 and 122.

³¹ Nadia Diuk and Adrian Karatnycky, *New Nations Rising: The Fall of the Soviets and the Challenge of Independence*. (New York, NY: John Wiley & Sonse, Inc., 1993), 78.

³² Graham Smith, *The Post-Soviet States, Mapping the Politics of Transition*. (New York, NY: Oxford University Press Inc., 1999), 67.

³³ *Ibid.*, 67.

in the former republics in the post-Soviet periphery.³⁴ National identity therefore finds a place in the confusion regarding the relationship between Russia and Russians abroad, and is an element described as seldom a perfect “fit” between nation and state by Susanne Michele Birgersson in *After the Breakup of a Multi-Ethnic Empire*.³⁵ For those who left Russia (*vykhodtsy*), Russia was a natural ‘homeland’ (*otechestvo*). Acknowledging the significance of *vykhodtsy* brings about a focus on the implications of *otechestvo* for those who do not fall into any of the three categories of minority existence—migratory policy, voluntary movement or colonization. So how does the re-definition of homeland affect Russians who were either born into any of the borderlands or resided outside of Russia long enough to identify with a new homeland?

Since the early 1990’s, Russia has expressed concern that among the former Soviet Republics, we are observing a restoration of ethnocracy as well as a move, or at least increased political dialogue over the re-emergence of ethnocratic states.³⁶ Two parties, those of the Russian government and the various diaspora communities throughout the former Soviet republics—Ukraine, are spearheading the sentiment in this case. However, this ethnocratic tendency is evident throughout post-Soviet territory, from the Baltic States to those of Central Asia.

In recent years Russians in Ukraine have been calling for Moscow to play a more direct and effectual role in “supporting” Russians who may perceive themselves as having essentially been abandoned by Moscow.³⁷ Further, Russian foreign policy makers have increasingly thought about their perceived ethnic brethren living outside the Russian state, and concern for Russians in the ‘near abroad’ has become integral in contemporary Russian politics.³⁸ Disintegration of the Soviet Union ushered in a particularly unstable era for Russian ethnics to the extent that Boris Yeltsin felt it necessary to proclaim the protection of Russian Compatriots, making a priority of Moscow’s foreign policy, although the Yeltsin administration devoted neither attention nor resources for the protection of Russian compatriots living in neighbouring countries.³⁹ Russia failed to act on the laudable rhetoric of such foreign policy proclamations, but the consolidation of Russia and the Russian diaspora as

³⁴ See Susanne Michel Birgersson, *After the Breakup of Multi-Ethnic Empire: Russia, Successor States, and Eurasian Security*. (Westport, CT: Praeger, 2002).

³⁵ Ibid., 45 and 62.

³⁶ Graham Smith, *The Post-Soviet States, Mapping the Politics of Transition*. (New York, NY: Oxford University Press Inc., 1999), 66 and 67.

³⁷ See Charles E. Ziegler, The Russian Diaspora in Central Asia: Russian Compatriots and Moscow’s Foreign Policy. *Demokratizatsiya*, vol. 14, issue 1 (Winter 2006): 103-126.

³⁸ Graham Smith, *The Post-Soviet States, Mapping the Politics of Transition*. (New York, NY: Oxford University Press Inc., 1999), 67.

³⁹ Charles E. Ziegler, The Russian Diaspora in Central Asia: Russian Compatriots and Moscow’s Foreign Policy. *Demokratizatsiya*, vol. 14, issue 1 (Winter 2006): 103-126. <<http://www.library.ualberta.ca/subject/politicalscience/index.cfm>> (accessed 08 August 2008).

well as the subsequent formation of a unified “Russian world” became a priority of the June 2002 Congress of Russian compatriots.⁴⁰ During Putin’s tenure, Moscow has demonstrated four sources of leverage in the former republics for the protection of Russian diaspora communities. The first is the use of the Russian military, which has been apparent in Central Asia. The second source of Russian leverage is energy and economics, which has given Moscow a powerful hand in Eastern European politics over the past several years.⁴¹ Third, Russia’s participation in regional organizations, such as the Shanghai Cooperation Organization, as well as the re-surfacing idea of a shift toward economic unity among Russia, Ukraine, Belarus and Kazakhstan, demonstrates Russia’s interest in procuring a greater degree of diplomatic strength.⁴² The fact that millions of expatriates with ties to the motherland currently reside in Ukraine, and other Soviet successor states, lends substance to Russia’s ethnic lever when dealing with ethno-political issues of the former Soviet republics.

Ethnocracy is used to exemplify a situation where a state acts as the authoritative agency of the ethnic majority. State agency acts as authoritative ideologues, policy maker and resource distributor, all three of which were historic roles for the Russian state within the Soviet Union and perceptually, the Russian people as direct derivatives of the Russian state. Sub-dimensions of ethnocratic agency exist in the following three ways. First, the ethnocratic states exhibits a disproportionate recruitment to elite posts and civil service and government that is overwhelmingly in favour of the majority ethnic group, or in this case Russians. Second, the ethnocratic state asserts its cultural qualities on all other ethnic segments as the core ideals of national ideology, hence former policies of Russification. David Brown explains that “...the national identity which is employed to define the ethnic society is neither ethnically neutral nor -ethnic, but rather it is mono-ethnic...clothed in the language of universalism...” which is evident through “Sovietization”.⁴³ The third attribute of the ethnocratic state is the unequivocal maintenance of the monopolization of power by the ethnic majority. These arguments are very useful for the concern of the Soviet Union, but are equally applicable to post-Soviet space as well.

Limitations typically associate with the concept of ethnocracy is that it is more easily perceived external to the state in question; therefore internal

⁴⁰ Ibid.

⁴¹ See Roland Dannreuther, Can Russia Sustain Its Dominance in Central Asia? *Security Dialogue*, vol. 32, (2001): 245–58; and Jeronim Perovic, From Disengagement to Active Economic Competition: Russia’s Return to the South Caucasus and Central Asia, *Demokrati-zatsiya*, vol. 13, issue 1 (2005): 61–85.

⁴² See Igor S. Ivanov, *The New Russian Diplomacy* (Washington, D.C.: Brookings Institution Press, 2002), 26–28.

⁴³ See David Brown, *The State and Ethnic Politics in South-East Asia*, (New York, NY: Routledge, 1996).

domination patterns are difficult to recognize. The possibility exists that Russia still sees its actions and “protection” of Russians in the post-Soviet states as representative or “good” for the country. In turn, the central question that arises from the discussion of re-emerging ethnocracy is that if Russian ethnocratic politics led to state break-up, can the same political cleavage lead to Russian diaspora mergence?

Political Crucible

The multi-dimensional nature of ethnicity in Ukraine makes the issue of Russian community integration problematic, especially since the break-up of the Soviet Union. Since 1991, the implications of Russian ethnic distribution in Ukraine are far more significant and political in dimension than prior to Soviet dissolution. The concentration of Russians in Ukraine illustrates an even gradation of Russians towards eastern Ukraine. The highest concentration of Russian minorities exists in the territory furthest east and is strongest in the immediate vicinity of Crimea, Kharkiv and Donetsk.

An internal perspective of Russian minorities shows that in addition to Russians reinforcing their traditional dominance in industry, administration and education in the urban areas, of roughly eleven million Russians living in Ukraine, three-quarters, and the following Russian populations as a percent of the national total are concentrated in the five industrially developed regions of Ukraine: Donetsk (43.6%), Luhansk (44.8%), Kharkiv (33.2%), Dnipropetrovsk (24.2%), Zaporozhzhia (32%), and Odessa (27.4%).⁴⁴ Overall, Russians accounted for 17.3% of significant ethnic groups in Ukraine in 2001, and Russian settlement in Ukraine has created a complex set of overlapping identities in the Russian communities.⁴⁵ Does this overlap pose a threat to the identity of Russians in Ukraine? If Russian state prestige and power increasingly identifies with Russian populations in the ‘near abroad’ how might Russia be expected to “protect” or “defend” these minorities? Bearing in mind that in the Southern regions of Ukraine, including Nikolaev, Odessa and Kherson, the concentration of Russians is potent, certain political circles in Russia considers the Crimea and the Eastern regions of Ukraine as the subject of territorial claims.⁴⁶ Russian advocates of the neo-imperial idea also support the restoration of *Novorossia*, or ‘New Russia’ within the borders that existed prior to the 1917 Revolution.⁴⁷

⁴⁴ Neil Melvin, *Russians Beyond Russia, The Politics of National Identity*, (London, UK: Chatham House Papers, 1995), 86 and 87.

⁴⁵ Ibid., 86 and 87.

⁴⁶ Vladimir Shlapentokh, Munir Sendich and Emil Payin, *The New Russian Diaspora, Russian Minorities in the Former Soviet Republics*, (Armonk, NY: M. E. Sharpe, 1994), 59.

⁴⁷ Ibid., 59.

Fundamental hardening of Russian identity has been an integral component in pressuring the Russian government to “defend” Russians abroad; but in practical terms, this was observed in the western periphery of Ukraine. Russia enacted protectionist measures by undertaking full-scale military operations in the 1990’s in the breakaway Russian-speaking enclave of Trans-Dniestria, which declared its secession from Moldova in 1991.⁴⁸ Through a renewed sense of Russian chauvinism, Russia adopted a special relationship with its own ethnic minorities in this region that saw Russia accepting responsibility for the geo-political security of its diaspora abroad.

As a cease-fire maintains the peace in the region to the present day, Russian forces maintain a security presence exceeding 2,500 troops and large-scale ammunition stockpiles.⁴⁹ As recently as December 2002, the Russian military launched the creation of the Trans-Dniester military force to maintain control of stockpiles of ammunition and to ensure the security of the Russian diaspora community in the region.⁵⁰

Difficulty in managing multi-cultural space has been apparent since the early 1990’s and Trans-Dniestrian secessionism is one of two examples of secessionist demands by ethnoregional groups, and the political leverage they have obtained through Russian foreign policy. Since 1990, over fifteen major occurrences and present status acts of inter-ethnic violence have been initiated in post-Soviet space.⁵¹ Both Trans-Dniestria and Chechnya, where Russian forces fought for two long years to keep the region within Russian political space, exemplify extreme measures assumed by Moscow to manage and protect Russians in the ‘near abroad’. As Barnett Rubin concludes from his analysis of inter-communal tensions in the post-Soviet space, “...while most of the conflicts of the post-Soviet transition are no longer violent, few have actually been resolved to the satisfaction of the parties [involved], and tensions could reignite.”⁵² Since the Russian minority populations in both Trans-Dniestria and Chechnya represented less than 10 % of the total population, how might Russia orchestrate ethnic minority management in such regions Eastern and Southern Ukraine and Crimea?

Security issues were the most acute reasons for Moscow’s military intervention in Moldova, but issues of security were not the only reasons for Moscow to assume a more active role in relation to the post-Soviet republics. In the

⁴⁸ Graham Smith, *The Post-Soviet States, Mapping the Politics of Transition*. (New York, NY: Oxford University Press Inc., 1999), 67.

⁴⁹ Vladimir Socor, *September 11 and the Geopolitical Revolution of our Time*. (Bucharest, Romania: SNSPA, 2003), 242.

⁵⁰ *Ibid.*, 243.

⁵¹ Smith, Graham Smith, *The Post-Soviet States, Mapping the Politics of Transition*. (New York, NY: Oxford University Press Inc., 1999), 228 and 229.

⁵² Barnett Rubin, Managing normal stability, in B. Rubin and J. Snyder, *Post-Soviet Political Order: Conflict and State-Building*. (London, UK: Routledge, 1998), 170 and 171.

aftermath of Soviet collapse in 1991, the security of the twenty-five million Russians living in the borderlands has become a major source of anxiety for political elites in Moscow, who were concerned about the territorial losses incurred from dissolution.

Following the Soviet collapse, the preservation of the territorial integrity of Russia was a vital element in Russia's position as a great power in international affairs, but this position was seriously threatened when Chechnya declared its independence from the Russian Federation. Russia's re-assertion of power and prestige are fundamentally linked with diaspora communities in the borderlands, and therefore these communities have come to play an increasingly significant role in Russian foreign policy and international relations. Soviet dissolution and Chechnya both represented a severe challenge to Russia's territorial integrity; the existence of sizeable Russian minorities represents a tangible constituent that may compel Moscow to "protect" them, especially since Russian prestige and power are as closely connected to population as they are with territory. In 1980, fifty years after the formation of the Soviet Union, Viacheslav Molotov professed to a great failing of the Soviet government, that the Communist Party had never effectively resolved the Russian national question: the problem of what status the massive RSFSR and the Russian nation should have within the Soviet Union, and this is a predicament that has been carried forward into the new relationship that Russians have with their homeland.⁵³

Although Russia still retained the largest area of land in the 1990's, Russia's post-Soviet population of roughly 148 million, barely half of the population of the former Soviet Union, ranked well behind China, India, United States, Indonesia, and Brazil.⁵⁴ Since tension within the Russian elites has been directed to fears that culminate over the loss of the borderlands and its subsequent effect on territorial capacity, equitable focus should be given to its consequent mitigation of Russian ethnic representation, which directly equates the loss of Russian prestige and power. As Molotov explained in 1980, there was never really any place for the Russian nation. The USSR's nationality was rather ambiguous and posed domestic policy problem for Moscow, just as the meaning behind Russian nationality – in terms of being Russian and being from the Russian Federation – remains contentious and unclear in the contemporary period. The size of the Russian population made it too large to ignore while simultaneously, it was too important to be given equal status as the Soviet Union's other nationalities.⁵⁵ We have seen that the same issue is mirrored in post-Soviet republics

⁵³ Terry Martin. *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939*. (London, UK: Cornell University Press, 2001), 395.

⁵⁴ See Roman Szporluk, *Cultures and Nations of Central and Eastern Europe*. (Cambridge, MA: Ukrainian Research Institute, Harvard University, 2000).

⁵⁵ Terry Martin. *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939*. (London, UK: Cornell University Press, 2001), 395.

today, but this issue is augmented by Russia's attempts to re-affirm its prestige and power through territory and population management.

Conclusions

Although nationalizing movements have sought to tackle some of the issues surrounding the integration of Russian diaspora, the existence of such communities is more regular than is the existence of diasporic identity. Despite the various sources of leverage available to the Russian government, all of which have been employed to varying extents, the Russian diaspora in Ukraine remains largely symbolic as opposed to a serious threat to national security for both Ukraine and the Russian Federation. In the case of Ukraine, diasporic identity remains a fluid concept, and one that is readily influenced by socio-cultural and linguistic elements within the host nation. The same points, however, are less commensurately applied to Moldova as an autonomous nation in the post-Soviet periphery, and to Chechnya as a federal subject of Russia. Moscow has demonstrated a greater extent of involvement in Moldova, largely distinguished by the presence of Russian forces there, and has been significantly demonstrated by military operations that have devastated Chechnya.

Boris Yeltsin's policies in the 1990's, which called for the protection of Russian compatriots, was no more than a slightly modified edition of what the Soviet government had regarded as necessary action for the promotion of ethnic Russians in various republics prior to the post-Soviet period. Yeltsin's policies were endowed with nothing more than rhetoric over the issue of Russian compatriots whereas Vladimir Putin and Russian elites, on the other hand, have invested far more attention to defending the interests of Russian compatriots, and have proven themselves to be far more aware of the effectiveness of both soft and hard power applications.

Initial characterization of the existence of ethnic minorities in the former republics seemed easy to do along such lines as either a product of a migratory policy of the homeland, a voluntary movement or a result of past colonization, but how Moscow has attempted to characterize, or rather re-characterize these minorities in the borderlands remains a difficult question to address. Have Russian ethnic communities inadvertently become Russian 'compatriots abroad', the vanguard of neo-nationalizing groups that have brought about a renewed sense of ethocracy in Eastern Europe? What is further perplexing is with the collapse of communism and the dissolution of the entire Soviet empire, how the *raison d'être* for Russian diasporic sentiments in the borderlands has not faded in kind.

If the present obstacles facing Russia today are those of territorial and population re-acquisition, then it would seem that in the present day, Russian diaspora management has become a vehicle by which Moscow seeks to

avoid the creation of dual centers of power in Eastern Europe. The relationship between the Russian diaspora and Russian foreign policy is comprised of the diasporic community, the host nation and the original or national homeland. Within Russian foreign policy, Moscow still sees the Russian diaspora in host nations as too important to be given 'b'-class status among other nationalities in the region, or at least too critical a commodity to share 'a'-class status between national forces in Eastern Europe. How Russia responds to the difficulties of diaspora identity among Russian ethnic communities in these regions will confirm the self and international perceptions of post-Soviet Russia. Will Russia seek to "protect" or "defend" its populations in the 'near abroad' as it has previously, and what does this mean for the ethno-political security of the former Soviet republics?

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Establishing the Norm of Humanitarian Intervention in International Relations

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International relations are presently in the midst of impressive change. Whether discussing traditional geopolitics, political and economic globalisation, international institutions, the rise of religious extremism, energy security, or enviro-politics, it is sure that the 21st century offers new challenges, and thus presents international relations scholars with new problematics to consider and address. The changing characteristics of violent conflicts require new approaches to their resolution; the use of force is no longer interpreted exclusively in terms of self-defence but also due to humanitarian necessity. This article is meant to contribute to the wide discussion on humanitarian interventions (HI) by exploring some aspects of how they may acquire international legitimacy. The main controversies surrounding this issue, stems on one hand, from the changing practice of international relations, and from the absence of uniform decision-making system for evaluating necessity, legitimacy and success by concrete interventions on the other.

Although an exact definition of HI is absent from international conventions, it may be understood as ‘coercive interference in the internal affairs of a state involving the use of force with the purposes of addressing massive human rights violations or preventing human suffering.’² According to this specificity, the post-WWII period offers various empirical cases of HI. Nonetheless, there is, in general, insufficient support of the norm through purely legal lenses; revealing obstacles and restrictions by particular actions. Thus, the normative development of HI will be explored in this research by adopting a legitimacy approach, enabling a wider perspective to understanding the changing nature of both international order and justice. In this context, the more traditional

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² Welsh, J., *Humanitarian Intervention in International Relations* (Oxford: Oxford University Press, 2003).

approaches of realism and liberalism also demonstrate explanatory poverty in terms of norm- and idea-shifts that can be supplemented by the more comprehensive theory of social constructivism. Accordingly, attention will be paid to linking HI, legitimacy and international consensus building and mobilisation.

First, it is crucial to demonstrate the changing atmosphere in international politics during and after the Cold War through selected cases of HI that were undertaken with a focus on the extent of international acceptance and legitimacy each case obtained. The empirical results will be followed by evaluating the quality of the popular framework for both justifying and criticising various HI's namely, Just War Theory (JWT). Recently, there has been important progress achieved in defining this concept and applying it to international relations. The *Commission on Intervention and State Sovereignty* recommended in its report entitled 'Responsibility to Protect' six points that could be applied for identifying legitimacy of a HI: (i) just cause, (ii) right intention, (iii) last resort, (iv) proportional means, (v) reasonable prospects, and (vi) authorisation. The main task of this research is to identify the main advantages and limitations within this legitimacy framework to be possibly reformed to establish a more in-sync, universal applicability for future large-scale humanitarian issues.

