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EDITOR'S POLICY ANALYSIS
MISMANAGING OPPORTUNITY: ISRAEL'S POLITICAL BLINDERS

Introduction

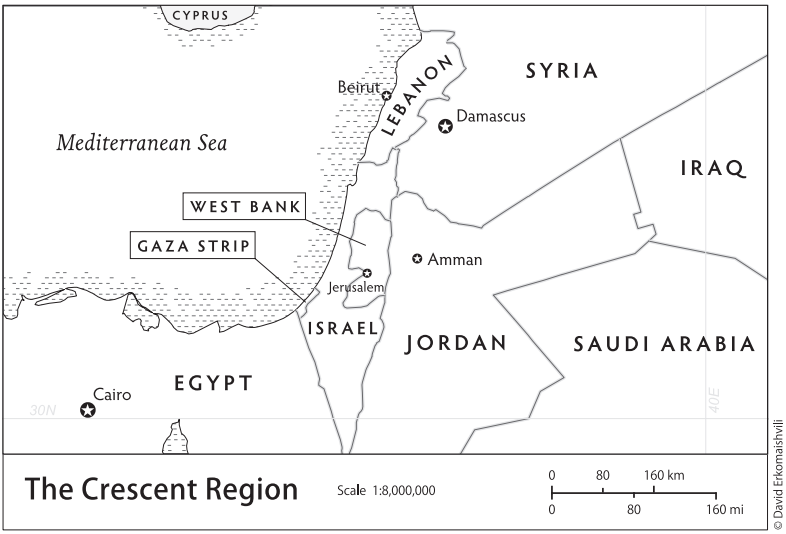
Former Jewish guerrilla-turned-Prime Minister, Menachem Begin, reputedly remarked that the 'darkest place is directly under the light.' While the context of his observation was rooted in conducting a terrorist war of attrition against British mandate forces, the logic can be superimposed onto nearly any situation involving the game of political hide and seek. In the dynamic environment of current Middle Eastern politics it is clear that all political communities should seek optimal policies to cushion themselves from both internal combustion and spill-over from turmoil among their neighbours. Despite the obvious policies Israel could advance, it is sitting idly on the fence waiting for situations to unfold instead of meeting challenges more directly and constructing a more innovative and thoughtful set of policy options. This is hazardous to the Israeli polity which is already desperately straddling a political abyss as the sweeping revolutions in Egypt and Syria threaten to redraw political allegiances along the Crescent while the recent Declaration of Palestinian Independence painted Israel into a reinforced, but terribly uncomfortable, corner.

Israel's political leadership bears full responsibility for ensuring that the citizens of the country are safe and secure in terms of physical security, economic prospects and social cohesion. Yet, by allowing the domestic and foreign policies of Israel to be determined by exogenous factors, they are culpable of the crime of costly political lethargy. Indeed, Israel's political toolbox is expansive, yet its leaders have shown themselves to be incapable of adequately addressing the problems faced by Israelis and prefer to rasp-on, deploying archaic themes and archaic language.

Whether Israeli leaders publically admit so or not there are five distinct states which border Israel and it is irresponsible to relegate any one of them from the state's political radar. Egypt, Jordan, Lebanon, Palestine and Syria are of equal importance for Israel and if Israel were truly interested in participating in the construction of a viable, politically stable Crescent region it needs to mobilise its energies much more comprehensively then it currently does. Israel requires a new

grand strategy, a new approach, for utilising the opportunities which are opening all around it.

While domestic problems – re: the 'tentifada' – are certainly important, those beyond Israel's frontiers are, at the time of this writing, more pressing as they are certain to impact the domestic socio-political and economic scene. If, for instance, Israel were not concentrating on finding ways to expropriate more Palestinian territories for the sake of consolidating counter-productive settlements, it would find its purse heavier and its international economic and political clout more robust. Alternatively, if it continues to construct such housing units it risks further international isolation combined with the sunken costs of having to secure volatile swathes of land. In short, Israel's West Bank policy is denying its own citizens important financial resources while empowering more radical elements of Israeli society and, consequently, heightening tensions with Palestine and the wider Arab world.



On reflection, it is clear that Israel's leadership is missing glaring opportunities to secure the state and the wellbeing of its citizens. Instead of falling victim to the logic of tit-for-tat garrison security, Israel must look two steps back in order to take one step forward. There is no reason, ethical or practical, for why Israel is hunkered behind metaphorical barricades. In fact, it is bizarre that a country with such enormous economic and military power is so politically languid. If Israel is to trailblaze a new course which would benefit its citizens and the surrounding

Arab peoples it needs to change the nature of its interpretation of the world around it. This can only come about through regime change; not the kind of regime change experienced in Egypt, Libya or Tunisia, but rather the kind of regime change seen in the former Communist state of Czechoslovakia (now the Czech and Slovak Republics) where domestic dissatisfaction obliged the Communist leadership to stand down and ultimately be held responsible for its abuse of power. In Israel, although Netanyahu (PM) and Lieberman (FM) were democratically elected, the situation warrants a complete shake-up of the political system to make room for new, fresh ideas otherwise Israel will become entrenched in Middle Eastern mud and ultimately fall victim to national suicide.