Interventions During and After the Cold War

During the Cold War there were empirical cases of interventions, which were deemed, in a post-hoc manner, to conform with HI that were later viewed as humanitarian interventions, even though the primary justifications were dominated by security concerns rather than demands for human rights. For example, India's intervention into East Pakistan (Bangladesh) was a reaction to Pakistan's repression of the Bengali population in 1971, which had resulted in a mass exodus of a primarily Muslim community to India.³ This particular intervention is interesting for several reasons. First, India relied primarily on the justification of self-defence because the refugee crisis threatened India's national security and economy. This justification was *not* widely accepted by the rest of international society. According to Wheeler, the problem was the weak argument presented by the Indian authorities. On one hand, he argues that military repressions may be ended by intervention if they invoke strong moral concerns.⁴ This parameter was achieved by the Bengali population, and moreover since India forcibly halted civilian massacres, the intervention is qualified

³ See more in: Sisson, R., Rose, L. E., *War and Secession: Pakistan, India and the Creation of Bangladesh* (Los Angeles: University of California Press, 1985), and Jackson, R., *South Asian Crisis: India-Pakistan-Bangladesh* (London: Chatto and Windus for the IISS, 1975).

⁴ Wheeler, *Saving Strangers*, p.63.

by Wheeler as humanitarian. On the other hand, however, he insists that India made a mistake by explaining its actions without highlighting its humanitarian reason. Nevertheless, there were other political circumstances influencing the international view of India's use of force and the author adequately explains, using this example, that the Cold War order and the significance of alliances did not permit an objective evaluation of the situation or the protection of universal values.⁵

In contrast, there is also the interesting case of India's intervention in Sri Lanka (1987-90), which represents an illegitimate intervention based on humanitarian claims. India justified the so-called *Operation Pawn*, in terms of preventing an ethnic crisis through forced disarmament. Another reason was, once again, the sharp rise of Tamil refugees who had escaped from atrocities being committed by the Liberation Tigers of Tamil Eelam (LTTE). The problem was that India had openly supported this militant organization until their actions resulted in ethnic violence (1987). Also, international responses to India's intervention reflected the strategic position of India – it still enjoyed the wide support of the USSR, which politically enabled India and muted the US – rather than weighed by its own merit. Nonetheless, Pakistan, Bangladesh and China accused India of violating international law, as the UN Security Council (UNSC) would not authorise the action. From the humanitarian perspective, the intervention brought more violence to the region, especially between Tamil and Bengali communities.⁶

Additional evidence for HI may be found in Vietnam's intervention in Cambodia (1979), where the justification for the action was, as in the case of India and Pakistan, based purely on the security of Vietnam – related humanitarian issues were not prioritised.⁷ Vietnam's use of force should have been treated as an *exception to the rule*, and legitimated because it ended atrocities taking place inside of Cambodia. Nonetheless, the intervention received heavy criticism. After Tanzania's intervention against Uganda (1979), international society was more sensitive to violations of human rights and, in contrast to reactions to Vietnam's intervention earlier that year, did not impose any tangible sanctions against Tanzania.⁸ Although the Tanzania case met more requirements of humanitarian intervention, and considering international reactions to Vietnam, it

⁵ Ibid . p.72.

⁶ See Akhtar, S., Humanitarian Intervention in a fragile state: A Case Study of Indian Intervention in Sri Lanka, Institute of Regional Studies in Islamabad: [http://www.bipss.org.bd/download/Presentation_of_Dr_Shaheen_Akhtar_Pakistan.ppt#261,10,Nature/Implications of Indian Humanitarian Military intervention in Sri Lanka 1983-1990](http://www.bipss.org.bd/download/Presentation_of_Dr_Shaheen_Akhtar_Pakistan.ppt#261,10,Nature/Implications%20of%20Indian%20Humanitarian%20Military%20intervention%20in%20Sri%20Lanka%201983-1990)

⁷ More about the intervention: Evans, G. and Rowley, K., *Red Brotherhood at War: Vietnam, Cambodia and Laos since 1975* (London: Verso, 1990).

⁸ For details of Tanzania's intervention see: Hassan, F., "Realpolitik in International Law: After Tanzanian – Ugandan Conflict 'Humanitarian Intervention' Reexamined", *Willamette Law Review*, 17, 1981.

is clear that international society during the Cold War was extremely selective in applying humanitarian principles to political and military actions. Power interests largely determined the actions of states and thus international society, at that time, may be better understood through more pluralist and realist approaches.

Furthermore, there is evidence of ‘purely’ self-interested interventions during this period. For instance, Belgian troops were transported by the US to the Democratic Republic of Congo (DRC) in 1964, to rescue 1800 European hostages. The criticisms levelled at African states and the USSR led to UNSC Resolution 199, which appealed to the countries involved to cease interventions.⁹ Similarly, France sought to keep its post-colonial international advantages and thus assisted in removing Jan Bedél Bocassa – a brutal tyrannical leader – from power in the Central African Republic in 1979. France’s actions met little international consternation as it was able to disguise the extent of its involvement due to the close relations it maintained with Bocassa before his regime’s atrocities became publicly known.

Finally, the clearest demonstration of bipolar politics is the intervention of Indonesia in East Timor (1975). As part of containing communism, the US, along with Australia and the United Kingdom, supported the removal of the Timorese Fretilin Party, which had a left-wing orientation. UNSC appealed on Indonesia to withdraw immediately, but response by sanctions was blocked by the US veto. Moreover, the following rule over East Timor was extremely cruel and violent, and the justifications too poor to be legitimate, but Western sympathies ‘backed up’ the occupation. Consequently, it is understandable that although there were already good examples of humanitarian intervention with positive outcomes in practice (India-Pakistan, Vietnam-Cambodia), the atmosphere of that time restrained the development of new norms based on international consensus.

After the end of the Cold War the discourse changed significantly, especially due to the fact that particular actions were undertaken collectively by Western states. Firstly, intervention aimed at resolving the crisis in Northern Iraq – state-level violence directed against the Kurdish population (1994) – was evaluated as successful in the sense that Operation Provide Comfort harboured Kurds in ‘safe havens’ and later fostered a return to their homes.¹⁰ However, this situation also demonstrated a lack of long term resolution to a conflict and invoked the question of whether an intervention in emergency situations alone

⁹ For the full text of the Resolution 199 see: <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/211/57/IMG/NR021157.pdf?OpenElement>

¹⁰ Stromseth, J.E., “Iraq”, in Damorsch, L.F., *Enforcing Restraint: Collective Intervention in International Conflicts* (New York: Council on Foreign Relations, 1993), p. 81, and Freedman, L., Boren, D., “Safe Havens for Kurds”, in Rodley, N.S., *To Loose the Bands of Wickedness* (London: Brassey’s 1992).

is enough for socio-political improvements over a longer term.¹¹ Similar discussions were also undertaken in another post-Cold War example: humanitarian intervention in Somalia.¹² Besides cultural sensitivity in rebuilding failed states, there were other problems related to societies with eroded state structures – a typical consequence of civil war. And, moreover, the miscalculations of the US to the actual threat faced by its forces, and the unsuccessful results of UN missions, definitely influenced future decision-making regarding intervention on humanitarian grounds.

The genocide in Rwanda (1994) is a near-perfect example of what may happen if international society – especially the United Nations Security Council (UNSC) – remain bystanders of brutal violations of human rights.¹³ France's involvement received sharp criticism based on the argument that intervention is disqualified as humanitarian if it leads to means being employed that conflict with its humanitarian purposes. This event was perhaps the most important when considering further normative developments, because the atrocities that occurred in Rwanda revealed the gap between human rights discourses and effective mechanisms for enforcement.

The breaking point was represented by NATO intervention in Kosovo (1999). As it was collective action of a regional organization with the aim of stopping large-scale humanitarian crisis, much attention was paid to this particular case of HI. The mostly criticised practical impact of Operation Allied Force cannot overshadow the long-term positive outcomes this action brought. Moreover, the justifications were based on humanitarian necessity and learning from mistakes in Bosnia and Herzegovina. The HI was not authorised by UNSC because the decision was blocked by the vetoes of Russia and China. Nonetheless, it was post-hoc authorised by UNSC Resolution 1244. This document adopted on 10th June 1999 determined that 'the situation continues to constitute a threat to international peace and security and emphasized the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure

¹¹ The Iraq intervention also put into dispute the effectiveness of UN Sanctions, which in this case caused another humanitarian crisis. For more information see Rose E.A., "From a Punitive to a Bargaining Model of Sanctions: Lessons from Iraq", In *International Studies Quarterly*, 2005, 49, p.549-479

¹² See more in Clark, J., "Somalia" in Damorsch, L.F., *Enforcing Restraint: Collective Intervention in International Conflicts* (New York: Council on Foreign Relations, 1993), p. 107, and Lyons, T., Samatar, A. I., *Somalia: State Collapse, Multilateral Intervention, and Strategies for Political Reconstruction* (Washington: Brookings Institute, 1995).

¹³ O'Halloran, P. J., "Humanitarian Intervention and the Genocide in Rwanda", *Conflict Studies*, 277, 1995, and Lemarchand, R., "Rwanda: The Rationality of Genocide", *Issue: A Journal of Opinion*, 23(2), 1995.

the fast and effective delivery of international aid;¹⁴ This intervention was fundamental for greater flexibility in understanding and evaluating the use of force in international relations.

In addition it should also be mentioned that neither intervention in Afghanistan nor in Iraq, provided by Western coalitions of the willing under the leadership of the US, acquired the requisite legitimacy and international acceptance to be labelled as humanitarian intervention. In both countries there was just reason to intervene in the 1990's, when the extent of the violence reached the point of genocide, but the interventions in 2003 were originally meant as revenge after 9/11 and later interpreted in humanitarian terms. Hopefully the catastrophic consequences for US credibility (not to mention the impact on local populations) will serve in the future as deterrent cases of intervention.

Political 'Climate Change'

The end of the bipolar confrontation in the 1990s resulted in the *great success* of Western liberal-democratic values and their spread to other regions of the world. Besides the possible negative effects accompanying this trend, such as so-called "cultural imperialism" and political hegemony, there was one extremely important positive consequence: that international society largely accepted norms such as human rights protection, the promotion of peace, and sentiments of collective responsibility. It should be said that such values, among others, were incorporated into the international discourse to the extent that even the strongest states and, paradoxically, the promoters of these norms are currently criticised for hierocracy and breaches of the very norms they helped spawn.¹⁵ This should not cast doubt on the norm itself; contrarily it confirms the legitimacy of the norm, because the non-respect of one state generates heavy criticism from other international and local actors.

The current international system is also different in the sense that states remain the most important actors in decision-making, but political and economic globalisation has brought new, non-state actors into the fold. Such bodies are either based on economic interdependence or on the collective will to defend certain values. In addition, there is also a concurrent process of constructing unique socio-political identities, among various actors, which are the result of deepening shared economic interests and cooperation. This is best represented by the EU, which has managed to construct a viable political culture stemming

¹⁴ Resolution 1244(1999) par.12 see <http://daccessdds.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>

¹⁵ The Iraq war and the responses to the US approach to human rights, which was negatively judged in the context of the treatment of prisoners in Guantanamo bay.

from post-WWII economic integration, successfully avoiding violent conflicts among its members.

In contrast to this trend, the end of bipolar confrontation also brought new types of conflicts into the regions that were previously under the control of superpowers and became independent. Lederach, in this context, argues that after the Cold War new states emerged, which brought new disputes over territory, governmentalities and/or ethnic discrimination, and altered conflict trends with a majority of 'new wars' gravitating along interstate lines.¹⁶ This explanation is common in analyses of current conflicts; nonetheless, the statistics show contradicting results. In 1989 there were 38 intrastate conflicts, of which 4 become internationalized and 2 were already interstate, compared to 2005 when 25 intrastate conflicts occurred, of which 6 become internationalized.¹⁷ Accordingly, the number of active conflicts has decreasing tendencies, which is good news for conflict resolution theorists. The change is also rooted in greater attention, supported by media and/or academic circles, and widespread access to information available to masses of increasingly concerned people. Thus, current conflicts seem closer and more important to international society. Further, some conflicts contribute to regional instability and insecurity leading, through "spill-over," to the internationalization of conflicts. Finally, and most importantly, international society has changed, and the promotion of new norms and values by both traditional states and new international actors has brought visible normative shifts.

Constructivists rightly argue that besides material forces, values may also cause shifts and alterations in international society. Before becoming incorporated into common norms, they first have to acquire legitimacy from actors.¹⁸ For instance, Martha Finnemore claims that 'state interests are defined in the context of internationally held norms and understandings about what is good and appropriate ... The normative context also changes over time, and as internationally held norms and values change, they create coordinated shifts in state interests and behaviour across the system.'¹⁹

Taking into account the efforts of particular actors to promote human rights (i.e. the UN, the Red Cross, Amnesty International, and Human Rights Watch, etc.), the military defence provided by international actors, and the acute attention paid to this issue, one may be surprised that there is no effective and legitimate norm of humanitarian intervention. Constructivism bases the legitimacy of norms on a collective intentionality in the minds of individuals

¹⁶ Lederach, J.P. *Building Peace: Sustainable Reconciliation in Divided Societies*, p. 16.

¹⁷ Interstate and Intrastate Armed Conflicts 1989-2005 on <http://www.prio.no/cscw/ArmedConflict>

¹⁸ Ruggie, J.G., "What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge", *International Organisation* 52.4, 1998, p.872

¹⁹ Finnemore, M., *National Interests in International Society*, p.2-3

that creates new rights and responsibilities and leads consequently to collective legitimation. It is thus crucial to observe the sources of legitimacy in more depth and to further investigate such a potential basis in the principles used for the justification of humanitarian intervention.

The Legitimacy of Humanitarian Intervention

International legitimacy is especially focused on by constructivists. This is contrary to the traditional assumption that international relations are largely governed by power relations. The two concepts are complementary since the inverse of the legitimacy of power is the 'power of legitimacy'.²⁰ Claude argues that legitimacy is important to power-holders because it makes them more secure. Another opinion, more related to the constructivist approach, is provided by Wheeler who stipulates that 'legitimacy is constitutive of international action'.²¹ In Wheeler's view, state actions will be constrained if they cannot be justified in terms of plausible legitimating reasons. He further disagrees with realist writers, like Carr, that states are always able to create legitimacy convenient to themselves, and he maintains the relationship between power and norms.²² In conclusion, norms, once established, will serve to constrain even the most powerful states in the international system, and, moreover, can pull the actions of states towards positive outcomes. On the other hand, there must first be found an agreed-upon source of legitimacy within international society to be able to set the criteria of legitimate intervention. On this point, Clark significantly contributes to the brewing discourse on legitimacy by defining the latter as implying a measure of social consensus.²³ He develops this thesis through an analysis of the nature of consensus as being a product of political construction, not of philosophical discovery. From a normative perspective, he argues that 'the importance of a consensus inherit in its being assumed to express in some rational determined way, an ultimate value or norm'.²⁴ In his study Clark, reaches the conclusion 'that of greater consequence is the identification of behaviour that acts consciously to maintain an international society defined by its principles of legitimacy and reflects a belief in being bound by such a social enterprise'.²⁵ Accordingly, the principles leading to legitimacy, mediated through politics and consensus, retain a fundamental value. Clark also applies his claim concretely to humanitarian intervention and argues that the models derived from international law

²⁰ Claude, I., Collective Legitimation as a Political Function of the United Nations, *International Organization*, 20, 1966, p. 368.

²¹ Wheeler, N., *Saving Strangers*, p.4.

²² Ibid. p.6.

²³ Clark, I., *Legitimacy in International Society*, p. 190.

²⁴ Ibid. p. 193.

²⁵ Ibid. p. 247.

and just war theory (JWT) have much to offer but do not represent *the* criteria of legitimacy.²⁶

The argument that actors attempt to provide justification for their actions confirms the importance of legitimacy in international society. To affirm the claim of Clark regarding principles used as legitimating criteria for humanitarian intervention, it is essential to analyse the level of consensus and universality in the principles commonly used in international discourses. The most complex and useful framework for evaluating the legitimacy of humanitarian intervention is derived from just war principles. The effort to define such norms in a more comprehensive way led, for example, Canada to initiate the International Commission on Intervention and State Sovereignty. Its members were highly experienced and well-known analysts from around the world whose expertise and scholarly independence guarantees more objective insights into the problem.²⁷ The final report, entitled *Responsibility to Protect*,²⁸ aimed at bringing intellectual satisfaction and new conclusions and attempted to avoid disputable questions over what is legal and what is legitimate. At the centre of attention were placed people who need support and protection from systemic mass killing, women from serial rape, and children from depravation and starvation. Besides honing reactive capabilities, the commission was also occupied with assessing possibilities of prevention and reconstructing conflict-plagued areas. The commission also stressed the importance of finding a common language accessible to everyone, taking into account the fact that the controversial nature of humanitarian intervention is often ethnic-, religion-, history-, or language-based. The result was a set of six criteria, which could answer questions such as: ‘what are the extreme conditions requiring the use of force?’, ‘who may decide?’ or ‘when is an action just?’ Those principles defined by the *Responsibility to Protect* report will be presented as the most comprehensive system employed for justification in practice. However, they actually do not provide any significant improvements on traditional JWT. Consequently, its value is based more on clarity and reliability; otherwise the content does not bring any normative progress. On the other hand, efforts to highlight not only the ‘right’ but also the ‘responsibility’ to act confirmed the tendency to create a universal norm of humanitarian intervention and produce a level of solidarity among states to that end.

²⁶ Ibid. p. 255.

²⁷ For example, Gareth Evans (Australia), Co-Chair, has been President and Chief Executive of the Brussels-based International Crisis Group since January 2000, Gisèle Côté-Harper (Canada) is a barrister and professor of law at Laval University, Lee Hamilton (United States) is Director of the Woodrow Wilson International Centre for Scholars, Klaus Naumann (Germany) served as Chairman of the North Atlantic Military Committee of NATO (1996-99), and Ramesh Thakur (India) has been Vice-Rector of the United Nations University, Tokyo, since 1998, and is in charge of the University’s Peace and Governance Program.

²⁸ See full version of the Report: <http://www.iciss-ciise.gc.ca/pdf/Commission-Report.pdf>

Table 1: Six principles of Humanitarian Intervention

REQUIREMENT	DEFINITION
Just Cause	Military intervention for human protection purposes is an exceptional and extraordinary measure. To be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur, of the following kind: A. large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or B. large scale 'ethnic cleansing,' actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.
Right Intention	The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.
Last Resort	Military intervention can only be justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing lesser measures would not have succeeded.
Proportional Means	The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.
Reasonable Prospects	There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.
Authorization	There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.

Source: Responsibility to Protect

Just Cause

It is necessary to strictly set this limitation for both conceptual and practical political reasons (if the intervention should occur when it is necessary, it cannot be used very often). Military action may be a legitimate mechanism, as a reaction, on clear evidence, to actual or probable large-scale murder or ethnic cleansing. Without options of prevention, international society would be in a morally reprehensible position to await the commencement of genocide before taking any steps to defend civilians. This criterion is sufficiently broad to be applied not only to deliberate atrocities that were committed in, for instance, Rwanda, Bosnia and Herzegovina or Kosovo; it may also be implemented when state structures collapse and consequentially mass starvation or civil war erupts, as witnessed in Somalia.

‘Just cause,’ in this formulation, cannot be used in instances of human rights violations that do not lead to large-scale killing, or to the overthrowing of democratic government. As a result, individual cases of human rights violations or racial discrimination would not provide a sufficient ‘just cause’ for humanitarian intervention. The crucial point is to recognize the dividing line between internal conflicts that do not invoke an international responsibility to react, and those that stay in exclusive competition of intrastate institutions. Walzer responds to this problem by determining the justification to cases that ‘shock the moral conscience of mankind.’²⁹ Although morality is a relative term, even conventional law recognises crimes against humanity are strongly opposed, for example in the Nurnberg Laws (1938).

Right Intention

According to the report, there is a range of ways to ensure the fulfilment of this condition. First is collective or multilateral action, rather than unilateral intervention. Second is the assurance that there is a great level of support for intervention by people whose protection the action is directed at. And thirdly, to what extent were the opinions of state representatives from a given region considered, and how far were those opinions in support of the intervention? The absence of non-humanitarian interests would be ideal and is suggested as being necessary, but taking into account the financial costs involved in military actions in addition to the risks to involved military personnel, maintaining absolutely selfless motivations would be unrealistic. In a similar spirit, Seybolt argues that the side-motivations may have a positive impact on the success of an operation, because once states have particular interests accompanying the main humanitarian motivations, they will put more emphasis on the strategic and technical part of the intervention leading to a greater probability of success.³⁰

Last Resort

This condition seems logical, in that if cases of HI are generally exceptional, HI or military intervention must be the last option after diplomatic efforts have failed. But the condition has to be interpreted within reason. The character of current conflicts that would require intervention for humanitarian purposes would not give enough space to try all the other mechanisms before deploying military force. In short, there may not be enough time to allow this process of “all peaceful measures first” to bear fruit. There is an extensive range of preventive mechanisms via operations “just short of” conflict (not

²⁹ Walzer, M, *Just and Unjust Wars*, p. 107

³⁰ Seybolt, T.B, *Humanitarian Military Intervention: The Conditions for Success and Failure*, p.13

necessarily peaceful in appearance), including, for example, limitations on weapons use, the monitoring of militarisation, peace agreements, the establishment of preventive peacekeeping zones, economic and military embargos, and/or sanctions.

Moreover, institutional procedures enabling such instruments could decrease operational efficiency, and before consensus over alternative solutions could be reached – other than intervention – a humanitarian catastrophe in the region of conflict may already be unfolding. As a result, this principle may restrict the effectiveness and rapid reaction needed to counter atrocities, as happened during the genocide in Rwanda (1994).

Proportional Means

An intervention must be proportionate to its declared purpose and must be in parity with the level of provocation which resulted in the intervention. The effects on the political system of the targeted state should be limited to the means, which are strictly necessary for the achievement of an intervention's goals. Consequently, the action can be undertaken only under circumstances such that the planned operation will have an impact only on conflicting parties and victims of the conflict. This requirement is again not in conformity with the reality of armed conflicts, where developments are largely unpredictable. It would be almost impossible to decide about intervention on proportionality grounds as there will always be a risk that the intervention will, in practice, look different from the planned operation. This may occur on both sides, as either military capacities can be exaggerated and may result in the growth of aggression, or insufficient capacities may also cause unacceptable losses to the intervening state.³¹

Reasonable prospects

Military action may be justifiable only if it has a reasonable chance of succeeding and will not lead to a general worsening of civilian conditions. This is connected with hypothesis 4, and introduces more obstacles than simplifications to the decision-making process. Again, this principle is more useful in post-intervention justifications but cannot serve as an objective principle to intervene. The latter option occurred in Somalia, where the escalation of violence among clans was underestimated by the US and resulted in a CNN campaign against sacrificing one's own soldiers in situations without national interest.

³¹ The latter option happened in Somalia where escalation of violence among clans was underestimated by US soldiers and lead to unnecessary losses on the intervener's side.

Authorisation

In terms of authorising humanitarian interventions, there is a sufficient legal basis to claim that, in the first instance, the UN, and particularly its Security Council, must be deeply involved. The question remains over whether it should be the last possibility to obtain the appropriate legitimate permit needed for HI. According to the opinion of the Commission, the question of principle is indisputable and the UN should certainly be the main institution for building, strengthening and applying the supreme authority of international society. Those who attack or do not respect the competences of the UN as the only legitimate guardian of international peace and security may risk undermining its authority generally, and consequently will be responsible for a breach of international society based on norms and consensus. Thus, according to the report, there are only two institutional options in case that the Security Council is unable or willing to act whilst there is a sufficient humanitarian reason for intervention. The first option is the negotiation of the issue in the General Assembly in the form of the *Uniting for Peace* procedure.³² The second possibility is the actions of regional or sub-regional organizations based on Chapter VII of the UN Charter, but with the assumption they will afterwards seek the approval of the UN Security Council.³³

The interventions provided by ad hoc coalitions or unilaterally, without the UN's approval, do not have broader international popularity. Nonetheless, there is presently a strong wave of criticism directed at the role of UN in its peace enforcement role, caused by the unevenness of influence in the UNSC – a non-representative UN organ whose configuration is based on the post-WWII international environment – with veto power held by the five permanent members (China, France, Russia, the US, and the UK) which tend towards using the UNSC for the achievement of self- rather than international interests. The aim of the Commission is to reform the Security Council so that it becomes more effective and operationally capable, better able to react to unforeseen events and, moreover, the report leads to the conclusion that it is necessary to preserve the position of the Security Council in matters related to the use of force.

This claim is logical for the protection of international order, but what if the UN fails in its responsibility to prevent and punish significant breaches of international peace? Then the organisation itself contributes to the weakening of norms and destroys its own credibility. In such situations, questions arise over which of the two evils is worse: the consequences for international order caused by the ignorance of the Security Council, or the consequences for international order caused by mass killings with the silent agreement of the international society.

³² This procedure was applied as solution for the Operations in Korea in 1950, on Egypt in 1956 and Congo in 1960.

³³ This possibility was used in the case of West-African Interventions in Liberia in 60's and in Sierra Leone in 1997.

Evaluation of the Just War Framework

The international legal order is not adequate for defining or understanding justice, because it tends to equate legitimacy with legality. Grotius, Vitoria, and Suarez all argued that ethical concepts of justice bear at least the same relevance as the legal concepts of justice.³⁴ Firstly, purely legalistic literature fails to recognize this dual concept of legitimacy when discussing the right of intervention. Secondly, in this discourse, authors prevailingly focus on the dilemma of how to balance state sovereignty with human rights.³⁵ Finally, the claim that, whereas making legislation is political, the implementation of law is not, is problematic. This assumption would perhaps be valid within international bodies such as the EU, which is actually based on a legal framework, but when one or more states decide to use legal norms to justify intervening in another state's internal affairs, the procedure of decision-making is both political *and* legal. In short, giving law a central place in the discourse on intervention leads to disregarding other aspects important for analyses of this issue.

In contrast, JWT offers a more flexible and complex framework for dealing with problems associated with determining the legitimacy of deploying force for humanitarian purposes. Many of the arguments regarding humanitarian intervention use, as their analytical base, JWT, although some of them do not provide direct reference to that tradition in particular studies.³⁶ The framework has several advantages: foremost, it recognizes the political dimension, including the reality of power combined together with ethics. It also reflects the moral importance of consequences differentiated by three major ethical traditions: consequentialism, deontology, and virtue ethics. In deontology, actions are judged on the basis of whether they conform to standards derived from various concepts like natural law, whereas according to consequentialism actions are judged by whether they promote happiness, welfare or other good effects. In virtue ethics the author is judged rather than the action, for example if he has a good character and good intentions.

³⁴ See Grotius Hugo, *De Jure belli ac Pacis*, Translated by A.C.Campbell (London: Hyperion, [1625] 1990), Victoria, F., *Political Writings*, Edited by Anthony Pagden and Jeremy Lawrence (Cambridge: University Press, [1557] 1991), p.299.

³⁵ See Reisman, M.W., "Sovereignty and Human Rights in Contemporary International Law", *American Journal of International Law*, 1990, 84, p.866-876, Donnelly, J., "Human Rights, Humanitarian Crisis, and Humanitarian Intervention", *International Journal*, 1993, 48, p. 607-640, and Pease, K.K., Forsythe, D.P., Human Rights, Humanitarian Intervention, and World Politics, *Human Rights Quarterly*, 1993, 15, p. 290-314

³⁶ Nicholas Hopkinson lists several criteria identical with JWT without making direct reference to it. See Hopkinson, N, *The United Nations in the New World Order* (Wilton Park Paper, London: HMSO, 1993). Oliver Ramsbotham and Tom Woodhouse use twelve principles of Humanitarian Intervention, several of which are based on JWT even though they also do not comment on the theory itself much. See Ramsbotham, O, and Woodhouse, T, *Humanitarian Intervention in Contemporary Conflict* (Cambridge Polity Press, 1996).

JWT is also flexible regarding the discursive basis able to react to complex challenges regarding intervention in current conflicts. Similarly, Fixdal argues that:

Just War traditions build on the idea that the imperfections of the world and the discrepancies that often exist between virtuous intentions and uncertain consequences encourage us to ponder each case before making firm judgments about the legitimacy of an intervention. It meets the challenge through its distinctive, case-specific form of argument.³⁷

On the other hand, this flexibility leads to different interpretations of JWT and various prioritizations of particular principles. Mervyn Frost ignores its relevance to civil war or intervention. In contrast, Charles Stevenson views the principles as absolute conditions. Nicolas Wheeler agrees with the advantages of the Just War framework, but uses only particular requirements fulfilling legitimacy: just cause, last resort, proportionality and positive humanitarian outcome.³⁸ Thus the framework is used differently in its application to particular cases and leads to different ways of justification or critique. A more significant problem lies in some particular requirements of JWT that are useful for regressive analyses of legitimacy but cannot serve as relevant criteria for decision-making at the time.

Conclusion

In this article the defence of HI is based on the remarkable development to the international system following the Cold War, which significantly changed the characteristics of international conflicts, and consequently requires also alternative responses. During the Cold War the dominant feature was not direct conflict between the superpowers, but rather proxy wars between allied states or sub-state groups. On the one hand, the two spheres of influence suppressed many latent conflicts, but on the other hand, and more importantly, such involvement increased instability in “penetrated” regions, mostly through massive militarisation programmes.³⁹ Nowadays, international society faces the consequences of bipolar division and competition in the post-WWII international order, but the activity of intervening states motivated prevalently by self-interest was replaced by collective passivity and insufficient responses to

³⁷ Fixdal, M, “Humanitarian Intervention and Just War,” in *Mershon International Studies Review*, 42, 1998, p. 288

³⁸ See Frost, M, *Ethics in International Relations* (Cambridge: University Press, 1996), p.199-200, Stevenson, C, “The Evolving Clinton Doctrine on the Use of Force,” in *Armed Forces and Society*, 1996, 22, p.511-535, Wheeler, N.J., *Saving Strangers*, p.34.

³⁹ For example the US militarization of rebelling groups in Afghanistan in 1979, aimed at defeating the USSR led to increased violence in the region caused by the militarization of extremist groups.

conflicts. The paradox here is that the literature on HI could theoretically fulfil this gap, whilst the development of the norm has not brought any significant formal codification.

Social constructivism suggests the decisive aspects of the process of ideas becoming internationally accepted norms are: the international recognition of legitimacy; prominence and quality of the norm, including some high-minded aim; and, finally, its characteristics, clarity, and specificity. Accordingly, the analysis of the Just War framework shows gaps in all aspects except the quality and prominence of HI, as the main purpose is to avoid bodily harm and stop violations of human rights. Unfortunately, the ability to objectively evaluate the legitimacy of an intervention is limited due to the irrelevance of several requirements for universal recognition of the just reason to act. Some of the criteria can be applied only during the intervention, but they may be miscalculated, misinterpreted or simply not fulfilled under critical circumstances of violent conflict.

This study presupposed there exists an international consensus in these extreme examples that something has to be done, but this shared opinion is not sufficient because it does not answer problematic questions, such as: who should intervene and under what conditions? The answers could be found in an alternative framework that would be applicable in respect of the need to intervene when humanitarian catastrophe occurs. The greater importance of the norm could help to avoid international by-standing to internal conflicts in Rwanda, Bosnia and Herzegovina, Angola, Darfur or Myanmar that resulted in huge amounts of deaths. The world is changing, and whilst promoting the universal importance of peace, security and human rights, there should also exist a will to enforce these principles. If there is even a small or risky option to save people who are victims of similar crises, the improved concept of humanitarian intervention is fundamental for international society to be prepared for such crises that may and surely will emerge.

Ultimately, it seems that such problematics will not be fully solved in the very near future. Instead, it is likely that JWT will continue to largely occupy the realm of ideas and only slowly start to impact on the international relations of states. Such developments, however slow, are important for the long-term development of an international society that values the rights of individuals over the sovereign rights of states. This is an essential step towards establishing a truly international regime that supports the rule of law, international justice and democratization; values that assist in syncing the demands of citizens with the policies of their states.

Pakistan at 61: An Assessment of Challenges and Opportunities

Abubakar Siddique¹

Introduction

Sixty-one years after its independence in 1947, Pakistan still faces fundamental questions of identity, governance, state and nation-building. Despite being the only nuclear-armed Muslim country – raising Pakistan's international political importance – more than one third of the Pakistani population still lives in extreme poverty. Despite a few years of impressive economic growth, bankrolled by the international community following the September 11, 2001 terrorist attacks against the US, Pakistan continues to experience an economic meltdown. This is coupled with the fact that almost half of Pakistan's 165 million people (Pakistan is the sixth most populous country in the world) cannot read and write and even basic healthcare remain a distant dream for many in Pakistan's tens of thousands of villages.

Strategically located at the crossroads of South and Central Asia, the Gulf and West Asia, Pakistan, since 9/11, is widely known as being the central front in the so-called 'war on terror,' and often finds itself in the news mostly for issues related to terrorism and other forms of violence often justified in the name of religion.

While nearly 1500 Pakistani soldiers have been killed in counter-terrorism operations over the past five years, Western states view Pakistan as the most likely hideout for senior members of al-Qaida's leadership as the US-led coalition of the willing deal with a resurgent Taliban and al-Qaida insurgency in neighboring Afghanistan. Many Western analysts agree that Islamist militants (Pakistani, Afghan, Arabs and others) based in Pakistan are largely responsible for the situation in Afghanistan. These militants also pose a critical twenty-first century security challenge, one that affects the international community at large.

This work centers on Pakistan in the 21st century. It presents a historical-political account of Pakistan and identifies and assesses some of the more

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important changes that have occurred, and those which are currently underway in the self-perception, the international perception, the political structures and international relations of Pakistan. The assessment offered in this work is based on my professional coverage of Pakistan for the past decade.

New President, Old Problems

Asif Ali Zardari, co-chairman of Pakistan Peoples Party and widower of former Prime Minister Benazir Bhutto, was elected Pakistan's president in an indirect election on September 6 2008. A former flamboyant businessman, once dubbed "Mr. Ten Percent" by the Pakistani media, Zardari has a long journey ahead to improve his image as a national leader who can deliver under tremendous pressure.² He faces an uphill climb as the media, and public opinion (particularly among the urban elites), are already stacked against him.

The 1973 constitution envisioned Pakistan as a British-style parliamentary democracy with the prime minister as the head of the executive and the president a symbolic figurehead. But former General Pervez Musharraf, through a plaint parliament, granted himself enormous extra authority. Besides the powers to appoint senior civilian and military leaders, the president also can dissolve the parliament and has control over the country's nuclear weapons.

Zardai has now inherited all these powers, but he has also inherited mammoth problems such as Pakistan's role as a front-line ally in the US-led war against terrorism. Unlike the war in the 1980s waged against the USSR – when Pakistan was the springboard for the war in Afghanistan – the country has now turned into the central front in the war on terror. With 25% inflation, a rapid decrease in foreign currency reserves, and chronic fuel and electricity shortages, former businessman Zardai is presiding over the economic meltdown of Pakistan. Though the country's powerful praetorian military is staying away from politics, the civilian coalition Zardai leads is fragile, and there are hardly any examples of successful coalition governments in Pakistan's history.

Zardai's foremost challenge will be to restore peace and stability in Pakistan. Over the past five years – following Pakistan's decision to become a key US ally in the war on terror – thousands of civilians, militants and soldiers have been killed in fighting between security forces and militants in Pakistan's western, Federally Administered Tribal Areas (FATA – a vast stretch of territory on Pakistan's western border with Afghanistan), and parts of the adjacent North Western Frontier Province (NWFP). Suicide attacks – once unheard of in the area – have now become almost daily occurrences. The NATO- and

² Though Zardari spent 11 years in prison over the past two decades on corruption charges, he was never convicted. Some reports suggest that he was convicted in one case but higher courts eventually overturned the conviction.

US-led coalition militaries are presently conducting ‘stepped-up’ cross border attacks against alleged Taliban and al-Qaeda targets inside Pakistan. Though these operations have been mostly conducted by unmanned drones and guided missiles, recently, NATO commandos carried out a raid inside Pakistan’s tribal areas near the Afghan border.

The war on terror will likely determine Zardai’s presidency. Coordinating a prudent strategy to tackle the web of associated problems will not be easy as Zardai juggles to placate a complex array of domestic and international actors. In Pakistan, the success of civilian governance depends on how compatible policies are with two main actors; the US and the Pakistani military establishment and to what degree they gain the confidence and support of both. Thus, Zardai has much tight-rope-walking ahead of him, and his success or failure may not even be determined by his actions, but rather by factors he bears little influence over.

Afghanistan, Tribal Areas and the ‘War on Terror’

The most critical challenge that Pakistan, under the leadership of Zardari, faces is geographically concentrated in the country’s western border region with Afghanistan; a challenge that maintains both regional and international dynamics. Since 1947, Pakistan has had hostile relations with both its eastern and western neighbors – India and Afghanistan. Following the 1979 Christmas Day Soviet invasion of Afghanistan, Pakistan became a front-line state in Western efforts to challenge and ‘roll-back’ communism. This ‘front-line’ status was revived following 9/11 as the West, particularly the US, heavily relied on Pakistan to provide logistical support, unrestricted use of its airspace and Pakistani military actions in support of the conflict against Islamist extremism.

Although many in Western political establishments define the post-9/11 era under the broad category of the ‘war on terror,’ the manifestation of this conflict has actually unfolded under the rubric of Afghanistan-Pakistan relations on the ground. Over the past six decades, the bilateral relations between these two countries have been held hostage to larger regional and global alignments, pressures and interests. Elites and ruling establishments in the two neighboring countries harbor deep distrust towards each other. Pakistanis have seen the Afghan irredentist claims, and its support for Pashtun and Baluch ethno-nationalists movements as part of Soviet and Indian efforts to undermine its state. Also, Afghanistan and Pakistan have an enduring dispute over the exact place of their shared border, with Afghanistan never formally recognizing the Durand Line (with Pakistan) as an international frontier.