This brief survey is meant to illustrate some of the more comprehensive steps Israel could and should take if it is determined to: 1. remain a legitimate, recognised state, 2. make peace with its neighbours, 3. secure an adequate future for its citizens, and 4. remain a culturally Jewish though ethno-heterogeneous state. The work proceeds by presenting a brief set of defining issues of discontent, current contexts and potential solutions to construct or repair Israel's relations to each of its five neighbours.

Egypt

Major Issue(s) of Discontent: At present Israeli-Egyptian relations are determined by three minor territorial issues (re: the status of the Sinai Peninsula as a 'demilitarised zone,' the Gaza Strip and access to the Suez Canal), one politico-economic issue (re: the Egyptian-Israeli gas pipeline) and one ethical issue (re: Palestine).

The Current Context: Since the overthrow of the Mubarak regime, Israeli-Egyptian relations have plummeted to their lowest levels since before the Camp David Accords (1979). From Israel's confused shooting of Egyptian border guards, the sacking and arson of Israel's embassy in Cairo, to the Egyptian acceptance of Iran's navy traversing the Suez Canal into the Mediterranean Sea, it is clear that Israeli-Egyptian relations are undergoing tremendous transformations. Whereas, previously, Israel could rely on Mubarak's Egypt to act in favour of preserving the status quo, the current situation is largely unpredictable and it seems that the Egyptian military has lost control of the Sinai Peninsula, producing a vacuum that organised criminal and militia groups have rapidly sought to fill. This led to the successive bombing of the Egypt-Israel-Jordan gas pipeline, the increase of arms and people smuggling operations into and out of Gaza and a general decline in border security. Israel has not adequately responded to the changes

along the tristate border with a comprehensive set of policy objectives and treats Egypt as though it were still governed by Mubarak. Whether such lethargy stems from Israel's current incapacity for policy innovation or is symptomatic of its fear of international involvement in its foreign relations, the result is the same: Israel is losing its Egyptian ally and doing little to avoid such an outcome.

Potential Solutions: There are four mutually reinforcing policy additives Israel could embark on for the long-term objective of sustaining and enhancing peace with Egypt:

Firstly, Israel needs to involve other members of the international community in preserving its relationship to Egypt. Lieberman's bullish diplomacy is not going to win over any friends among the emerging political elites in Egypt, who themselves must respond to the demands of Egyptians, not Israelis. Instead, Israel needs to change its tactics and seek to demonstrate the consequences to regional and even international security the erosion of Egyptian-Israeli relations is likely to produce. The UN and EU stand as the best-placed actors since the former has been deeply involved in monitoring and enforcing the demilitarisation of the Sinai since the 1956 Suez war and the latter has consistently prioritised EU-Egyptian relations and Egyptian-Israeli normalisation as part of its regional security drive. In other words, while the UN is endowed with practical knowledge of the border region and has the mandate to maintain the demilitarised nature of the Sinai, the EU has the financial means, and political will, to ensure that Egyptian-Israeli relations weather the storm the former's popular revolution produced. But these actors require an appropriate mandate prior to re-engagement; a mandate that can only be requested by Egypt and Israel together.

Indeed, Egypt and Israel must reinvent their relations through a Camp David II Agreement which pledges to retain their unique relations, empower the UN and EU to assist them in securing their shared frontier. Such an agreement should not depend on which party is in power in Egypt, as Israel has forfeited its right to demand 'favourable' governments in Egypt since it has, on many occasions, elected governments or constructed coalitions which were detrimental to Egypt's internal security and actually played a significant role in alienating Mubarak from the Egyptian people.

Thirdly, one of the key areas of discontent in Egyptian-Israeli relations continues to be dogged Palestinian-Israel relations and it seems that, despite Egypt's strategic interests, Palestine will continue to act as an engine driving a wedge between Egypt and Israel. Indeed, Egypt is, like any other country, guided in its foreign policy by both strategic and moral interests and Israel needs to address both if it wishes to retain

Egypt as a dependable and peaceful neighbour. This implies that Egyptian-Israeli relations are tied to the way in which Israel engages with, and behaves towards, Palestine. While there is no love lost between Egypt and Hamas or even between Egypt and Palestine – after all Egypt occupied the Gaza Strip between 1949-1967 without extending citizenship or even basic rights to the Palestinians – there is an increasingly acute demand that Israel allow Palestine and Palestinians to enjoy sovereign rights and socio-economic and political freedom. Whereas the Mubarak regime was comfortable enforcing its own blockade on the Gaza Strip, the current and likely future, political elites are working to undo much of the former regimes labours and have opened up the Rafah crossing, somewhat relieving Gazans of economic burdens. This comes at the cost of tensions with Israel which is neither willing nor politically able to follow suit. Israel needs to further engage with Egypt to hoist it to a more pronounced and responsible arbitration position as vital negotiator between Israel and Hamas. This has already been practised, with varying success, over the past five years though the recent prisoner swap which freed 1000 Palestinians and Israeli soldier Shalit clearly demonstrates the positive outcome the involvement of Egypt may produce in Israeli-Palestinian relations.

Fourthly and finally, Israel needs to engage Egypt to maintain the Crescent's balance of power. Over the past decade a four-way miniature 'great game' has unfolded in the Arab-Muslim Middle East involving: Egypt, Iran, Saudi Arabia and Turkey, and Egypt's own long-term security very much depends on its relationship to Israel – a regional military superpower – and the EU and US. However, Egypt has been slow to accept such a perspective over its own geostrategic role. This should be reinforced by Israel through further intellectual and political joint-ventures which seek to build consensus on avoiding exogenous penetration of the East Mediterranean Sea area.

Jordan

Major Issue(s) of Discontent: At present Israeli-Jordanian relations are determined by one ethical issue (re: Palestinians).

The Current Context: Jordan has, de facto, been an unofficial ally of Israel since the assassination of King Abdullah I (1951) in Jerusalem's Al Aqsa mosque. Despite the wars waged between Israel and Jordan (1948 and 1967), they have identified and pursued the shared strategic interests of: preventing the rise of Nasser's Egypt to regional hegemony (1950's and 1960's), waged simultaneous conflicts against the PLO (1970's and 1980's) and against religious-inspired terrorist groups

(1980's until the present), balanced against Syria (1970), and formalised their relationship in 1994 with the invocation of an official peace treaty and alliance. Additionally, both countries face a challenge from Palestinian groups since both are part of ancient Palestine and, at present, Palestinians comprise some 70% of Jordan's total population. However, Israel's treatment of the Palestinians in the West Bank and Gaza reverberate throughout Jordan and have, at times, produced immense tremors in the former's political establishment, contributing to alienating the ruling Hashemite leaders from large segments of the population. So, while in the current context Israel and Jordan enjoy wide and comprehensive relations, including a visa-free travel regime, any disruption to the ruling order in Jordan will likely upset such relations. Likewise, in the event of Palestinian independence in the West Bank and Gaza Strip, Jordan will probably face renewed internal pressures to connect with Palestine. Given such circumstances, Israel needs to strike a balance between its strategic alliance with Jordan and its relationship to Palestinians in both soon-to-be-Palestine and Jordan.

Potential Solutions: In a bid to maintain and deepen its strategic relationship to Jordan, Israel should develop a three-pronged policy approach:

Firstly, it is important to note that Israeli-Jordanian relations currently gravitate around intelligence sharing, military cooperation (joint training), and strategic calculations. While such relations are mutually beneficial when it comes to hard balancing, deterrence, coercion and broader military security, they are limited and unable to address the new security dilemmas currently faced by both. Indeed, while Israel is busy fighting its war of attrition with the Palestinians and Hezbollah, Jordan is facing an acute legitimation predicament where the ruling Hashimites are increasingly labelled as un-Islamic, Western serving, Israeli pawns by an increasingly assertive number of Palestinians who do not share many of the financial benefits awarded to the ruling classes. This has resulted in Jordan's distancing from Israel – instead of further entrenchment – during times of crisis. While Jordan continues to behave as an Israeli ally, their relationship is becoming increasingly difficult to maintain. Therefore, Israel needs to launch a diplomatic offensive in Jordan to reinvent the Wadi Araba Treaty (1994) and extend it beyond the hard security relations the two countries currently enjoy. Such a Treaty renewal should act to consolidate economic and social activities in much the same way the Benelux countries embarked on their integration project after WWII. The visa-free travel regime between Israel and Jordan should pave the way for enhanced economic interactions and produce a free-trade zone. It is likely that such an initiative would spiral beyond the

two within a relatively short period of time since economic, and subsequent political, benefits would quickly materialise. Such a project would secure Israeli-Jordanian relations by providing an economic boost both could enjoy, relieving Israel of its regional isolation and generally tie the two together in areas beyond material security. In short, the Wadi Araba II Treaty could evolve into a distinctive regional union, a Union of the Red Sea (URS) or East Mediterranean Union (EMedU), where past and present economic and political relations are institutionalised, lines of communications are opened and sustained and the wide spectrum of shared interests are pursued.

Secondly, and as part of their renewed relations, Israel must embark on a diplomatic offensive among its more enduring partners in the EU. At present, Israel enjoys intense economic and political relations to the EU and is often considered the 28th state of the Union. Such a favoured status however only truly benefits Israel (and the EU) and must be considered as a relative gain since Israel's regional isolation prevents its economic gains from percolating to its neighbours. Israel should deploy its energies to bring Jordan to a similar position. Jordan can offer the EU a variety of important economic opportunities though, at present, has no direct way to demonstrate these. Additionally, as the EU is emerging as a unique regional security actor it requires stable partners to fulfil its own strategic objectives. A union of Israel and Jordan (later joined by others) could act as an EU platform into the Red and East Mediterranean Seas more comprehensively than through bilateral relations. Finally, such efforts, if successful, would deepen other states' desire to conform to the (new) Union's requirements and would likely encourage more diplomatic exchanges between Israel and the wider Middle East. In this, and behaving the way and ally should, Israel could work alongside Jordan to reshape the Crescent region by encouraging its European allies to further engage with its Jordanian partner.