The Afghans accuse the Pakistani political establishment of attempting a colonization process in the guise of supporting Afghan and regional Islamist militant causes over the past three decades. Pakistan became the base camp

for anti-Soviet Afghan resistance after the Red Army invaded Afghanistan in 1979.³

More recently – particularly since 2002 – Afghanistan’s President Hamid Karzai has repeatedly criticized Pakistan for harbouring Taliban leadership while turning a blind eye to the safe-havens, recruitment, logistical support and cross-border operations by Taliban fighters. Karzai and his administration have alleged that without the Pakistani ‘rear bases,’ the Taliban insurgency in Afghanistan would not last long. Pakistan denies such allegations and maintains that it is facing a worsening Taliban and al-Qaida insurgency on its soil, one that it would hardly encourage deliberately.

The discord between Kabul and Islamabad compelled the West to engage in diplomacy and their efforts led to a tribal council or Regional Peace *Jirga*, in 2007, which resulted in a joint declaration and also saw (then) President Musharraf admitting that the Taliban were in fact receiving support from within Pakistan, though he stopped short of admitting that such support came from within his security establishment.⁴ This *Jirga* temporarily improved bilateral relations and brought the two sides closer on a range of issues including, joint counter-terrorism efforts, economics, aid and reconstruction assistance.

Given the enormous and historic animosity and distrust between Afghanistan and Pakistan, and the important international interests in this regional context, it seems that diplomatic overtures will be short-lived with major breakthroughs on key issues remaining illusive in the near future. Any likely resolution to the outstanding issues between Afghanistan and Pakistan must involve a comprehensive regional settlement with diplomatic, political and economic components and not merely address one issue at a time.

The most complicated piece in this jigsaw puzzle is in regards to Pakistan’s tribal areas. Covering some 27,000 square kilometers and abutting the Afghan border, many of the challenges facing FATA are rooted in centuries of history. For instance, to undermine the fierce Pashtun opposition to the British Indian Empire in the late 19th century, the British engineered an ingenious legal regime codified as: the Frontier Crimes Regulations (FCR). This was meant as a legal toolbox in order to administer tribal regions through the imposition of harsh penalties against political and religious authorities seen as undermining British rule as well as more common criminals. Although the FCR intended to promote or increase local autonomy, the system also isolated the Pashtun border tribes.

The form of the FCR, which is currently employed, was implemented in 1901. In addition to providing enormous authority to a local administrator

³ For a detail study of the issue see Barnett Rubin and Abubakar Siddique, “Resolving the Afghanistan-Pakistan Stalemate,” United States Institute of Peace, October 2006.

⁴ Taimur Shah and Carlotta Gall, “Afghan Rebels Find Aid in Pakistan, Musharraf Admits.” New York Times (online edition), August 13 2007.

called the “political agent,” the FCR prevents local residents from participating in politics. It also established a system of collective responsibility, whereby an entire community is deemed responsible for the actions of an individual originating from that community. Over the six decades of Pakistani independence, Pakistani governments have done little to change the FCR, a tool of colonial order not reflective of the self-perception most ethnic Pashtuns living in FATA hold.

During his inaugural speech in March 2008, Pakistani Prime Minister Yousuf Raza Gilani announced that his government would abolish what he called the “obsolete” FCR. Gilani also promised to bring “economic, social, and political reforms” to the tribal areas, where illiteracy and poverty have created conditions for terrorism to spread. However, the government was soon distracted by internal political squabbling leading more to deadlock on the issue rather than the fulfillment of the broad and progressive initiative. Furthermore, international pressure, and the failure of peace agreements with the Taliban forced the government to launch fresh military operations against extremist fighters which has had the unintended affect of deepening the polarization of political life in the tribal areas and, in many cases, enhancing Taliban control, who often use brute force to intimidate and eliminate opponents among local opposition.

As the much-needed political reforms and intensive economic developmental plans are delayed in FATA, the situation there is likely to further deteriorate. For example, since many foreign Islamist militant leaders – and their followers – have made Pakistan’s tribal areas their military and political base has thrust this region to the center of a larger global struggle.

According to Afrasiab Khattak, a veteran Pashtun nationalist politician and peace envoy of the North West Frontier Province (NWFP) government, Pakistan’s failure to eradicate militant sanctuaries from FATA not only has a spillover effect into many districts of the adjoining NWFP but it is also undermining regional and global security.

Khattak remarked that the

situation in our tribal areas is similar to that of pre-9/11 Afghanistan. State authority in those regions has nearly ended. Militants fighting in both Pakistan and Afghanistan now control this area, which threatens the whole region. We have repeatedly demanded a solution to this situation because we do not want these regions to turn into the battleground of a global conflict, as global powers respond to the threats emanating from these regions might be tempted to intervene [militarily].⁵

⁵ Abubakar Siddique, “Insecurity increases as Pakistani army fights pro-Taliban militants,” Radio Free Europe/Radio Liberty (www.rferl.org), August 4, 2008.

Since 9/11 the US has given Pakistan more than ten billion dollars in military aid and economic assistance mostly complementing its strategic objectives in the 'war on terror.' US officials and experts maintain that despite such generous US military and economic assistance, Pakistan has failed to deliver sufficiently on curbing extremism within its boundaries. In an important policy shift, the US congress has recently proposed to tie all Pakistan-bound military aid to its performance against al-Qaida and the Taliban while promising long-term development assistance to its civilian government.

Whether this policy shift remains an open question however Pakistan is likely to remain central to US strategy in the region and the country will be high on the agenda of the new US president as he takes office in January 2009.

Islam, Identity, the Military and Democracy

As events on the ground demonstrate, Islamist militants have embarked on a battle against Pakistani security forces. These are the latest in a long list of combatants competing for resources and ideological domination to the point that the rattle of gunfire in some ways define contemporary Pakistan. This was hardly the dream of Pakistan, when 61 years ago it was constructed as a modern secular state - home to the Muslims of South Asia but open to other religions and cultures as well. Its charismatic founder, the British-educated barrister, Muhammad Ali Jinnah, envisioned a progressive Muslim nation leading the Islamic world in broad conformity with global currents and trends in governance. However, six decades after independence, many still see Pakistan's course as undetermined and largely incomplete.

Instead of the initial hope for democracy, since 1947 there have been four military rulers who governed Pakistan for more than three decades, making periods of democratic rule the exception. Pervez Musharraf – who resigned his post on August 18 2008 – himself a former Commando General, ruled Pakistan for nearly nine years after assuming power in a bloodless military coup in 1999. He stood fourth in the line of military personalities to wrestle political power from civilian authorities. Musharraf was preceded by General Muhammad Ayub Khan, General Muhammad Yahya Khan and General Muhammad Zia-ul-Haq who had ruled the country for extended periods in the 1960s and again in the 1980s. Musharraf's military government ended following the February 2008 parliamentary elections which resulted in the return of representative rule as a coalition government, of various political parties, pressured and replaced Musharraf's military regime. However it remains unclear whether these developments will transform Pakistan into a genuine democratic country or whether the military will continue to dominate Pakistan's political system.

One important factor directing Pakistan's future, particularly with concern to the future role of the military, is the Taliban operating in and from Pakistani territory. The Taliban are not only engaged in a widening insurgency in

Pakistan's western border regions, but a *Talibanization* – or the process of the spread of the radical Islamist ideology they espouse – has emerged as the most potent threat to Pakistani statehood and the way of life.

Pakistan – founded on the premise of distinct South Asian Muslim identity – adopted Islam as the country's identity and the main bond between its diverse peoples. Militant Islam, however, has emerged as one of the foremost challenges that Pakistan faces today.

Pakistan's "Permanent Establishment" in particular its military, has utilized political Islam for domestic political objectives and in pursuit of foreign policy agendas. The country was essentially a secular state until the 1970s. However, Pakistan's secular identity was transformed in the 1980s, when the (then) Pakistani military dictator, General Zia-ul-Haq, monopolized the anti-Soviet Afghan resistance and turned it into a religious holy war or *Jihad*. His regime backed and nurtured hard-line Islamist groups in both Pakistan and Afghanistan. In the 1990s *Jihad* was extended to mobilize fighters in the Indo-Pakistani conflict over the Himalayan region of Kashmir; a policy that has backfired since 9/11 and the initiation of the US-led 'war on terror.'

One important blowback of such policies is the rise in sectarian violence between extremist Shiite and Sunni militant factions. Some 20% of Pakistan's 165 million people are Shiite and the country borders on Iran – the only Shiite dominated Muslim country. The Shiite-Sunni conflict started in Pakistan in the mid-1980's and has since resulted in an estimated 5,000 deaths. Though the extremists are supported by Saudi Arabia and the Sunni Gulf states on the one hand, and revolutionary Shiite Iran on the other, innocent people are the most common victims of the violence unleashed by them.⁶ Over the past year, the Taliban have virtually besieged an estimated 500,000 Shiites in Parachinar town, in the Kurram tribal district along Pakistan's western border with Afghanistan.

As an ethnically diverse country, the use of religion as a common bond was not without reason. By deploying Islam – even in a secular way – many in Pakistan hoped to maintain political order and stability among the country's various ethnic groups. This *unity-through-Islam* approach to political life in Pakistan has not fared well. For instance, in 1971 Pakistan fragmented into two independent states with so-called East Pakistan transforming into Bangladesh while western Pakistan kept its namesake though in a greatly reduced territory. This split of Pakistan revealed its vulnerabilities by exposing the inability of Pakistan to adequately utilize Islam as the cement to maintain its territorial integrity. In short, the Pakistan-Islam connection was not enough of a source of identity to prevent a partial dissolution.

⁶ David Montero, "Shiite-Sunni Conflict Rises in Pakistan." Christian Science Monitor, February 2, 2007. Article available at: www.csmonitor.com.

The lessons of 1971 were not lost on other ethnic groups within Pakistan, as the calls for true democratization have been ringing louder since that time. Indeed, the lack of a true representative democracy in Pakistan has created enormous anger and frustration among minority ethnic groups in the smaller provinces throughout the country, which regard the Pakistani authorities as being out-of-sync with their demands, cultures and general identity.

One of the most pronounced calls for changes to the political status quo over the past few years comes from the resource-rich southwestern Baluchistan, which has been engulfed in a violent separatist Baluchi insurgency. The present insurgency is the fourth insurrection by the Baluch since the creation of an independent Pakistan. The insurgency is comprised of hard-line Baluch ethno-nationalists, and it is secular in character.

The Baluch might be the most vocal and, at present, the only militant ethno-nationalist movement in Pakistan, however ethnic tensions are festering in other parts of the country, and group grievances are increasingly expressed in ethno-nationalist causes championed by various political parties and movements. Ethno-nationalists of minority ethnic groups such as, the Baluchis, Pashtuns and Sindhis have long resented the dominant Punjabis who are concentrated in the eastern Punjab province but dominate the Pakistani state bureaucracy and its military. This resentment is amplified if one considers that resource distribution occurs on the basis of population size. Since the Punjabis comprise the largest ethnic group in Pakistan also entitles them to a lion share of national resources including, importantly, high-level employment opportunities.

Examples of ethnic tensions and flares of ethnic-inspired political violence are numerous. Pakistan's southern commercial port city of Karachi – the country's largest urban center with a population of roughly 12 million – is often the scene of ethnic conflicts and tensions. In Karachi and the surrounding Sindh province, tensions between Sindhis and Mohajirs – the Urdu speaking community who migrated from India at the time of partition in 1947 – are frequent. Karachi also has the largest urban concentration of Pashtuns and there is a history of tensions between Pashtuns and Mohajirs. In the future, the mega-polis has the potential to become another Hong Kong or Beirut, depending on the model Pakistan follows and how successful such a model is.

In Pakistan, as in other countries, ethnic strains tend to be fed by internal and international events. Particularly Pakistani tensions have been nurtured by several regional and international events including the 9/11 attacks and subsequent US-led regime change in Afghanistan, which forced the relocation of many Taliban officials and fighters to Pakistan's tribal areas. This has, in turn, further deepened ethnic tensions. For example, as a reaction to the rising tide of *Talibanization* in Pakistan's western Pashtun regions along with the border, secular and non-violent Pashtun nationalism has reasserted itself. Awami National Party, a major Pashtun nationalist party won a majority of seats in the North West Frontier Province in the February 2008 elections.

But what is the solution to such an array of complex and interrelated socio-political and economic problems? Many assert that democratization – that is the prolonged return to civilian rule – is the only hope to remedy Pakistan’s current situation. Such an approach, while correct, must be conceived as a long-term project. As the case in neighboring Afghanistan has illustrated, the road to democracy is often bloody and the two neighbours are so interrelated that the success – or failure – of democracy in one country is bound to affect the other. As Pakistan faces a deteriorating security situation it is hard to imagine that a rapid change in political representation could act as an appropriate remedy. Instead, Pakistan and the rest of the international community should hunker down for a long and sustained political process with an uninterrupted period of representative rule. This seems like the only way to keep ethnic tensions at bay and foster an environment where ethnic groups may vent their frustrations in chambers of politics instead of on streets and through violence.

While the above discussion detailed some of the internal challenges currently facing Pakistan, this work would be irresponsibly incomplete if it omitted an account of Pakistan’s enduring rivalry with neighboring India over the status of Kashmir. Therefore, the next section introduces the Indo-Pakistani conflict and seeks to explain it in a regional and international context.

India and Kashmir

Despite the centrality of the post-9/11 ‘war on terrorism’ and the current security concerns in the tribal regions bordering Afghanistan, India has always been Pakistan’s main worry. The 1947 partition of India into two states – Pakistan and India – both solved and created a range of problems from ethno-religious to territorial. Real and tangible peace has yet to be achieved between these two states who have waged three wars over the disputed Himalayan region of Kashmir, and continue to spend considerable portions of their national wealth and political energies on advancing their particular goals over the future of Kashmir.

Pakistan views India – a country many times bigger in population, size and significantly more resourceful – as its major national security threat and over the past six-decades nearly all of its internal and external policies have been centered on the perception of such a threat. The relative success of the Indo-Pakistani peace process since 2004 has raised hopes that the two sides have moved towards a *modus vivendi*. Though bombing attacks inside India, at times, temporarily halts the peace process, a *détente* has been established between the two neighbors for the past three years as they inch along on dealing with the fundamental issues including the final status of Kashmir. Major future terrorist attacks inside India, however, can derail the peace process and can even revive the prospects of an all-out war between the two neighbors. In recent years, domestic challenges have overtaken Pakistan’s obsession with

Kashmir. Since 2001 Pakistan has been gradually backtracking from supporting separatist and Islamist militancy in Kashmir because of its blowback effects at home and under mounting international pressure. This has been reciprocated by Kashmiri separatists who, during recent mass demonstrations also indicated a willingness to abandon paramilitary solutions in favor of non-violent means to obtain their goals.

While the Kashmir issue will not solve itself and requires the active participation of India in its resolution, it is clear that Pakistan has made an important compromise; to abandon its militaristic approach in favor of dialogue and negotiations with India. This is a step in the right direction as it indicates growing political responsibility among decision makers – in two of the world’s newest nuclear powers – to prevent a return to open hostilities.

Looking Ahead

As this work demonstrated, Pakistan is a country of contrasts. While Western news sources almost exclusively focus on violence, militancy and extremism, Pakistani civil society is vibrant and is now reasserting itself. For example, several times over the past 12 months black-suited lawyers across Pakistan protested for the rule of law, democracy and increased independence of the judiciary. At the same time the Pakistani press deserves credit for continuing to publish stories and report on a variety of sensitive issues thus fighting for and largely retaining its freedom. Indeed, the Pakistani press is well regarded for its diversity and activism throughout the region.

The emergence and assertion of a vibrant civil society, the spirit of the business community and the moderation of a very large segment of the Pakistani population are key assets that Pakistan can utilize in establishing a vibrant democracy with stable civil and military relations. This may, in turn, provide Pakistan with additional international leverage and add to constructing an environment conducive to negotiated settlements with its neighbors and the international community at large over the variety of issues currently impeding Pakistani development. For instance, Pakistan will need to reach a final political settlement with India for its ultimate survival. It is unrealistic to believe that India and Pakistan can duel eternally. Instead, just as mutually assured destruction (MAD) underpins the logic of deterrence, a concept of mutually assured survival must begin to take shape where both India and Pakistan recognize that their survival depends on each other. At the time of this writing both states have begun to take baby-steps in this direction, and it is a matter of great international importance that they are supported in such endeavours. International powers have to play a major balancing role in promoting such an understanding. Pakistanis are angry at what they see as being treated as a nuclear pariah because of its alleged past involvement in nuclear proliferation. This year the U.S. concluded a lucrative nuclear deal with India – thereby

lending credence to its claims as a legitimate nuclear power. But no such deal was ever offered to Pakistan. Finally, tackling Islamic extremism and making peace with Afghanistan and transforming the Pashtun border region would also improve Pakistan's future prospects and demonstrate to the world that it is emerging as a responsible state whose self-image reflects the image the world maintains of it.

In the long-term, Pakistan will also have to engage in human development to follow the economic development models of its Asian neighbors to its east. This implies that a larger part of its GDP should be spent on the welfare of its 165 million people instead of the financially draining military.

Pakistan's past sixty-one years have been tumultuous, but the people of Pakistan have shown their resilience and have survived against heavy odds. Its next sixty years will depend on geopolitics in one of the world's most volatile regions. Most significantly, Pakistani elite has yet to agree on a unified future vision and work hard to achieve it. Again this implies the active support of the international community, which must recognize that for the sake of international peace, prosperity and stability, Pakistan must be engaged with and not isolated. Its democratic process needs to be bolstered from the inside and the outside to prevent the return of military rule or the success of the process of Talibanization. Given these three options, democratization is clearly the optimal result and just as Pakistan is increasingly called on to act responsibly so to must other states responsibly act towards Pakistan.

Water and the Palestinian-Israeli Conflict

Mohammed T. Obidallah¹

Introduction

Economically, the Middle Eastern region is primarily agricultural, which is being practiced in an arid and desert-like environment. Water is a highly politicized and naturally scarce resource in the region, and there have always been conflicts over the ownership and use of water resources. Modern history has shown that even as water supplies in the Middle East are limited, unequal use and overuse of water resources by Israel has hindered development and peace between Israel and Palestine, as well as in the region as a whole. Specifically, the Israeli-Palestinian conflict can be attributed, to some extent, to disputes over the scarce and valuable water resources of the Jordan River basin and its aquifers. Israel and Palestine share the Jordan River with three other riparian countries, Jordan, Syria, and Lebanon, and both also share four groundwater aquifer basins: the Mountain Aquifers (the North-eastern, the Western, and the Eastern Mountain Aquifers) and the Coastal Aquifer. The Mountain Aquifer is shared by Israel and the West Bank and the Coastal aquifer is shared by Israel and Gaza. Since 1967 Israel has controlled both of these water resources where it allocates and sells water to the Palestinians on its terms and without due regard to their needs.²

The key problem is the lack of water for Palestine that impedes its development and jeopardizes the long-term survival of its population. The current Palestinian water supply is restricted and limited by Israel; Israel refuses to acknowledge Palestinian water rights and adherence to international laws on

¹ I would like to thank Prof. Dr. Kirk W Junker Assistant Professor of Law and Director of International Programs Duquesne University School of Law – USA, Prof. Dr. Helmut Hillebrand Head of Examination committee International Master of Environmental Sciences University of Cologne and Mr. Adli Daana General Secretary of the International Palestinian Youth League (IPYL) for their support.