Finally, in order for such efforts to bear fruit, and to decrease Jordan's legitimacy crisis, Israel again needs to solve its own Palestinian quagmire. Unlike Egypt, Lebanon and Syria, Jordan granted its Palestinian population full citizenship rights and fully integrated them into Jordan's socio-political structures. Despite gross economic disparities between the Hashimites and Palestinians, it is clear that Jordan has been much more responsible towards the Palestinians than any other Arab state. However, Israel's incapacity of solving its Palestinian 'problem' has stymied more robust relations with Jordan. Therefore, for Israel to fully capitalise on its relationship to Jordan (and much of the rest of the Arab world) it needs to recognise Palestine and labour towards its economic and political stability.

Mitchell A. Belfer

Issue(s) of Discontent: Israeli-Lebanese relations are currently determined by one minor territorial dispute (re: the Shabaa Farms), two relational quagmires (re: Hezbollah and Iran), and one ethical issue (re: Palestinian refugees).

The Current Context: Although Lebanon managed, largely, to steer clear of the revolution engulfing Syria, its position remains the most tenuous in the region. Plagued by an enduring ethno-religious conflict between Christian (Maronite), Shiite, Sunni (Lebanese and Palestinian) and Druze, major powers have attempted to penetrate the country in a bid to influence the direction of Lebanese politics. Iran continues to materially and diplomatically support Shiite Hezbollah while Saudi Arabia has moved to consolidate its own political influence among the post-Rafik Hariri Sunni community. The geopolitical swaggering of Iran and Saudi Arabia in Lebanon is pervasive and it is a matter of time before Lebanon is again in the midst of paramilitary activity. Israel cannot afford to be idle. The intra-Lebanese conflict in the 1970's and 1980's brought Israel to occupy large portions of the country in a long-term, but disastrous, 'stabilisation' mission. The result was many thousands of Israeli soldiers and Lebanese civilians killed and wounded, hundreds of thousands displaced, the creation of more radical resistance movements such as Hezbollah, the penetration of Lebanon by Syria and Iran and a general undermining of Israel's international image as a 'defensive' actor. If Israel has learned from its own recent history then it must never again occupy Lebanon. Instead it needs to deny its adversaries, particularly Hezbollah (re: Iran) legitimate grounds for belligerency so it may, finally, secure its northern frontier.

Potential Solutions: There are three mutually reinforcing policy additives Israel could embark on for the long-term objective of sustainable peace with Lebanon:

Firstly, Israel must unilaterally and unconditionally withdraw from the Shabaa Farms, a left-over out-post of its failed occupation of Southern Lebanon. Legally, the Shabaa Farms belong to Lebanon though Syria, under the al Assad regime, claims the territories as its own. Israel's public logic for holding onto the territory rests on the argument that if it were to withdraw, Syria would take the land and use it as a spring-board for further claims on the Golan. This logic is completely skewed since Israel's presence deflects the growing tensions between Lebanon and Syria over ownership of the Farms. If Israel were to evacuate the area and allow the Lebanese and Syrian's to sort out ownership issues themselves it would simultaneously

deny Hezbollah legitimate 'rights' of self-defence against Israeli occupation since Israel would not be in command of *any* recognised Lebanese territory. Additionally, it would force the hand of the al Assad regime since any Syrian claims to Shabaa would be countered by Lebanon and Hezbollah.

Secondly, similar to Syria, though to a much greater extent, Lebanon has been forced to bear the financial brunt of resettling many tens of thousands of Palestinians. While part of these came from the Jordanian-Palestinian conflict (Black September, 1970), the bulk were made stateless during the first Arab-Israeli conflict (1948). From then until our own times, Palestinians have not been integrated into Lebanese society, not least because of the PLO's paramilitary actions against Lebanese civilians prior to their 1982 expulsion by the Israeli military. However, the existence of Palestinian refugees in Lebanon (some 422000 in 12 facilities) delegitimises Israel since many continue to live in squalid conditions with few prospects; they are turned into perpetual scapegoats for what is wrong in Lebanon and into the reason for rejecting a general Arab-Israeli peace initiative. Israel should develop a clear financial package to help integrate Lebanon's Palestinian community into the wider society. This would, obviously, be a tricky endeavour and likely to be met with initial rejection. However, if Israel were to deploy some of its political leverage, expend adequate energies, and develop a progressive strategic approach to the issue, it may get results. This financial package should be based on providing funds to the Lebanese Ministries of Housing and Economics – under US, EU, Russian and UN auspices – to directly construct housing and industrial-commercial opportunities for Palestinian refugees. Israel needs to demonstrate its willingness to financially compensate Palestinians for their lost lands and to Lebanon which has paid for such displacement for nearly five decades. Finally, such incentives could be sold as a national interest for Lebanon, which has had its own troubles attempting to govern Palestinian camps, as witnessed in the 2007 'camp war' in Nahr al Bared when the Lebanese army was deployed to suppress a Palestinian Islamic uprising. The result was the destruction of the camp and the re-displacement of some 28000 Palestinians.

Thirdly, in order to secure its northern frontier, and contribute funds for the integration of Palestinians, Israel needs to work together with Lebanese authorities. It is time for Israel to remove its self-imposed political blinders and start the long and arduous process of relationship building with Lebanon. Since the aborted 17 May 1983 Israeli-Lebanese Peace Treaty, there have been almost no high-level contacts between Israeli and Lebanese officials despite their increasingly apparent

mutual interests. For instance, despite the lack of internal Lebanese public discourse on the issue, most Lebanese, including most Shiite Muslims, are sceptical of Hezbollah and the means it has deployed on its assent to power. The only reason Hezbollah has managed to maintain its power position has been through the successful deployment of Iranian and Syrian arms to coerce Lebanese officials and civilians, Iranian money to bribe other officials and civilians, and nationalist sentiment as a glue to coalesce many Lebanese around a make-shift flag; the flag of resistance to Israel. However, without properly addressing the real needs of the Lebanese people, Hezbollah is destined to collapse. Thus, if Israel were to evacuate its last out-post, the Shabaa Farms, Hezbollah would lose a major part of its raison d'être and be forced into the mainstream of Lebanese politics, where Israel should keep open the option of negotiating with it since it also, legitimately, represents the aspirations of many Lebanese.

Palestine

Major Issue(s) of Discontent: At present, Israeli-Palestinian relations are defined according to three major territorial disputes (re: the West Bank, the Gaza Strip and Jerusalem), two socio-economic issues (re: taxation transfers, trans-border employment), and two major ethical issues (re: Palestinian refugees and rights of return, the West Bank Wall).

The Current Context: Whether Israel accepts so or not, Palestine has taken a major step forward in its bid to achieve national independence. This comes at a time when Hamas is firmly in control of the Gaza Strip; compounding the difficulties facing Palestinian Authority (PA) President Mahmoud Abbas in gaining international acceptance for a Palestinian state. While Palestine has avoided the major revolutionary movements engulfing the Middle East, there is growing momentum that the PA make unilateral progress in constructing a viable, secure and recognised state. This implies a tenuous four-way balance between the demands of the international community, Israel, Hamas, and the Palestinian people, all of which have different objectives, interests and demands over how to create an independent Palestine and what its frontiers would look like. Israel has developed a self-destructive policy towards Palestine and prefers an unstable status quo to long-term peace and mutual prosperity. While Israeli leaders, particularly Netanyahu, have gone to great lengths to suggest that there is no one person he could call to make peace, it is doubtful he is even willing to use the telephone. As a result of Israeli leadership – and its cooption of the

US – it is likely that Palestine's UN bid will be vetoed. This will not only besmirch Israel's and the US's reputation, but will likely instigate renewed violence since the Palestinians will truly feel, as a community, a sense of complete desperation and opt for a more violent solution to gaining national independence. While violence should always be considered morally wrong, such a violent outburst would be understandable. In order to avoid further bloodshed, and to achieve their moral and strategic visions, Israel and the PA need to cooperate on the construction of an independent Palestine. However, Israel holds almost all the cards and it needs to readjust itself to make way for such a Palestinian enterprise.

Potential Solutions: There are four mutually reinforcing policy additives Israel could embark on for the long-term objective of sustainable peace with Palestine:

Prior to undertaking any other steps, Israel needs to recognise the natural right of Palestine to exist as an independent member of the international community. This is both in Israel's strategic and moral interests since it should be the first to understand the great insecurities borne of a nation unable to exercise statehood. After all, the entire Zionist project was rooted in providing a modern state for the dispossessed and vulnerable Jewish people of Europe; a state that was meant to coexist with the wider Arab populations in Palestine and throughout the region. It is also worth remembering that the term 'terrorist' was applied to many of Israel's founders as the young, burgeoning state deployed asymmetrical violence against the governing British authorities in much the same way that Palestinians deploy violence against Israel. While there are, of course, stark differences between how (re: suicide bombers) and why Palestinians resort to terrorism, it is undeniable that they are carrying on a long tradition of deploying such means. As it stands, Palestine is already independent and Israeli authorities are loathe to directly and adequately govern Palestinian-majority territories in the West Bank and Gaza Strip. All that is missing is the official stamp of recognition and Israel needs to be among the first to extend its hand to Palestine in its independence bid so it can disengage and its military return to what it does best, defend Israel's recognised territorial boundaries in ways that are consistent with its self-prescribed doctrine of defence instead of conducting morale-sapping police exercises.

Extending official recognition to Palestine is only part of the answer though and, secondly, Israel must abandon the *politics of peace* in favour of the *prudence of peace* as the foundation for how it behaves towards an independent Palestinian state. This entails the transfer of responsibility for delineating Israeli-Palestinian boundaries from

governmental to civil-legal authorities. In other words, Israel must allow its Supreme Court (ISC) to decide on the final frontiers with Palestine. Precedence offers some insights into how the ISC functions and it is the only body which has ordered the removal of parts of the 'security fence' so that it does not impinge on Palestinian territory. Admittedly, such actions are few and far apart. However, if the Courts were granted ultimate authority over deciding on Israel's frontiers, the outcome would likely be more acceptable to the international community and the Palestinians and Israelis than if responsibility would continue to be held by the governing elites who tend to use potential borders as either a 'land grab' or to obtain other political goals. Additionally, the ISC, in ruling on the boundaries of Israel, would also be able to delegitimise Israel's settlement policy from within and order concrete actions to aid in overcoming these all-too-political obstacles erected by successive Israeli administrations to put 'facts on the ground.' Indeed, the ISC could build its own 'judicial union' with the Palestinians and international legal bodies such as the UN's International Court of Justice (ICJ), to facilitate transparency in its legal proceedings over both states' territoriality and to assist the Palestinians construct adequate legal instruments and institutions to fill the legal vacuum likely to be spawned by final status agreements.