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² Hussein, H., The Palestinian Water Authority: Developments and Challenges involving the Legal Framework and the Capacity of the PWA, available at <http://www.ipcri.org/watconf/papers/hiba.pdf>, (Last visited 21 April 2008).

water. The differences in annual per capita water consumption between the two populations testify to such inequality: Israeli's water consumption is four to six times per capita higher than the Palestinians. This disparity may be compared with population ratios where Israelis and Israeli settlers number 6.4 million people.³ In contrast, Palestinians number some 3.9 million,⁴ and yet Israel uses 83% of Palestinian water in the West Bank, leaving only 17% to Palestinians.⁵

Water has been central, together with such issues as Jerusalem, final frontier placement, Israeli settlements, Palestinian refugees and security, in Palestinian-Israeli negotiations since the early 1990s. To date, only modest steps towards reconciling conflicting views have been taken. In the September 1995 Oslo II Agreement, Israel recognized Palestinian water rights, which should have been negotiated in the permanent status negotiations that were to begin in May 1996 and settled by May 1999, but have yet to begin.

The failure to remedy the water situation has led to a water crisis. This crisis is not only a consequence of water scarcity in the region, but also of water retention, by Israel, thus curtailing Palestine's legal entitlement to water resources shared with Israel. Indeed, Israel, instead of acknowledging Palestinian water rights in adherence to international law on water, has introduced several solutions for Palestinians to develop non-conventional water resources such as: desalination; wastewater reuse; and the importation of water from neighbouring countries. These proposed solutions are untenable considering the highly unstable political environment and the level of development in water infrastructure and services existing in Palestine compared to Israel, even if certain responsibilities and authorities have been transferred to the Palestinian Water Authority (PWA) from 1995. Agreements signed between Israel and the Palestine Liberation Organisation (PLO) in the 1990s have not succeeded in improving the water situation, neither did they provide solutions that are reasonable and sustainable for the long-term.

In light of the above, and based on the fact that the water issue is highly politicized, this research emphasizes that the most efficient solution to the brewing water conflict is not simply through integrating water-related technological measures, but also through the application of international trans-boundary water laws and regulations, constructing a sound binational environmental

³ This includes about 187,000 Israeli settlers in the West Bank, about 20,000 in the Israeli-occupied Golan Heights, and fewer than 177,000 in East Jerusalem. CIA World Fact Book, July. 2006, <https://www.cia.gov/cia/publications/>, (Last visited 21 April 2008).

⁴ This includes 2.5 million in the West Bank and 1.4 million in the Gaza Strip. CIA World Factbook, July 2006, <https://www.cia.gov/cia/publications/>, (Last visited 12 April 2008).

⁵ World Health Organisation (WHO), Fifty-Eighth World Healthy Assembly, Health Conditions of and Assistance to, the Arab Population in the Occupied Arab Territories, including Palestine. Agenda item 15, A58/INF.DOC./5 17 May 2005. See also Centre for Economic and Social Rights (CESR), The Right to Water in Palestine: A Background, FACT SHEET 1 (CESR, Brooklyn, NY), 2003 available at <http://cesr.org/node/view/451> (12 April 2008).

management policy, and through political stabilisation. The ultimate argument is that a more equitable distribution of available water resources is in the long-term interests of both parties.

Water Resources

At an average sustainable rate, the amount of renewable shared freshwater available throughout the entire 'Jordan Valley Area' from rivers and renewable aquifers is rests at roughly 2700 million cubic metres per year (mcm/yr), of which 1400 mcm/yr comes from groundwater and 1300 mcm/yr from surface waters.⁶ The main sources of water available to Israelis and Palestinians are the Jordan River and groundwater underlying the West Bank and coastal areas (see Figure 1).

The Jordan River

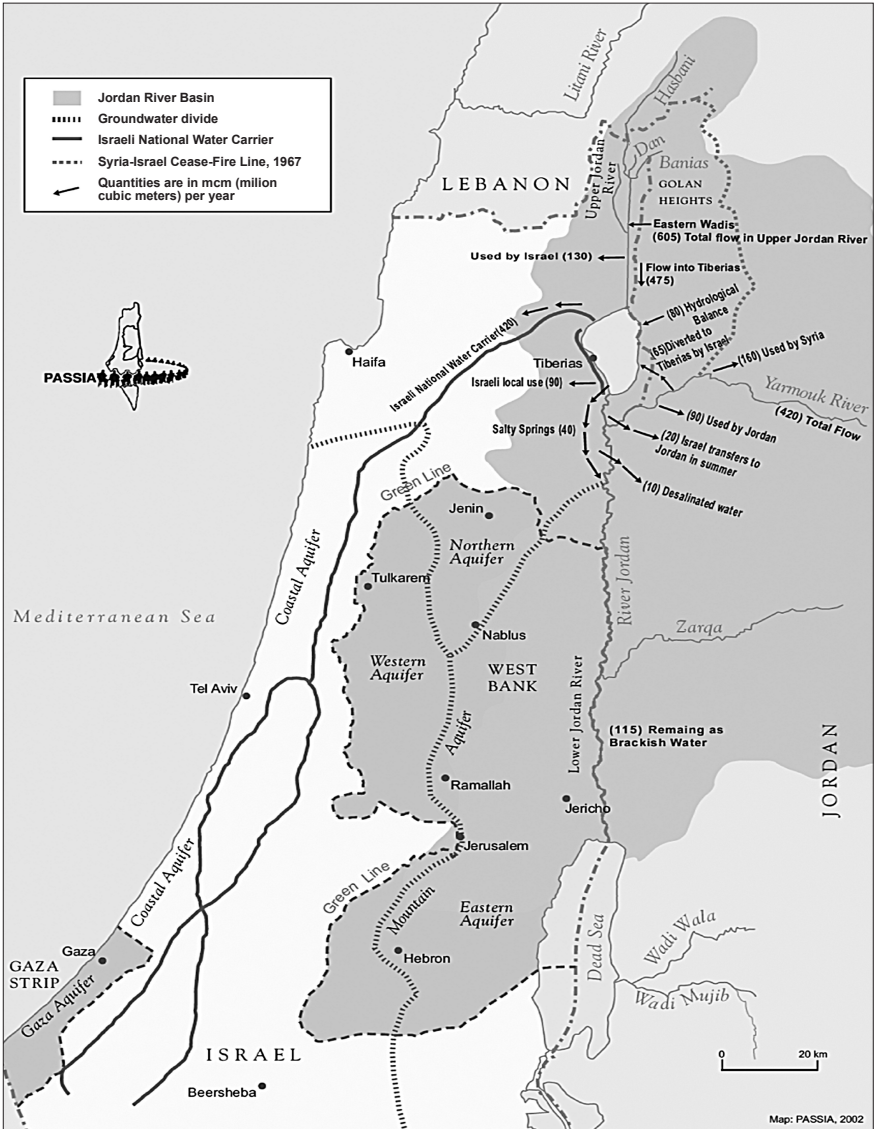
The Jordan River's three headwaters are the Hasbani River, the Dan River, and the Banias River, which is part of the Hasbani River flow in Lebanon. The latter, which has an average flow of 140 mcm/yr, was, until June 2000, incorporated into the occupied Israeli 'security zone' in Southern Lebanon. The Dan and Banias rivers originate in the Golan Heights and flow into the Jordan River above Lake Tabariyya, with an average annual flow of 250 and 150 mcm/yr respectively. These rivers join to form the Upper Jordan River. After leaving Lake Tabariyya, the Lower Jordan River forms the boundary between Israel and Jordan and then between the West Bank and Jordan, before flowing into the Dead Sea, which is fed by groundwater and by the Yarmouk River (average flow of 420 mcm/yr). There are thus five riparian parties to the Jordan River: Lebanon, Israel, Jordan, Syria and Palestine.⁷

Israel draws water from the north-western portion of Lake Tabariyya and transports it out of the Jordan River Basin through its National Water Carrier to coastal cities and the Negev Desert. The amount of water extracted allows very little water to flow naturally out of Lake Tabariyya. This means that only a trickle passes along the West Bank in the bed of the Lower Jordan River. In addition, Israel has denied Palestinians access to the entire Lower Jordan River since 1967. After the start of Israel's military occupation in 1967, Israel declared West Bank land adjacent to the Jordan River a "closed military zone," to which only Israeli settlers and soldiers have access.

⁶ Sustainable Solutions to Water Conflicts in the Jordan Valley, Mike Hiniker Programs' Coordinator Green Cross International, 24 January 1999 (Up-dated in September 1999) available at <http://www.greencrossinternational.net/en/programs/confprevention/wfp/archives/sustain.pdf>, (Last visited March,10,2008).

⁷ Diabes, F. Water in Palestine: Problems-Politics- Prospects , Water –Related Politics and legal aspects, PASSIA publication 2003.

Figure 1: Water Resources Map



Source: Palestinian Academic Society for the Study of International Affairs, PASSIA (2002). Adapted from: 'Water and War in the Middle East' Info Paper no.5, July 1996, Centre for Policy Analysis on Palestine/ The Jerusalem Fund, Washington D.C

Groundwater

Groundwater is the major source of fresh water in Palestine. 95% of the trans-boundary groundwater resources originating in the West Bank are being

used by Israel and its settlements in Palestinian Territories (OPT), leaving a small 5% of increasingly saline water resources to the Palestinians.⁸ Currently, more than 85% of Palestinian water from the West Bank aquifers is taken by Israel, accounting for 25.3% of Israel's total water needs.⁹ Groundwater resources are the Mountain Aquifer and the Coastal Aquifer Basin (see Figure 1 above).

The Mountain Aquifer is replenished by winter rains which mainly fall in the West Bank. Also, a significant quantity of the water flows underground across the so-called 'Green Line,'¹⁰ outside the West Bank, and moves gradually towards the slopes mainly within Israeli territory. Groundwater diverges towards three large basins along the structural slopes. These are the Western Aquifer which lies west towards the Coastal Plain; the Eastern Aquifer, which lies east towards the Jordan-Dead Sea trough, mostly in the Palestinian Territories, and the North-eastern Basin, which lies north draining towards the Jezreel (Esdraelon) and Beit Shean Valleys. According to Eckstein, the pre-1967 Israeli territories are downstream of the Western and the Northern Aquifers.¹¹

The Coastal Aquifer Basin underlies the coastal areas of Israel and the Gaza Strip (the Gaza Aquifer is part of this basin). In the Gaza Strip, apart from rainwater, the endogenous Gaza Aquifer is the only source of fresh water in the territory. It is partly replenished by shallow aquifers from the North-western Negev in Israel. There, while seawater intrusion from the Mediterranean Sea is permitted to pollute the fresh water in Gaza, Palestinians are prevented from fully contributing in controlling the water quality of the Mediterranean Sea and using their share of its natural resources.¹² It should

⁸ Water Resources of the Occupied Palestinian Territory United Nations, New York, 1992, Prepared for, and under the guidance of, the Committee on the Exercise of the Inalienable Rights of the Palestinian People available at <http://domino.un.org/UNISPAL.NSF/cf02d057b04d356385256ddb006dc02f/296ee705038ac9fc852561170067e05f?OpenDocument> (last visited 29 March 2008).

⁹ Isaac, J. The role of groundwater in the water conflict and resolution between Israelis and Palestinians, International Symposium on Groundwater Sustainability (ISGWAS), ARIJ, available at <http://aguas.igme.es/igme/ISGWAS/Ponencias%20ISGWAS/18-Isaac%20Jad.pdf>, (last visited 06 April 2008).

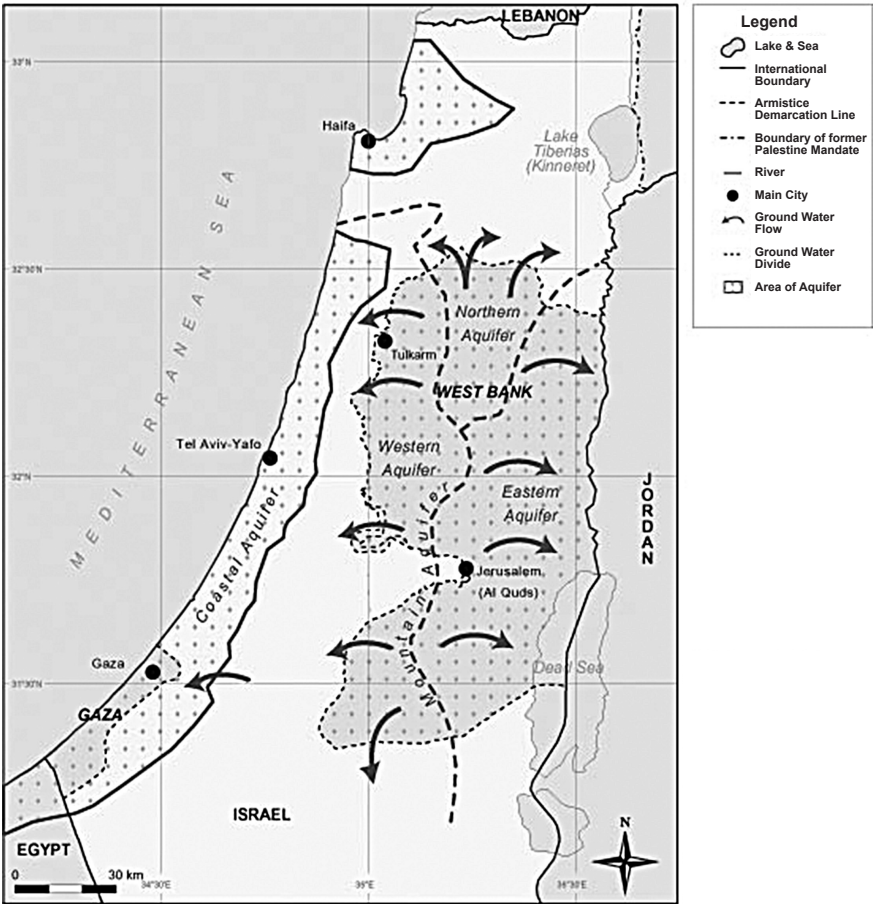
¹⁰ Green Line Term used following Israel's occupation of the West Bank and Gaza Strip in 1967 to refer to the post-1948 War ceasefire line (proper name is 1949 Armistice Line), i.e., the border separating pre-1967 Israel from OPT. The demarcation line is internationally recognized border. (Israel itself has yet to specify the boundaries of the State of Israel).

¹¹ Eckstein, G. E., and Eckstein, Y., "Groundwater Resources and International Law in the Middle East Peace Process", 155, available at <http://www.internationalwaterlaw.org/Articles/Eckstein-IntlWater.pdf> (last visited 02 April 2008).

¹² Division for Palestinian Rights Study: "Water Resources of the Occupied Palestinian Territory", United Nations New York, 1 June 1992, Prepared for, and under the guidance of, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, can be found at <http://domino.un.org/unispal.nsf/0/296ee705038ac9fc852561170067e05f?OpenDocument>, (last visited 12 April 2008).

Figure 2: Groundwater Resources Map

Mountain and Coastal Aquifers



Sources: United Nations Environment Program (UNEP), December 2002, available at <http://www.grid.unep.ch/product/map/index.php> (March 2008)

be noted that Israel has another five groundwater aquifers located within its territory. These are: Lake Tabariyya, the western Galilee, the coastal, the Naqab, and the Carmel.¹³

¹³ B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, Thirsty for a Solution, The Water Crisis in the Occupied Territories and its Resolution in the Final-Status Agreement, Jerusalem, July 2000.

Occupation and Water Resources

In order to understand which instruments of international law, regarding water, are applicable to Palestine, it is important to review some of the main aspects of international water law and apply it to the case of Palestine. Thus, the rest of this research is devoted to presenting a legal framework for water rights and distribution and then turns to the specificity of the Palestinian-Israeli conflict to demonstrate that Palestinian rights to water are being severely constrained by Israel.

International Water Law

International law is still perceived by many as being the basis for amicable and peaceful solutions to the utilization, development and protection of shared water resources.¹⁴ The driving force behind the codification and progressive development of international law in this specific field is the consensus, among international organizations, that relevant customary international law was not especially advanced or consolidated. There is accordingly a long and influential history of international legal development in the international water resources field, the pace of which has accelerated noticeably over the past 50 years. The increasing concern of the international community in terms of the development, proper management and legal frameworks governing international water resources has been reflected in the work of inter-governmental (IGOs) and non-governmental organizations (NGOs) and in the writings of scholars and publicists keen to focus attention on the question of the development and management of water resources. In the context of the determination of international customs with respect to the use of international waters, several non-governmental and governmental institutions have attempted the codification of these rules of customary international law whilst progressively developing an international legal instrument that governs the non-navigational uses of international watercourses. The work of the international law institute (Institute de Droit International, IDI), the International Law Association (ILA), and the International Law Commission (ILC) can be cited in this regard.

The development of the law in the field of international watercourses demonstrates an increased awareness with regard to the current and emerging water crises, the risks associated with the uncontrolled use of waters that cross borders between two or more states, and the importance of international cooperation in resolving conflicts over international waters.

¹⁴ Vinogradav S., Wouters P., Jones P, TRANSFORMING POTENTIAL CONFLICT INTO COOPERATION POTENTIAL: The Role of International Water Law, UNESCO, WAAP, IHP-VI, No. 2 Technical Documents in Hydrology, PPCP Publication SC-2003/WS/67.

According to Coscrove,

International water law identifies those legal rules that regulate the use of water resources shared by two or more countries. The primary role of international water law is to determine a state's entitlement to the benefits of the watercourse and to establish certain requirements for states' behaviour while developing the resource.¹⁵

When trying to solve the problem of water rights between countries and institutions, the primary issue that needs to be resolved is which theory of sovereignty is acceptable in defining water rights.

Theories of Water Rights

Legal instruments for water allocation in international environmental law in general rely on three principles: equitable and reasonable utilization and the avoidance of harming one's neighbour.¹⁶ In international law some theories have been developed: Firstly, the Absolute Territorial Sovereignty Doctrine,¹⁷ which gives states complete freedom to act with regard to the quantity of an international watercourse that is placed within its territory, irrespective of any adverse effects that may occur to other riparian states. Under this doctrine a nation may utilize any quantity of water flowing into its territory or for disposing of pollutants. This doctrine asserts the right of an upstream nation to use and pollute with no regard for affected downstream nations.¹⁸ Secondly, the Absolute Territorial Integrity Doctrine gives a downstream nation a right to an uninterrupted flow of a fixed quantity of usable water from upstream states. That is, a state may do nothing that might affect the natural flow of water into a downstream state.¹⁹

¹⁵ Coscrove, W. J., *Water Security and Peace: A synthesis for Study Prepared under the PCCP-Water for Peace Process, UNESCO-IHP-WWP, IHP IV*, Technical Documents in Hydrology. PCCP Series No. 29.

¹⁶ Several primary sources cite the reasonable and equitable utilization rule as the governing rule of Customary International Law. These include article 5, UN Watercourses Convention on the Law of Non-navigational Uses of International Watercourses, 21 May 1997, and the UNGA Resolution 51/229, (not yet in force). The 1997 International Court of Justice (ICJ) decision also refers to the rule as guiding principle of law in obiter dicta, paragraphs 85 and 147 of the Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia), ICJ, 25 September 1997.

¹⁷ Also known as the Harmon doctrine: An example of this doctrine is the opinion of Attorney General Harmon 1895 response to Mexico's protest over U.S. diversions from the Rio Grande River.

¹⁸ Eckstein, G., *Application of International Water Law to Trans-boundary Groundwater Resources, and the Slovak-Hungarian Dispute Over Gabčíkovo-Nagymaros*. 19 *Suffolk Transnational L.R.* 67 (1995).

¹⁹ An example of the application of this doctrine is the Lake Lanoux case regarding France's plans to divert water from the Carol River and replace it downstream with water from another

The theories of territorial sovereignty and that of territorial integrity are not suited to serve as the basis for formulating rules governing international watercourses. Adherence to Absolute Territorial Sovereignty would allow uncontrolled actions irrespective to harm caused in neighbouring states; and Absolute Territorial Integrity provides veto power over actions in neighbouring states. The rejection of these principles stems from the recognition of the need of a state to accept limited sovereignty in order to achieve resolution of problems that can only be overcome through regional cooperation.

The clear need for a compromise between these two principles leads to the notion of equitable utilization, or a balanced approach to allocating water among users in a watercourse.²⁰ The Limited Territorial Sovereignty Doctrine accepts the principle of riparian rights, and that every nation bordering a watercourse has a right to use the water. Under this doctrine every nation has the right to use water flowing in its territory provided that the use does not harm the territory or interests of other nations. The doctrine recognizes the reciprocal rights and obligations of nations in the use of water. The sovereignty of a state over its territory is said to be limited by the obligation not to use that territory in such a way as to cause significant harm to other states.²¹

The Equitable Utilization Doctrine employs a cost-benefit analysis which attempts to maximize the beneficial use of limited water resources while limiting the burdens. It is based on the principle of *sic utere tuo ut alienum non laedas*, where damaging consequences are not prohibited but rather weighed against the benefits gained. Under it, each riparian state is entitled to a reasonable and equitable share in the beneficial uses of an international water resource. This principle is widely accepted as a general rule of customary international law and applies to groundwater resources.

Significantly, the principle of reasonable and equitable utilization is an amalgamation of the principles of absolute territorial sovereignty and territorial integrity in that it recognizes and evaluates the shared and competing interests of all states embracing the watercourse. The use of the resource is determined by balancing the competing social and economic factors of interested riparian states and by considering the physical aspects of an entire water resource system.

basin. Spain claimed that the interbasin transfer would be inferior and subject to human control and thus not equivalent in quantity and quality to the original flows in the basin. Ultimately, Spain lost the argument in the International Court of Arbitration. Eckstein, G., Application of International Water Law to Transboundary Groundwater Resources, and the Slovak-Hungarian Dispute Over Gabčíkovo-Nagymaros. 19 Suffolk Transnational L.R. 67 (1995).

²⁰ Ibid.

²¹ An example of the application of this doctrine is in the case of the 1959 treaty between Sudan and Egypt on the Nile. Another example of the application of this doctrine is in the dispute between Argentina and Brazil in the Parana basin.

The Community of Interest Doctrine states that no nation may use waters in its jurisdiction without consultation and cooperation with downstream nations. A community of interests in the water is created by the natural, physical unity of a watercourse. All freshwater is something to be shared by the community as common property or public good.²²

The Prior Appropriation Doctrine, which favours neither the upstream nor the downstream state but rather the state that puts the water to use first, thereby protecting those users which existed prior in time. Consequently, this doctrine for the allocation of water resources has also received little international support.²³

Israel has usually relied on the theory of “Prior Appropriation” (“first in time, first in right”) rights to water, arguing that Israel has been pumping that water since 1955 when addressing water rights over the shared water resources.²⁴ Palestinians assert that the claim is invalid due to the illegality of the occupation and the fact that the Israeli military authorities have expropriated wells belonging to absentee owners, as well as those within the boundaries of confiscated Palestinian land. The sometimes-invoked argument that Israel inherited water resources that had been under British Mandate control is simply untrue. Palestinians, as the indigenous inhabitants of the region, are the party with historical prior use rights and Palestine is a riparian to the Jordan River and its aquifers.²⁵

In contrast to Prior Appropriation, the Riparian doctrine states that the owner of land with a waterway running through it is entitled to the flow through his land unpolluted and undiminished by others. Riparian states are states that “arise as an incident of ownership to land adjacent to a river”. Riparian law is an internationally recognized principle that riparians own or occupy land adjacent to rivers, and therefore have a say in how its waters are used. There are two main principles at the core of riparian law: Riparians have rights to the use of “unaltered water.”, and riparians do not have sovereign or absolute rights to use common waters in any manner they wish. These principles have been incorporated into the Convention on the Non-Navigational Use of Watercourses. In the Convention, the term “riparian” was replaced with the expression “watercourse state.”

There are two remarkable international cases regarding the application of riparian principles to disputes over river usage. A recent case between Hungary

²² Supra note 11.

²³ (Lazerwitz, 1995) from TOPKAYA, B., WATER RESOURCES IN THE MIDDLE EAST: FORTHCOMING PROBLEMS AND SOLUTIONS FOR SUSTAINABLE DEVELOPMENT OF THE REGION, July 1998.

²⁴ Wolf Aron. T., *Hydropolitics along the Jordan River, Scarce Water and its Impact on the Arab-Israeli Conflict*, United Nations University Press TOKYO · NEW YORK · PARIS, 1995.

²⁵ Dr. Jad Isaac, the Director of the Applied Research Institute- Jerusalem (ARIJ) was quoted in Bethlehem by the Author on 11 March 2006.

and Slovakia under the International Court of Justice (“ICJ”) affirmed the principle of “equitable utilization” as presented in the Helsinki Rules. The other case involved a 1957 dispute between France and Spain and applied the *sic utere tuo* doctrine to an arbitral dispute over France’s use of Lake Lanoux.

The UN Convention on the Non-Navigational Uses of International Watercourses, 1997

The 1997 Watercourses Convention is, to date, the most authoritative statement relating to non-navigational uses of international watercourses.²⁶ However, it is yet not in force.²⁷ The Convention embodies a set of customary international rules and principles that are relevant to the utilization, development and management of international water courses including transboundary groundwater. Considered a framework, it guides states in concluding treaties particular to their international watercourse, including groundwater and surface water.²⁸ The Convention has a number of key principles. The most important is the equitable and reasonable allocation of shared watercourses;²⁹ the ‘No Harm Rule’; and the need for communication (notification, consultation and negotiation) on any development plans which could affect shared watercourses.

Article 8 of the Convention reinforces the need for communication by institutionalizing a general obligation to cooperate. As an overriding objective, the Convention mandates communication and thus cooperation between watercourse states, requiring that they “shall, at the request of any of them, enter into consultations concerning the management of an international watercourse”³⁰. The duty to cooperate describes the need to exchange information and data, notify regarding planned measures, and consult and negotiate in the case of conflicts. Notification requires providing information without a mutual exchange.³¹

²⁶ United Nations Convention on the Law of the Non-navigational Uses of International Watercourses Adopted by the UN General Assembly in resolution 51/229 of 21 May 1997

²⁷ Article 36 (1) states the following: The present Convention shall enter into force on the ninth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

²⁸ The Convention requires the adoption of «watercourse agreements» among watercourse states and further stipulates that «every watercourse State is entitled to participate in the negotiation of and to become a party to any watercourse agreement that applies to the entire international watercourse, as well as to participate in any relevant consultations» Article 4 (1) of the Convention

²⁹ The doctrine of equitable utilization has been confirmed by the ICJ in the case of Hungary v. Slovakia. The IJC's opinion firmly establishes that international rivers are shared resources and all riparian states have equal rights to enjoy both the commodity and noncommodity ecological benefits of the river, hydrologically connected groundwater, and the riparian corridors.

³⁰ See Appendix four: Article 24(1); see also articles 4(2), 5(2), 6(2), 8 and 11 of the Convention.

³¹ See Articles 12, 13, 15 16 and 18.

In special situations where a notification relates to possible infractions of the principle of equitable distribution, consultations further require a dialogue among participants without an obligation of reasonable compromise.³² Negotiation requires a dialogue with an obligation to compromise in good faith,³³ and parties “enter into consultations and, if necessary, negotiations with a view to arriving at an equitable resolution of the situation”.³⁴ In case consultations and negotiations do not succeed in settling dispute, the Convention offers provisions for impartial fact-finding if requested by one party, and mediation or conciliation if agreed to by both parties.³⁵

The Convention requires that “watercourse States shall ... utilize an international watercourse in an equitable and reasonable manner”.³⁶ The Convention further requires the resource be used “with a view to attaining optimal and sustainable utilization thereof and benefits therefrom, taking into account the interests of the watercourse States concerned and consistent with adequate protection of the watercourse”.³⁷ The Convention also defines what is equitable and reasonable: The Utilization of an international watercourse in an equitable and reasonable manner within the meaning of article 5 requires taking into account all relevant factors and circumstances, including:

- Geographic, hydrographical, hydrological, climatic, ecological and other factors of a natural character;
- The social and economic needs of the watercourse States concerned;
- The population dependent on the watercourse in each watercourse State;
- The effects of the use or uses of the watercourses in one watercourse State on other watercourse States;
- Existing and potential uses of the watercourse;
- Conservation, protection, development and economy of use of the water resources of the watercourse and the costs of measures taken to that effect;
- The availability of alternatives, of comparable value, to a particular planned or existing use.

Another key principle of the Convention is the duty not to cause “significant harm”:

1. Watercourse States shall, in utilizing an international watercourse in their territories, take all appropriate measures to prevent the causing of significant harm to other watercourse States.

³² See Articles. 4, 6, 7, 17, 18, 19, 24, 26 and 30.

³³ See Articles. 4, 17, 18, 19, 30 and 33.

³⁴ Article 17(1).

³⁵ Article 33 (3), (4).

³⁶ Article 5(1).

³⁷ Id.

2. Where significant harm nevertheless is caused to another watercourse State, the States whose use causes such harm shall, in the absence of agreement to such use, take all appropriate measures ... in consultation with the affected State, to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.³⁸

The Convention provides additional obligations for watercourse states for further protection of watercourses.³⁹

Given its framework character, the UN Watercourse Convention fails to address the specific needs of the optimal and sustainable utilization and development of trans-boundary groundwater. Additionally, it does not adequately and comprehensively respond to the specific regulatory needs of ground water, nor can it respond to the regulatory and management needs of confined trans-boundary groundwater. To compensate for this gap, it is envisaged that the detail procedures, mechanisms and required institutions can be borrowed from the already existing agreements on groundwater such as the Bellagio Draft Treaty. The Bellagio Draft Treaty for example offers mechanisms and procedures for the protection, utilization, development and management of water resources. These include the adoption of a declaration of critical zones for joint administration, whereby measures such as those regulating the spacing of wells and pumping rates could be instituted to control withdrawals and thereby guarantee each country its share of water. The draft suggests mechanisms for dealing with uncontrolled lowering in the water levels, planned depletion, drought reserves, water quality, the protection of recharge areas, and public health emergencies. Among other things, it suggests the establishment of a joint institution for overseeing and administration and sets procedures for settling disputes.

It is therefore proposed that an agreement that is based on a combination of substantive strengths in the Convention and the procedural strength found in already existing agreements be formulated to provide an ideal legal solution for the problems associated with trans-boundary groundwater.

The Application of International Law on the Palestinian-Israeli Conflict over Water

In reviewing the above implications and the UN Convention guidance, the proposal for solving the problem within a Palestinian-Israeli context is to establish a solid basis for long term sustainable arrangements. In light of the historical and current political background, there are valid reasons to suggest that in the short term at least, the attaining of a binding arrangement is impossible given the volatile political situation. Therefore it is suggested that both sides, without the formality of treaties, reach an understanding or administrative

³⁸ Article 7(1)-(2).

³⁹ Articles 20, 27.

agreements that are sufficient to allow the desired work to progress. They could then generate the required national willingness to enter into arrangements of a more formal nature.

The settlement of the water dispute starts with a non-binding flexible arrangement that can serve short term needs, which gradually builds up into a final, legally binding arrangement based on international law. In between these two solutions lies an international mediated proposal, a combination of coordination and collaboration, being an output of the first arrangement and input as far as the final one is concerned. In light of the highly stressed political environment that exists in the region, it is advisable to aid the decision-making process by clarifying the various steps that states should take before committing themselves to implementing international law. To end up with a binding treaty is only realistic when the parties collectively agree to commit themselves entirely to the rigours of a formal treaty regime. Under such circumstances, it can be shown that international cooperation efforts are more efficient and allow for greater options.

Acceptance of Common Principles

Together Israel and Palestine should agree on the core principles of international law governing watercourse states' rights, recognizing that each of the nations on an international watercourse has a right to an equitable portion of the water. The first thing would be to assess how much water is needed by each side to meet the domestic needs with those of economic development. Therefore, a new assessment of all joint water resources becomes essential. The second step is to develop a fact finding team, with the intention to examine the reliability of data pertinent to the availability and utilization of the water resources of the area. The source of data for the fact finding team will be the hydro-geological investigation carried out by Israelis and Palestinians in the West Bank and Gaza Strip. The fact finding team members should be based on merely qualified criteria, and might comprise Palestinians and Israelis in addition to international experts. The two parties shall do their best to accept the conclusions of the fact finding team, or in any case develop a common arrangement. The recommendations of the fact finding team shall figure as the basis for further talks on how to implement the equitable and reasonable utilization of shared water resources.

Equitable and Reasonable Utilization Identification

As mentioned above, Articles 5 and 6 of the 1997 UN Convention incorporate an important guide to the identification of what constitutes an "equitable and reasonable" use in each case. It identifies the key factors that should be

applied, even though the list is not exhaustive, owing to the framework character of the Convention. Specific criteria based on the basics of Article 5 and 6 of the Convention and any other accepted factors for the allocation of the beneficial uses of water resources should be jointly developed. This would require precise and reliable information and data to be shared by the two sides. An International Legal Experts Committee could be created to be involved in assigning weight to the factors in consultation with the fact finding team. These weights have to be determined by their significance in contrast with that of all other relevant factors. All relevant factors are to be measured together and a conclusion achieved on the basis of the whole, in determining what is an equitable and reasonable use.

The Development of Future Cooperation

Cooperative mechanisms may be achieved based on international law and on the theory of “good faith” to govern relationships between the parties. In theory, if both parties agree to apply the principle of equitable and reasonable utilization based on the above implementation procedures, a water agreement could be founded on equal balance. The principle of “equitable utilization” is a basic footing for such an agreement. A mechanism of joint cooperation would have to be established within the agreement to guarantee the exchange of complete data and information on agricultural, industrial and domestic water use. A new agreement regarding the Jordan River will be easier to achieve than in the West Bank groundwater resources case. A treaty concerning the last could however gain from applying the form of existing international water treaties concerning the uses of surface watercourses. The new agreements should consequently ensure each of the obligations to cooperate as well as to adequate coordination. Yet resolving conflicts over water rights will require a major effort of political willingness to agree to changes in the status quo. Based on the available existing water resources and the proposed needs for development, it is assumed that there will always be a regional shortage. It is therefore advantageous to both Israel and Palestine to jointly manage the valuable regional water resources to ensure their sustainable development. The parties could also cooperate in developing non-conventional water resources. While there is an obligation in general international law to settle disputes peacefully, a mechanism for future dispute settlement should be an element of the agreements adopted by the two sides.

Conclusions

Water in the Middle East is highly politicised and has consequently contributed to past conflicts and continues to amplify the present Palestinian-Israeli dispute. It is also deemed to have bearings on any future political settlements.

This paper demonstrated that Israel has flouted international law in various actions in the Palestinian territories, and the United Nations has provided symbolic weight on Palestinian rights but could not resolve the central disputed issue. According to the rules and principles of international law, Palestine is entitled to an equitable and reasonable share of the international water resources, as well as the trans-boundary groundwater shared with Israel. Additionally, despite the marked disparity between the stages of development and various strengths of Israel and Palestine, the challenge now is how to convert this into a thorough understanding of the mutual benefits to be derived from cooperation.

An important observation in this paper is that political willingness is a decisive factor in the entire process of international cooperation. The inability on the part of politicians to accept the consequences of international cooperation is reflected in a lack of willingness to place confidence in joint or international institutions willing to coordinate and cooperate.

The Palestinian-Israeli water conflict reveals that in the absence of real intentions to cooperate, even legally binding treaties will not help to solve the dispute. Despite the signed protocols, declarations and agreements and the emerging joint mechanisms established because of them, reality proves that Israeli control over the groundwater resources is absolute and that water resources are still legally controlled by Israeli military orders that forbid the development of groundwater resources without the prior consent of the Israeli Water Commissioner. As to the Palestinians, they are merely the administrator of some infrastructure and a number of projects that only serve Palestinian communities.

In spite of the many obstacles mentioned above, past agreements confirm that there is a strong foundation for cooperation, assuming that both parties are willing to work hand in hand for the benefit of the resources and future generations. Mutuality and the necessity to cooperate are very important concepts, which unfortunately are not addressed in the existing agreements. The two fundamental substantive rules governing the development and utilization of trans-boundary ground water are the equitable and reasonable utilization principles and the "No Harm Rule". Only if these two principles are adhered to that, can a desirable outcome be reached.

Who Really Lost the Georgian War?

Patrycja Podrazik

The media coverage of Russia's recent military intervention in Georgia has been intense. Moscow justified its early August attack on its Caucasian neighbour as a "peace enforcement" operation and an attempt to protect Russian citizens living in the breakaway republics of South Ossetia and Abkhazia. What is striking in many commentaries and analyses is the fact that they repeat the same odd assertion that, firstly, the US and the EU showed a weak resolve in responding to the Russian aggression, and, secondly, that Russia scored a political victory on the ruins of Georgian towns and villages. Instead of taking this simplistic approach, I would propose a more nuanced assessment of the outcome of that violent crisis to show that the opposite is more likely to be true.

The coverage of the Georgian war, both in mainstream media and among some political analysts, has been marred by a clear bias and singular narrow-mindedness. While the Western press was almost united in its condemnation of Russia, what was conspicuously missing for a long time was a decent analysis of the Georgian leadership's actions immediately preceding the outbreak of hostilities on 7 August 2008. Of course, it is very hard – and unnecessary – to justify Russia's aggression, but it would be of great service to today's public, as well as future historians, if President Saakashvili's reckless belief in the international community's *carte blanche*, which drew the easily provoked Russian Army into a military confrontation, was properly registered and thoroughly analysed.