Using a joint ISC-ICJ-PA 'judicial union' is also essential in solving the most potent hurdle to the normalisation of Israeli-Palestinian relations: Jerusalem. There are few places on earth which evoke such blind passions over ownership than Jerusalem, which is precisely why legal arbitration is required. For Jerusalem however, the only truly viable solution is the double-edge demilitarisation-internationalisation of the city, under the auspices of the UN and EU. Practically, Palestine's administrative capital should move to Ramallah while Israel's should move to Tel Aviv, both of which are already home to the international diplomatic corps, are the most populous urban centres of their respected state as well as economic and social engines. This will prove to be a strenuous endeavour, but it is vitally needed since the suspended animation of Israeli-Palestinian negotiations demands that both compromise on their religiously-inspired claims so they can start to focus on their political interests.

Chief among such political interests, and the third potential solution presented in this work, is economic in character though will produce political dividends, namely Israel needs to financially invest in constructing a viable Palestinian economy through a series of 'tied' industries which mirror the foundation of the European Communities following WWII. In other words, Israel needs to invest in the industrial

and economic sustainability of Palestine by constructing 'High Commissions' in which Palestinian's play a decision-making role in the distribution of monies to the sectors that most need financial boosts. This will reduce the amount of foreign aid Palestine requires and will ensure that Israel and Palestine maintain open negotiations, no matter the tensions and crises they face since both their economies would suffer from any severing of relations. In this, Israel again holds all the cards since its economy is world-class while Palestine is an international dependent and has no economy to speak of. But Israel cannot hope to retain its economic status while fighting a series of small wars, propping up defunct settlements and sponsoring an assortment of strange religious communities that are not reflective of the wider Israeli polity, do not serve in the Israeli army or pay regular taxes and tend to drag Israel into unnecessary conflicts. Simply, Israel is haemorrhaging monies in support of those who do not contribute to a negotiated settlement with the Palestinians while denying Palestinians investment that could be used as a means of 'tying' two economies, reduce economic disparities and thus produce a win-win economic-political situation.

In saying this, and in light of the recent, successful indirect negotiations between Israel and Hamas over Shalit, it is clear that Israel needs to consider Hamas as a political counterpart, together with the PA and Fatah under Abbas. While Hamas is more concerned with maintaining its control over Gaza as a statelet, and should, by any measure, be considered a criminal organisation, Hamas can deliver on its pledges. Thus, the fourth and final solution to the current Israeli-Palestinian conflict is rooted in the legitimation of Hamas as an equal – to the PA – representative of Palestine. The intra-Palestinian conflict likely to ensue following the declaration of Palestinian independence must be considered part of Palestine's political maturation and Israel needs to remain impartial. At the same time however, Israel needs to enter the political discourse of the Palestinian people no matter their elected or unelected leaders. This implies not selecting the type of government it is willing to negotiate with, but rather keeping an open approach to negotiations and dialogue and allowing Palestinians to choose their government according to their own ambitions and desires. On the surface this approach is wrought with insecurities for Israel. After all, it is possible that the Palestinians vote in Hamas as a revisionist entity seeking to reclaim 'all of Palestine,' including pre-1967 territories. However, if such a situation were to materialise, Israel would be able to stifle resistance since Palestine would be independent and thus forced to follow international protocol. In the case that Hamas would, as the legal representatives of

Palestine, seek to upset the status quo through subversion or direct military combat, Israel would be within its legal rights to respond with its full military capacity. In short, Hamas needs to be brought into the fold of Israeli-Palestinian relations and if it takes up a hard-line stance and physically attacks, or allows others to attack, Israel, the latter would have international law on its side when it defends its citizens and territory. This is in direct contrast with the current situation where attacks against Israel are not subject to international law since Palestine is not considered an independent state and therefore does not have to abide by the rules of international relations.

Syria

Issue(s) of Discontent: Israeli-Syrian relations are defined by one significant territorial dispute (re: the Golan Heights), three relational quagmires (re: Syria's support for Hezbollah, and Hamas and its alliance with Iran) and one ethical dispute (re: Palestine and Palestinian refugees living in Syria). Each of these are reconcilable and it is wholly possible to negotiate a settlement over each.

The Current Context: Syria is in the midst of upheaval. More than three thousand people have been murdered by the ruling Ba'athists' crackdown on demonstrations since March 2011. This has resulted in a tremendous influx of internally and internationally displaced people with Lebanon, Jordan and, particularly, Turkey, rushing to provide humanitarian assistance to those either fleeing the violence or taking the opportunity to improve their general quality of life through migration. Such an internal Syrian conflict has the potential to greatly enhance the perception of Israel as a respected regional actor, which, when the violence ceases – hopefully following the collapse or major reform of the al Assad dynasty – could be developed to construct a viable peace between Syria and Israel while undermining exogenous strategic influences in the region. Such an outcome is not merely guesswork and neither is it a naive appreciation for the unravelling situation. It is possible if Israel were to take bold initiatives to expose the duplicity of Iran in the suppression of Syria's reform movement and reach out to address the interests and socio-political desires of the Syrian people.

Potential Solutions: There are five mutually reinforcing policy additives Israel could embark on for the long-term objective of sustainable peace with Syria:

Firstly, Israel should emerge as a refugee destination for the endangered Syrian populace. While Israel is (rightly) wary of allowing untold numbers of Syrian political refugees into its (post-1967) territory,

it must clearly demonstrate that it is the humanitarian actor it claims to be. If, for instance, Israel were to allow some 5,000 Syrian refugees to enter the Golan Heights where they are greeted by an established refugee camp with clean water, food and safety, it would do much for the international perception of Israel while saving Syrian civilian lives. Israel would be under no obligation to incorporate such refugees into Israeli society but should take the opportunity to provide them with economic incentives by constructing industrial and commercial centres on the Golan for their employment. These can later – after the fall or complete overhaul of the al Assad regime – be used as a confidence building measure (CBM), where Israel and Syria begin their new relationship as two democratic states committed to each others' material and physical security.

Secondly, as the internal combustion in Syria continues to sputter along, Israel needs to enhance its media coverage of the depth of the al Assad regime's support from Iran and Hezbollah thus delegitimising both the former and latter in the eyes of Syrian citizens and the emerging political elites. Far too few reports have been publicised connecting the suppression of Syria's democratic movement to Iran's Revolutionary Guards and Hezbollah despite the overwhelming, and mounting, evidence revealing just that.

Thirdly, while Israel is not required to relinquish control over the Golan Heights – prior to 1967 Syria had abused its strategic position overlooking the Galilee to launch *fedayeen* and artillery attacks against Israeli civilians and lost the territory fair-and-square in the Six Day War – it is able to increase its regional clout by offering financial compensation for the captured territory. This would be an especially prudent step considering that Syria often cites lost revenues and therefore a weakened economy as justification for reclaiming the mountain range. Additionally, Israel would, through such a financial compensation package, provide the new government (if the al Assad regime would collapse) with vital finances required to reconstruct the state's economy and infrastructure after decades of mismanagement, nepotism and corruption.

Fourthly, Syria may be sceptical of dealing with Israel as long as the latter's position vis-a-vis the Palestinians remains unchanged. In this regard, Syrians – no matter their political colours – regard the road to Damascus (re: peace between Israel and Syria) as running through Jerusalem (re: a fair settlement between Israel and Palestine). To overcome this stigma Israel should embark on a two-pronged approach: 1. it should immediately negotiate with Palestinian President Mahmoud Abbas for the establishment of a free and independent Palestinian state and, 2. it

should offer additional financial compensation for the Palestinian refugees currently residing on Syrian territory. The first of these is discussed at length below; however the second point needs to be explored since Syria has absorbed a heavy financial burden attempting to provide for Palestinian refugees. Admittedly, Israel is not the only actor responsible for Palestinian displacement. However, it has the potential to positively contribute to solving the problem and thus could take measures to financially support Palestinian refugees' incorporation into Syrian society.

Fifth and finally, Israel needs to surmount its scepticism of inter- and non-governmental organisations and properly involve the international community, particularly the EU, NATO, and the Council of Europe in formally ending its state of war with Syria. Gone are the days when the US monopolised international influence and would unabashedly support Israel and the latter needs to engage those organisations which truly want to see an end to Israeli-Syrian hostilities. Engaging with the three aforementioned actors would assist Israel make the financial contributions noted above and would facilitate Israel's emergence as an engaging and progressive contributor to regional and international peace, security and stability.

Conclusion

While the above sought to demonstrate ways for Israel to forge a new strategic identity through the adoption of an entirely different foreign policy approach which recognises some of the more obvious tracks it could embark on, there is one additional area that needs to be considered, namely the way others view Israel. Indeed, this work would be absurdly incomplete if it were to neglect the major hurdles Israel itself has erected in the construction of a more stable and prosperous Crescent region. While this concluding section will not specifically revisit issues covered above, it seeks to highlight general political impasses that Israel is responsible for and that only Israel can remove.

Israel

Major Issue(s) of Discontent: At present, Israel's regional and international relations are determined by three major and one minor territorial disputes (re: the Golan Heights, West Bank Settlements, the Gaza siege and the Shabaa Farms), two major strategic military issues (re: WMD and alliance to the US), one major ethical issue (re: Palestine – Gaza and the West Bank) and one major relational issue (re: tolerance of radical Israeli religious communities).