Furthermore, reading many of the commentaries regarding the Western response, one might easily be confused and think that Georgia was already a NATO member. But it is not, and the US and its European allies had no legal obligation to come to its rescue by attacking Russia and risking a full-scale war with all its consequences. However, short of such an attack the West responded unambiguously by signalling that the "business as usual" approach was no longer an option. Renewed talk of speeding up efforts to diversify Western energy supplies will be keenly registered in Moscow, especially since oil prices have been falling. It may not have been useful for most of the Soviet era, yet today the West can reasonably hope that economic pressure will suffice to dissuade Russia from persistent violation of international norms.

Finally, many commentators failed to acknowledge the EU's efforts to mediate between the two sides of the conflict as a sign of progress in its shaky common foreign and security policy. Compared to the war in Lebanon in 2006 when the EU looked to the UN to broker a ceasefire – although that conflict also took place in their neighbourhood – the EU's reaction was swift this time around. The President-in-Office of the European Council (Nicolas Sarkozy) was in Moscow within five days with a six-point plan. Even more impressively, both sides signed it (although Russia has been heavily criticised for not having fully complied with it). Partly for that reason, President Sarkozy, along with the EU Commission President José Manuel Barroso and the EU foreign policy Chief Javier Solana, met with President Medvedev again on 8 September. Of course, the EU is still far from having a truly common foreign policy, and differences among EU states will not vanish overnight, but the EU's collective reaction to the Russo-Georgian conflict shows that some important gaps are being bridged.

Most importantly, the EU has employed its best weapon – a strategic pact that allows its partners to enjoy a privileged commercial and political status in their interactions with the bloc. Meeting in Brussels in early September, the heads of state and government showed a remarkable unity: even Germany agreed to a strong statement condemning Russia's use of force and its recognition of the independence of South Ossetia and Abkhazia. They also called on other states not to follow its example. Crucially, however, the leaders unanimously agreed to suspend any negotiations on a new partnership agreement until Russia complies with the ceasefire. Russia's President and Prime Minister predictably mocked the move by claiming that it would hurt the EU more. This kind of arrogance is likely to be a façade, however, because Russia's policy-makers cannot possibly fail to understand that commercial links with the EU are Russia's economic lifeline, and if that is the case in a period of high energy prices, it will be even more true when they decline. Access to the EU marketplace is crucial to the survival of Russia's economy, and like other troublesome countries in recent years, such as Serbia, it will come to play by the rules of the Euro-Atlantic community when it realizes this simple fact.

It is also instructive to take a closer look at the difference between Russia's objectives when it engaged militarily with Georgia and what it achieved in reality. The escalation was about much more than 'protecting' the two breakaway regions. Russia initiated the intervention with several related goals in mind. It set out to intimidate Georgia (and, by extension, Ukraine) into renouncing their aspirations to join NATO. By the same token, it hoped to cause the Alliance to reconsider its open door policy, in particular the Membership Action Plan (MAP) that will be up for a vote again in December 2008. NATO members will see what can happen when Russia is needlessly provoked – the reasoning apparently went - and they will slam the door shut on the Caucasus, and any other former Soviet republics which might entertain similar ambitions, before it is too

late. Secondly, it counted on exploiting traditional divisions between NATO and EU's so-called 'hardliners,' such as the UK and some Central European states, and the 'appeasers' such as Germany or Italy. Finally, the Russian leadership wanted to force Poland, the Czech Republic, and the United States to scrap the plan to locate a part of the US missile defence system in Central Europe. This was intended to prove that Russia is back in business of being a superpower and has, in a truly cold-war fashion, a clearly defined and separate sphere of influence upon which the West should not encroach.

So what has been the response of Russia's target audience? In condemning Moscow's recognition of the independence of South Ossetia and Abkhazia, Ukrainian President Viktor Yushenko warned the West that "any country could be next"¹ and reconfirmed Ukraine's desire to join the Euro-Atlantic structures. Within days of the outbreak of the conflict, the leaders of Poland, Ukraine, Latvia, Lithuania, and Estonia were in Tbilisi to show their solidarity and call for a quick expansion of NATO. Meanwhile, President Sarkozy, on behalf of the EU, brought a ceasefire plan to Moscow on 12 August. At about the same time, American planes airlifted Georgian soldiers back from their deployments in Iraq, and US Navy ships began delivering humanitarian aid. The US government also suspended military cooperation and a deal worth billions of dollars on civil nuclear cooperation with Moscow. In early September the State Department announced \$1 billion in reconstruction aid to Georgia, while Vice President Dick Cheney toured the Caucasus and Ukraine assuring each leader of America's support for their aspirations to join NATO. Clearly, the Western reaction to Russia's most recent moves has been more coherent and consistent than previously, but it was also measured because a military confrontation between Russia and NATO (or a group of NATO member states) would have been catastrophic for the international community. Ultimately, the region's Euro-Atlantic ambitions have shown signs of strengthening, and many now believe that the December decision on the MAP will be a formality.

In the meantime, the missile defence project received a substantial boost, as well. The long negotiations between Poland and the US were successfully concluded just a few days after the Russian invasion. The deal was signed in Warsaw on 20 August, and stipulated that the US will station a battery of Patriot missiles in Poland to strengthen Polish air defences in the face of repeated Russian threats of a missile attack. In a related development, Ukraine declared that it was ready to make its missile early warning system available to other European states. A few days later in Brussels, Polish Foreign Minister Radek Sikorski warned that "the holidays from history have ended."² Thus, the Russian

¹ Harding, Luke. "Russia: Any Country Could Be Next, Warns Ukrainian President," *The Guardian*, 28 August, 2008.

² Mardell, Mark. "On the Cusp" *Mark Mardell's Euroblog*, BBC News website, 1 September 2008. Available at http://www.bbc.co.uk/blogs/thereporters/markmardell/2008/09/on_the_cusp.html.

invasion of Georgia managed to do what neither the Polish government nor its US ally had been able to, namely convince a majority of the Polish people that stationing the missiles in Central Europe is a good idea. The war seems to have intensified their historically motivated fear and distrust of Russia, as public opinion in favour of the plan rose to 58%, up from 30% in March 2008. It may very well translate into an easier approval of the deal in the parliament.

There is only one area where Russia may have scored a rhetorical victory. The conflict has fired up some Congress Republicans to demand a swifter passage of the legislation releasing new funding for the missile defence program. It might seem, therefore, that Moscow tricked Washington into inadvertently admitting that the project is directed against Russia. However, this does not seem to be taken seriously, especially because by any technical assessment the missile defence system is incapable of engaging Russia's nuclear arsenal, and as such it constitutes a meagre benefit of the Georgian campaign.

Finally, the sense of Russia's strategic miscalculation was compounded by the scant backing that its actions in Georgia received among its traditional allies. The members of the Collective Security Treaty Organization (CSTO), as well as the Shanghai Cooperation Agreement (SCO) refrained from following Russia in its recognition of Abkhazia and South Ossetia. Partial support for the military intervention came from Venezuela, Syria, and Iran, but Nicaragua was the only other country to recognize the two republics as of 7 September. Even China balked in the face of its own separatist threats in Tibet and the Xinjiang province, and issued a surprising call for "dialogue and consultation" between the two sides³. This, perhaps more than anything else, has demonstrated the extent of Russia's isolation. Russia is clearly back on the global stage, but not as a respected actor that it has longed to be. Rather, many of its international partners perceive Moscow's influence is increasingly malignant, and its foreign policy as unpredictable and destabilizing.

Therefore, Russia's leaders appear to have achieved a result exactly opposite to what they had intended. The war in Georgia has confirmed some of the worst fears in the West about the nature of the regime that has solidified in Moscow. Meanwhile, pressing economic and social problems inside the country continue unaddressed. The hostilities in Georgia (as well as a series of recent attacks on foreign and foreign-linked companies inside Russia) have reinforced the perception of the country as an unstable place to do business and prompted a capital flight. Since early August, the Russian Stock Exchange (RTS) has plunged by more than 30%. The country's leadership appears to believe that the wealth created by high oil prices has somehow qualified Russia to reclaim its superpower status. But energy prices are falling, and the EU is preparing to create a more coherent energy policy which would take into account the need

³ "China Calls for International Efforts to Resolve Russia-Georgia Conflict," *Xinhua* News Agency, 4 September 2008.

to diversify energy supplies and increase the share of renewable sources in its consumption. If both trends continue, Russia's petrol-dollar-fuelled economy will collapse due to a lack of sustainable foundations.

This gives the West a unique opportunity to employ economic pressure, an instrument that is often more powerful than arms. The Russian leadership's domestic and international policies have created perfect conditions where it could be used, and the West should take advantage of it.

In the Georgian conflict there were no winners. But Russia certainly stands out as the bigger loser. That is because its military victory over the much smaller Georgian army has been more than outweighed by the unprecedented EU foreign policy unity that the conflict created, something the EU had a difficult time achieving before the crisis. For Russia, it should serve as a important clue when it ponders a future confrontation with the West.

Personal Experiences from the Years of 'Late Normalization,' 1980s: Study at SS Cyril and Method's Theological Faculty in Litomerice

Marie Homerova⁴

Nearly 20 years after the Velvet Revolution, and the Czech Republic (among other neighbouring post-communist countries in Central Europe) has begun to expose its recent history for public consumption. Archival documents and memories of the contemporaries have often caused upheaval widely covered by the press in these countries. One of the most current topics concerns the collaboration of religious denominations with the Communist regime.

In 1948, after the Communists - atheist by nature - seized power, the new rulers pretended that they wanted to defend constitutional civil rights and that they respected the freedom of the religious denominations in Czechoslovakia. In fact, from the very beginning of the new regime the communists deliberately placed all Churches under the strict control of the state. This was especially true of the Catholics who were closely watched and persecuted.

⁴ This commentary is based on a reflection of the work entitled: Memoáry: Jan Jandourek: Studium na bohoslovecké fakultě v Litoměřicích, osobní zkušenosti z let pozdní "normalizace", Soudobé dějiny XIV/2-3, Praha 2007, str. 439-448.

According to former Bishop Vaclav Maly,

The Catholic leaders were, with only several exceptions, people manipulated by the StB (Czechoslovak secret police). They were mostly such people who had been affected by some weakness in their own personal lives and thus they became convenient tools for the ruling power (...)

In accordance with new Czechoslovak legislation passed in 1950 all the existing theological faculties and also non-university Protestant high schools started to be “reorganized”. The Catholic Theological Faculty was moved from Prague to a small town Litoměřice in Northern Bohemia. This faculty, with a long tradition, had been a part of Charles University founded in Prague in 1348.

The re-organization of the curriculum in 1950 meant that the majority of the professors and even many students were forced to leave the faculty. The communist press at the time however, presented this action as useful and necessary for the “improvement of theological study.” During subsequent decades – from the 1950s until 1989 – the management of the faculty was constantly negotiating for compromises with supervisors from the Ministry of Education and the local supervising officials; people extremely suspicious of and hostile to religious groups.

The remainder of this commentary is based on the memories of a former student of the Theological Faculty, Jan Jandourek, who studied at the Litoměřice from 1984 to 1989. These were the last years before the Velvet Revolution, the last phase of the “normalization” - the Brezhnev era, which had started after the Soviet occupation of Czechoslovakia in 1968. The late 1980s were more relaxed in comparison to the period of Stalinism in the 1950s when all the monastic orders were banned, high and ordinary clergy persecuted and many priests and monks sent to labor camps or imprisoned. Despite the fact that the Cold War was winding down, Communist practices towards the clergy remained intact.

A candidate hoping to study theology in the 1980s had to submit two application forms, one to a secular and one to a theological faculty. The application form for theological study had to be submitted several months earlier than the secular one. The purpose was that the secret police could pinpoint applicants for theological study and gain time to exert ‘moral’ pressure on them. The applicant, Jan Jandourek, was first invited to the secondary school headmaster’s office. Here he was reprimanded by the school headmaster: “*You do not return to working people what they have invested in you*”. When the student insisted on submitting the application form to the theological faculty, the conversation with the headmaster finished with the headmaster’s rhetorical question: “*Who are you serving: the people of the Vatican?*”

As Jandourek recollected,

I did not encounter any other bullying until the end of my studies at the secondary school. On the contrary, some of my teachers and classmates were

secretly pleased that the school hard line communists and the headmaster had got into troubles.

Unlike other Czechoslovak faculties, the Theological faculty was not included in the information sheet printed annually in the official pedagogical press. The Theological Faculty was officially a state school, that is why Marxism-Leninism and Russian were obligatory from the first until the last semester.

Before the faculty's entrance examinations Jandourek was summoned to the local secret police. The same day he received a draft letter for military service in the Czechoslovak army. When he entered the police station, an StB agent ordered him to empty all the things from his pockets on the table. Afterwards, the agent left leaving the student waiting alone for a long time. Obviously this was one method of the secret police to exercise pressure. After the long wait, two other agents entered the room with Jandourek. They purportedly behaved according to the well-known 'good cop, bad cop' routine. The 'bad' cop hinted that the investigation would last for an indefinite period, and after a while the 'good cop' left the room, increasing the tension between interrogator and interrogated; yet another form of psychological pressure.

The student had been informed by his Catholic friends and classmates in advance that he could not admit that he was summoned by the StB because he wanted to study theology. He mostly kept silent pretending that he did not know why he had been summoned to the police station. He also did not accept any offer from the agents to meet again – he had learnt from other Catholics that many applicants who had met the agents again had been gradually entangled into the collaboration. The secret policemen also tried different methods combining threats and flattery: *"You are an intelligent boy, but will you be glad if something happens to your sister?"* Then the agents finished the long investigation with a threat: *"We will find you again soon!"*

The entrance examination at the Theological Faculty lasted two days. The first day every candidate had to undergo a long interview where s/he had to explain his/her decision to study theology. Meanwhile rumors quickly spread among the waiting candidates in the corridor. An applicant called Mudrunk was said to be a future secret informer. Allegedly he had been a former thief and homosexual whom the secret police recruited to spying at the faculty. Mudrunk was not accepted at the faculty, perhaps because he had been revealed, but after the change of regime this unusual name was found on the StB list of collaborators in the archives of the Ministry of the Interior.

Jandourek remembers that

We knew that there were secret informers and denouncers among us, but we did not know who they were. The students from Prague were better informed about the StB methods, but the boys from the countryside were

naive. It was easier for the StB to deceive them and drag them into the collaboration.

Students tried to guess who these denouncers could be according to their behavior. Talkative, sulky or nosey individuals were suspicious. After the fall of the regime graduates were often surprised by the names of their classmates who had collaborated. They had usually been good friends during their studies. Actually the secret police in Litomerice did not hide their recruitment. Every Thursday StB agents summoned two theology students for investigation. The agents were trying to force them to collaborate.

This practices ended between 1987-8 after mass student protests. Secret Dominicans protested by praying aloud for the investigated classmates with rosaries in their hands in front of the police station. At first the policemen shouted at them from the open windows and threatened them with a beating. The Dominicans were not intimidated and went on praying until their classmates were released. This caused a gathering of astonished people around the police station. As the theology students were not deterred by threats, the police simply stopped the investigations and recruitment of collaborators.

The students also suspected that the StB were bugging their dorms, but they could not find any. Every evening they listened secretly to the Voice of America's radio station. They used a bizarre radio set they had constructed themselves. It was equipped with four hoses so that more people could silently listen. Listening to the foreign broadcasting, particularly to the Voice of America or Radio Free Europe was strictly prohibited. Their teachers, mostly elderly gentlemen, listened too, mostly to Radio Vatican, but they did not have the improved radio sets, so the sound was terribly loud and echoed throughout the corridors. The secret police also opened students' letters.

A particularly entertaining activity for students was a sort of psycho-drama consisting of students re-playing the dialogues between StB agents and themselves, in their dorms. One of the most popular performers became, after 1989, the spokesman of the Czech bishops and an expert on the Catholic Church's public-relations.

Students were isolated from the town's daily life, because they were obliged to fulfill numerous duties during the day. They were forbidden to have tape-recorders, typewriters or bikes. Students were not allowed, even in their free time, to travel or to attend local cultural events. All had to be shaven. However, the strict regime was gradually loosened in 1986 -7 reflecting the thaw of the communist regime.

Students themselves were not sure whether they were collaborating or resisting the regime. On the one hand they could study because they were permitted by the Ministry of the Interior, on the other hand they showed open contempt for Marxist-Leninist ideology. For many common citizens in Litomerice they

were weird crackpots who had voluntarily chosen the regime's persecution. The students themselves, however, considered their faculty as "an island" of relative freedom, where they could speak and express their opinions more openly than other citizens.

The management of the faculty did not interfere or influence teaching. The managers differed in personalities and in professional level, ranging from excellent experts to nervous and noisy individuals. The faculty teachers' staff comprised also different personalities. The dean was a member of the collaborating religious association called *Pacem in Terris*, which was also under the supervision of the regime. He often wore a medal he had been given by the Moscow Patriarch. Some teachers excelled as orators or experts on biblical studies or history. Some were polyglots, some of them were mediocre, but there were also ignorant lethargic individuals.

In 1986 the last communist elections were held. Here the theology students used the opportunity and went behind the curtain, which had been unthinkable in the previous decades (the voters who went behind the curtain were suspicious in communist elections!). Here they crossed out all the names of the candidates. One of the students went to vote in his black vestment. When the superior saw him, he ordered him to change the clothes, otherwise – as he shouted he "will kick his ass". Students were forbidden to wear vestments out of the faculty. This student protested quite often in this way. He used to go out dressed in his chasuble with a backpack, provoking astonishment among the citizens of Litomerice.

From the mid-1980s the situation gradually changed compared to the previous decades. Due to the political changes in the communist bloc and liberalization, a group of secret Dominicans, who had started to study in 1987, demonstrated more frequently. All of them began with a boycott of the traditional routines dating back to the 1950s. For example all the new students had to sign a document that they were not and would not become members of any secret monastic order. However, many of them had already been members before they entered the faculty.

The Dominicans had not only refused to sign such documents but they burnt them in the dining hall in public. They also disturbed the annual ceremony in honor of the "Great October Revolution". They even made a special device from a fishing rod. When the main speaker was giving a speech about the Bolshevik revolution they pulled out a picture of St Mary behind his back. The picture bore the inscription. "Russia 1917-1987, my faith will win". None of the present officials noticed the picture, because they were sitting with their backs to it.

The curriculum at the faculty was approximately the same as it had been in the 1930s. Beside Russian, which was obligatory, classical languages or modern languages were taught but the progress was slow. German, the main

foreign language, was on a level of a basic school. Therefore many students learnt the languages in pairs or individually. The library contained some professional literature from the period before the Second World War. To visit other libraries was strictly forbidden. Students were not allowed to visit their families, except at Christmas, Easter and after the end of the semester, only a few days per year. They were also forbidden to travel to Prague, but they went to Prague secretly on Sundays. Here they sometimes managed to attend secret underground lectures given by Czech or even foreign theologians.

“SS Cyril-Method’s Theological Faculty”, which was the official name, was the only permitted institution where future Catholic clerics could be trained. The Catholic Church had to accept this fact being aware that any criticism might have brought about the prohibition of this institution. The reputation and the shortcomings of the faculty were known, but this was the way of life under “real socialism” (the expression used by the communist politician during the “normalization” period). The level of theological education was poor, but the Litomerice faculty was the only school where the clergy could graduate and afterwards work in Czech and Moravian dioceses.

On the one hand there was a lot of conforming to the regime on the part of the management of the faculty, on the other hand it was obvious that the conviction of the majority of the students was anti-regime. Everyone knew about this situation at the faculty and in the Catholic Church but no one mentioned this in public. On this point, the faculty reflected Czech society, because ordinary people behaved in the same way.

In the late 1980s the situation became more and more liberal. Students were no longer persuaded to collaborate with the secret police, they were not recruited to the collaborative association Pace in Terris, they were not forced to do the annual previously obligatory trip to Moscow. After the Velvet Revolution in 1989, the faculty returned to Charles University in Prague. Nevertheless, the consequences of the impaired intellectual life of the Church has, until today, been difficult to overcome. There is no doubt that other religious denominations in Czechoslovakia and other Central European countries underwent similar difficulties.

Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 2008. Armaments, Disarmament and International Security*

(Oxford: Oxford University Press, 2008, ISBN 978-0-19-954895-8); xxiv + 604 pp. \$108.55 h/b

This year sees the 39th edition of the SIPRI's red-covered *Yearbook*; without contest the most authoritative annual review of developments in the field of security and conflicts, military expenditure, arms production and disarmament. In his Introduction, SIPRI Director Bates Gill gives a mixed appreciation of the global security situation. While he acknowledges that the world faces several difficult security challenges ("a fragile security environment in certain regions, continuing build-ups of conventional and unconventional arms around the world, and uneven progress for arms control, non-proliferation and disarmament", p. 1), he points out that a "widening window of opportunity" exists for disarmament, due mainly to a growing public expectation worldwide, so that we might soon witness "the beginnings of the first serious discussions of arms control and disarmament in more than a decade" (p. 1).

The first chapter, devoted to 'Euro-Atlantic security institutions and relationships,' (pp. 15-41) gives particular attention to Russia's new 'offensive' approach to the West witnessed during the last full year of Putin's presidency, through four prominent disputes: missile defence, the 1990 Treaty on Conventional Armed Forces in Europe (CFE) regime, energy security and Kosovo. It sheds light on the increasingly complex and conflictual relationship between Moscow, the EU and the US, which is now reflected in the recent confrontation over the status of the two secessionist regions of Georgia. The chapter also analyses developments in Europe (mainly the adoption of the Treaty of Lisbon, and the European-US rapprochement led by Sarkozy's France government), and signals a shift in US foreign policy, the author asserting that "the policies that had diminished the [US] influence and prestige at home and abroad have largely been abandoned in favor of a more pragmatic approach to world affairs" (p. 41). In this regard, it would have been appreciated had the author further elaborated and provided more evidence of an actual shift in policy, particularly as regards the issues of the Israeli-Palestinian conflict and the Iranian nuclear controversy.

The chapter on ‘Trends in Armed Conflicts’ (pp. 43-71) contains comprehensive analysis of the phenomenon of ‘fragmentation of violence’ (p. 58) in 2007 in Iraq, Sudan-Darfur and Pakistan. The author, Ekaterina Stepanova, describes the ‘erosion of the boundaries between, for example, insurgency, terrorism, sectarian violence and one-sided violence against civilians’ (p. 43). A typical manifestation of this phenomenon, according to her, is the rise of sectarian (Sunni-Shia) and even intra-sectarian violence in Iraq, as well as the emergence of other armed actors, among them the controversial *private security companies* (PSC), whose “status [...], chains of command, operating guidelines and role in security operations have not so far been subject to any formal control” (p. 53). The activities of PSC, in Iraq and elsewhere, have indeed in recent years drawn the attention not only of human rights advocates, but also of academics, particularly in the field of international humanitarian law (See for example E.-C. Gillard, ‘Business goes to war: private military/security companies and international humanitarian law’, 88 *International Review of the Red Cross* (2006), pp. 525-572, and B. Perrin, ‘Promoting compliance of private security and military companies with international humanitarian law’, *Ibid.*, pp. 613-636). The *Yearbook* also contains each year a chapter devoted to international Military Expenditure and another to Arms Productions trends. Like the previous edition (See Stålenheim, P., Perdomo, C. and Sköns, E., “Military expenditure”, *SIPRI Yearbook 2007: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2007), pp. 267-297; Sköns, E., and Surry, E., “Arms production”, *Ibid.*, pp. 345-373), the work under review highlights the impressive level of activity and expenditure of both the US Defence administrations and US arms-producing companies. The author points the fact that since 11 September 2001 “it has proven difficult to keep track of the appropriations and actual expenditure incurred for the ‘global war on terrorism’ ” (p. 183), mostly to fund military operations in Afghanistan, Iraq and elsewhere. It is interesting to note that in 2007, the US Government Accountability Office (GAO) has criticized the extensive use by the Department of Defense (DOD) of ‘emergency supplemental appropriation requests’ rather than base budget requests, and concluded that “continuing to fund the ‘global war on terrorism’ through emergency funding requests ‘reduces transparency and avoids the necessary re-examination and discussion of defence commitments, and since the Bush Administration defines the ‘global war on terrorism’ as long term, more of its cost should be included in the base budget to allow it to be transparent and subject to debate” (p. 185). The same chapter again provides reference on the “rapidly rising military expenditure in the South Caucasus” (p. 185), with particular emphasis on Georgia, which military expenditure “has increased more than tenfold in real terms since 2003” (p. 189), not to speak of the significant foreign military aid the country receives from the USA and several NATO members.

As regards ‘Nuclear arms control and non-proliferation’ (pp. 337-365), the numerous developments occurred during 2007 regarding the controversial nuclear

activities of North Korea, and above all Iran (up to the NIE report of December 2007 which concluded that Iran had abandoned its military nuclear program in 2003) are well synthesized, as the failure of the UN Conference on Disarmament (CD) to open the negotiations on a global fissile material cut-off treaty.

Among the many other topics covered by the present edition, it is worth mentioning a comprehensive appendix on 'International public health diplomacy and the global surveillance of avian influenza' (pp. 456-469), highlighting the enhanced role of the World Health Organization (WHO) in the transnational coordination of the prevention of the pandemic, and a concise and well-documented 'survey of US ballistic missile defence programmes' (pp. 402-414), a must-read on this topic likely to remain, after the US-Poland agreement (20 August 2008) one of the main East-West confrontational issues in the foreseeable future.

Pierre-Emmanuel Dupont

***International Socialization in Europe:
European Organizations, Political
Conditionality and Democratic Change, by
Frank Schimmelfennig, Stefan Engert and
Heiko Knobel***

(Basingstoke: Palgrave Macmillan, 2006, ISBN 1-4039-9511-7); xvi+281pp., \$74.95 h/b

January 1, 2007 marked the end of the latest and largest wave of European Union (EU) enlargement, when Bulgaria and Romania followed in the footsteps of ten other countries in joining the EU. Accession has been understood as a triumph for the EU's "strongest foreign policy tool" of encouraging liberal democratic reform along and beyond its borders. Yet understanding enlargement in this way only tells one part of the story. The question of how far enlargement should continue remains an important contemporary debate: while the EU is in accession negotiations with a number of countries, there are many more who seek membership, and with whom the EU hopes to encourage reform without membership. And whilst some states have been successfully 'socialized', others have not (62). This asymmetry provides the point of departure for this book.

International Socialization in Europe assesses when and where Western organizations, such as the Council of Europe (CE), the Organisation for Security

and Cooperation in Europe (CSCE), the EU, and the North Atlantic Treaty Organisation (NATO), had an impact on the transformation of Europe. ‘International socialization’ as a phenomenon has become the marker for empirically measuring Western-inspired institutional reform from the assumption of its primacy. Schimmelfennig *et al.* argue that of the aforementioned organizations, the EU and NATO have been the primary socializers because they have been consistent, non-partial and non-discriminatory towards candidate countries (53); they have rewarded compliance in a meritocratic fashion (52); and they offer tangible material benefits to their members which corroborates a rationalist approach. Such organizational characteristics underline why the EU and NATO are the only bodies capable of “rule-conforming political change” (54).

This ambitious and methodologically sophisticated study offers a contribution to the ongoing debates of International Relations, Comparative Politics, international reform and development, European integration and enlargement, conditionality, and the future of EU non-membership strategies. It includes and bridges diverse case studies from geographically distinct areas. It studies socialization not only by examining institutions, but also by looking at other processes and conditions, particularly those in the domestic arena. The book is divided into sixteen chapters; the first four provide a theoretical and contextual framework of socialization as a process, and present the research design deployed in the book. The subsequent nine chapters present country-specific case studies of Belarus, Yugoslavia (Serbia), Turkey, Slovakia, Romania, Estonia, Latvia, Northern Cyprus, and Montenegro – each culpable of systematic violations of constitutive liberal norms. The authors further divide these case studies into three categories of party constellations: liberal party constellation states, mixed party constellation states, and anti-liberal party constellation states. Schimmelfennig *et al.* posit that international socialization will be effective and rapid in liberal constellation states, slower and less consistent in mixed-constellation states, and incompatible in non-liberal constellation states where the only prospect for progress has been possible after regime change has occurred (257). These party constellations go some way in explaining the inconsistency of the socialization process. The final three chapters assess the case studies through an application of Ragin’s Qualitative Comparative Analysis (QCA) and also include a study on the dynamics of socialization, and the book’s overall conclusions.

There selected cases show significant variation. Although some states were either members of the Soviet Union (i.e. Latvia, Lithuania, Estonia) or of the Warsaw Pact (i.e. Hungary, Poland, (then) Czechoslovakia), others remained outside the Soviet sphere and were politically part of the West. Similarly, these countries differ both in their violation of normative rules and in their subsequent transitions. The authors bring these diverse countries together in an assessment of conditions that arose irrespective of external systemic causes. While it is useful to understand common features of socialization and their predictive force, there is also potential criticism in uniting such diverse countries. There

must be reasons why 'outside' conditions are relevant; QCA is certainly prone to these criticisms. QCA can be an excellent research method for studying conjunctural causation in a large number of case studies, but there remains the potential that certain causal factors are absent from this analytical approach. The dichotomous nature of variables leaves the study vulnerable to a loss of information. In addition, not knowing the frequency of any particular combination of causes and outcomes may mean that a systemic altering event receives undue analytical weight. This study identifies fifty causes (231), but there are likely many more and it remains to be seen as to whether or not this is the most effective analytical method available, or if, alternatively, a comparative analysis employing a rigorous research methodology could be more appropriate. The authors are, however, aware of the potential shortcomings of their research method, and their work is strengthened by this recognition.

An EU or NATO membership perspective is a necessary, but not sufficient, condition for inducing compliance with Western norms. Only where the domestic power costs of compliance were low was the adoption of Western demands successful. Where compliance implied a regime change or interference of the incumbent government, the EU and NATO offer was insufficient to balance the domestic costs of acquiescence, save for when it was used to begin or conclude accession agreements. Countries failing to approach the Western liberal democratic model are not punished. Rather, they are simply excluded from the benefits and protections of EU and NATO membership until such a time that they have reconsidered the domestic price of compliance, so the impetus for change must come from within. The authors, in their conclusion, stress the need for NATO and the EU to back up their rewards-based strategy to aid recalcitrant and struggling countries, and for the need of NGOs to help in the process.

The conclusion highlights that EU and NATO membership perspectives can be successful at 'locking in' reforms in liberal and mixed party constellation countries, but that EU and NATO membership are not, however, the ultimate panacea. Certain anti-liberal party constellation states cannot be effectively socialized and a country must be located within Europe to be able to reap the benefits of membership. These conditions drastically limit the international potential of socialization insofar as the European Neighbourhood Policy, partnerships and associational or other agreements excluding membership are concerned. The authors do not mention the current debate about the need for deepening before widening, or how the EU will avail itself of its enlargement fatigue. The point is clear: the EU will have to get over these fears in the near future, because it has again reaffirmed that the EU's strongest foreign policy tool is membership, and that the Western international community is only able to ensure these reforms with credible membership perspectives, and moderate domestic costs of compliance. As for the immediate future, the authors stress the EU's need to act swiftly with respect to the Ukraine and Georgia if they wish to have an impact upon political conditionality and democratic change.

This is an excellent book with powerful arguments. Straightforward in both its composition and its structure, it offers a concise and methodologically sound approach to the study of socialization of countries bordering the enlarged EU, recognizing the unique nature of Europe as a densely institutionalized liberal international community: a must-read for anyone with an interest in EU enlargement or the relations between the EU and its Eastern Neighbours.

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Enlarging the Euro Area: External Empowerment and Domestic Transformation in East Central Europe, by, Kenneth Dyson (ed) (2006),

(Oxford: Oxford University Press, 2006, ISBN 9780199277674), 376 pp. \$125.00 h/b

Enlarging the Euro Area is one of the first studies that focuses on the expansion of the Economic and Monetary Union (EMU) towards the East. Following his earlier works on EMU (*Elusive Union*, 1994; *The Road to Maastricht*, 1999 with Featherstone; *The Politics of the Euro-Zone*, 2000; and *European States and the Euro*, 2002), Kenneth Dyson addresses EMU in this book as a “Europeanization” process and looks at how it affects the “policies, politics, and public institutions” in Central and East European Countries (CEECs) (3). Its main argument is that the best way to understand the domestic effects of EMU is through a “defining and negotiating fit” (DNF) framework (2). While the negotiating fit views EMU accession from a “multilevel context”—“Domestic, European, and global”—the defining fit views EMU accession as a “cognitive” and “strategic” procedure (2). Both the negotiating and the defining fit highlight the fact that “EMU conditionality requirements are not a fixed given” (2). Dyson distinguishes three main aspects of the DNF argument (10): power asymmetry between New Member States (NMS), the European Commission and the European Central Bank (ECB); the development of the “economic paradigm of ‘sound money and finance’ whose guardian is the ECB”; and a growing “structural and psychological” interdependence between the NMS and the larger EU—in which the NMS

are strengthening the ties with the EU. Dyson refers to this development as a “contagion process” (91; also 10-11).

In an attempt to study the reasons behind conversion in the NMS, *Enlarging the Euro Area* offers various “levels of analysis of Europeanization” (4). The first part places EMU in a wider global and regional framework. It analyzes the 1990s’ “global economic governance paradigm” shift toward open trade and capital mobility and how this affected the choices of the NMS regarding “negotiating fit” with EMU accession (Rollo). It also addresses the issue of when Member States should join EMU based on debates on fast accession (for or against), the NMS environment and their degree of readiness. The focus here is on the importance of the timing as an essential element of negotiating fit (Begg). The need for a market structural adjustment in the NMS and the cost/benefit analysis of joining EMU are discussed in this part too. The growing economic dependence between the NMS and the rest of the EU members should push more towards EMU expansion—keeping in mind the problems and risks of that and not confusing EMU expansion “with complacency” (91-92). Jones adds in this part a discussion of the implications of EMU expansion not only on NMS but also on the old euro members. Linsenmann and Wessels (108-124) discuss the implications of EMU expansion on the economic governance system and what the different available scenarios of development are: “keeping the status quo”; “reducing the load” (here the authors highlight the Euro expansion challenges); and “a learning process with an open outcome” (115-123).

The second part examines Dyson’s DNF by applying it to case studies from the CEECs. In addition to the Baltic States, which are considered to be the pacesetters regarding EMU accession (Feldmann), the cases include: Bulgaria (which is considered a country that moved from being a laggard to a pacesetter) (Dimitrov), the Czech Republic (which moved from a pace-setter to a laggard) (Bönker), Hungary (which was planning to join EMU the earliest and then suddenly delayed the Euro’s introduction until sometime after 2010) (Greskovits), Poland (Zubek studies the role of finance ministers and central bank officials in dealing “with the challenges of Europeanization through EMU”) and Romania (which is considered a determined laggard not only at the EU level but also EMU) (Papadimitriou). In their attempt to join EMU early, Estonia, Lithuania, and Slovenia became part of ERM II on June 28, 2008 followed by Latvia, Cyprus and Malta in April 2005 (69). As for Poland, Hungary, the Czech Republic and Slovakia, it is not clear that they have intentions to join soon. Based on the arguments in this part, the conclusion could be made that the smaller NMS are working harder to join EMU, while the bigger states are “more worried about the loss of flexibility” (69). We learn from this book that countries can swing between being characterized as pacesetters to being laggards in relatively little time (e.g. Hungary and Czech Republic). Moreover, countries could be viewed as laggards with respect to the *timing* of EMU accession, whilst being pacesetters regarding the *preparation efforts* (developments and policies they take for

joining EMU)—for example the cases of Hungary, Estonia and Poland, that are considered pacesetters in the field of financial sector developments (Mohácsi Nagy). It is a pity that the book does not include the Slovenian case — as this was the first of the CEECs to join EMU in January 2007.

The third part examines various patterns of sectorial governance. It analyzes EU financial market governance and the role of EMU in its evolution and convergence (Mohácsi Nagy). It also deals with the efforts to face the bank failures in the CEECs. The focus here is on privatization in CEECs by investors mainly from EU 15 (242) and the strengthening of banking scrutiny and “financial regulatory system”. The role of the EU in this process is viewed as very authoritative and vertical (246). Another issue is the effect of EMU on fiscal policy reform and fiscal institutions (Dimitrov). Dimitrov emphasizes the role of various aspects, whether domestic or EMU, in influencing the interaction between fiscal policy development in CEECs and euro entry (262). The final section in this part discusses the implications of euro entry on welfare state adjustment in CEECs and the public spending problem (Rhodes and Keune).

Dyson concludes the book by emphasizing that Euro entry should be viewed as a DNF process not only at the EU level but also at the domestic one. He revisits the two main concerns of the book: the domestic effects of EMU accession on the CEECs, and the type of Europe that is emerging due to this process. Overall, the book’s main findings do not contradict previous researchers’ conclusions regarding the Europeanization process in the original EU members. The domestic effects of EMU, which take various forms across space and time, are more distinct in “domestic policies than in politics or polities” (310; see also 315).

One weakness of the book is that it does not cover extensively the political situation of countries, such as: who is in power, who is the ruling party, do we have a two party or multi party system, and how stable are the coalition governments in those cases that have several parties in power. This political situation affects the fiscal and monetary performance and financial institutions in the CEECs and thus it would have been beneficial to learn more about the domestic political situation in these countries. For example, if the ruling party is generally EU skeptic, then the policies it pursues regarding the speed of euro accession would obviously be different than those of a pro-EU government. Another problem is the selection of cases. If the book had included the Slovenian case, would that have affected the findings and thus the conclusions? Despite these shortcomings, *Enlarging the Euro Area* is nevertheless an excellent book. It is one of the first comprehensive studies to deal with the Eastern move of the euro. As such, it is a must read for all who are interested in the euro not only theoretically and empirically but also for comparative purposes.

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