The Current Context: Israel has not escaped the revolutions sweeping across the region: its own population has demonstrated in the so-called 'tentifada' and (Syrian-)Palestinians have attempted to cross the Syrian-Israeli frontier (Golan) in an al Assad deflection manoeuvre. Additionally, while Israel dealt (or did not deal) with its decrepit alliances to Turkey and Egypt, Abbas presented Palestine's bid to join the UN and gain UN recognition. At the same time, Israel's relationship to the US and EU fell into crisis as the latter were infuriated at Israel's approval of additional settlements in and around Jerusalem. Having missed the opportunity to consolidate its economic and political gains over the past decade and capitalise on its unilateral redeployment from Gaza, Israel has lost the thread of international engagement. Indeed, many observers – even those that traditionally support Israel – are at loggerheads to figure out the origins of the disastrous state of Israel's public relations and its political ineptitude of dealing with its neighbours in a constructive manner. It seems that Israel's diplomacy, similar to its chief diplomat, Lieberman, is bullish, aggressive and prone to the use of force rather than other, more suitable means. This is alienating Israel from the international community and placing its steadfast allies into extremely unnerving positions that will, eventually, return to haunt Israel.

Potential Solutions: For Israel to end its regional and international isolation, defend its values and populace it must adopt the following policies:

Firstly, Israel must redefine its relationship to the US. While it is true that in the wide political spectrum of the US, a variety of actors with varying sympathies are present, two, interlaced political communities determine US relations to Israel: US political administrations and America's Christian Right. Israel's relationship to these actors needs to be altered since neither truly assists Israel in dealing with its own political circumstances but rather seeks to achieve their self-interests vis-à-vis Israel.

Israeli-US politico-military engagement began in earnest following the 1967 Six Day War. Prior to that conflict, Israel's closest allies were the UK and France, which provided vital military assistance until the eve of war when both defected from the alliance and left Israel to fend for itself. Despite Israel's numeric disadvantage, it had developed and deployed a strategy of pre-emption and defeated the regular armies of Egypt, Jordan and Syria and support troops from throughout the Arab world using prudent military techniques. As the fog of war cleared, the US quickly, but curiously, mobilised its political energies in support of Israel. Such overtures were based on its recognition of Israel as a regional power, capable of humbling even the staunchest of its

adversaries. Since then, successive US administrations have financially and militarily backed Israel, which is one of the main reasons for Israel's military prowess and enhanced capabilities today. However, the US is not altruistic. Instead, Israel must recognise that the US has its own objectives based on its own strategic interests. Indeed, any cursory examination of six decades of engagement with the Middle East reveals that the US's primary goals are to: 1. secure the cheap supply of hydrocarbons, 2. retain naval and military basing rights, 3. prevent other exogenous states from penetrating the region, and 4. prevent the construction of a sustainable Middle Eastern community of states that could balance against US regional power. These suggest that the US is driven by its own calculations and, on reflection, that Israel is regarded as an effective tool to achieving these. After all, a strong Israel ensures that a balance of power favouring the US is maintained.

While official US rhetoric cites Israel as a 'fellow' democracy and routinely stresses the Holocaust as the moral cognition of Israeli-US relations, these are dangerous window-dressings. For instance, democracy does not underline the US's relationship to other regional powers so why does it feature so prevalently in discourses surrounding Israel? Likewise, the Holocaust; while it surely impacted the US's collective psyche, the US has never directly been involved in physically securing Israel, even when – prior to 1967 – its survival was not guaranteed. These two themes are habitually invoked, though do not properly reflect observable trends in Israeli-US relations. Instead, the US supports Israel in-so-far as the latter assists the former achieve its own strategic objectives, of which comprehensive peace in the region is not present. Israel would be wise to re-evaluate its relationship to the US if it were truly interested in peace and reconciliation with its neighbours. Military means are not going to achieve such goals. These are only able to secure Israel's territorial boundaries, not assist it in constructing bridges of dialogue.

Additionally, many US political elites – particularly Republicans – are ideologically driven by obscure religious beliefs that often gravitate around the resurrection of Christ based on Jewish command of Jerusalem and then ultimate Jewish conversion to Christianity. While in the 21st century it may seem irrational for a country to base its political calculations on such mysticism, such a moral compass has guided US thinking since the first Reagan administration, taking a break during the Clinton administrations, and then resurging as George W. Bush took over the Oval Office. The language of "good" versus "evil," and "crusades" were more than rhetorical ploys; they emerged as real political fodder, ways for the US to justify its involvement in the Middle East, support for Israel and war against Iraq. Currently, the (aptly named)

Tea Party has surfaced as the US's most fertile Christian-political soil and its unequivocal support for Israel is not governed by sensitivity to Israel's regional position or the dire consequences Israel would face if another conflict were to erupt. Instead, the Tea Party is driven by messianic visions of the Second Coming. Why Israel has continued to work at fostering solid relations with such religious factions is reducible to its addiction to US political, military and financial support. Thus, despite the glaring contrasts between US and Israeli ideological persuasions, Israel continues to quest after US relations. This could be avoided if Israel were to reduce tensions in the Crescent region and produce a comprehensive peace with its Arab neighbours. It should be noted that not all Republicans, or US Christians for that matter, hold such messianic visions and there are many thousands of genuine Christian believers and non-religious Americans which support Israel for reasons that go beyond interpreting scripture and are often rooted in ethical and moral persuasions. However, over the past decades the so-called Christian Right has surged into political power and have prioritised relations to Israel for their own religio-ideological reasons. Israel will not be forced to make concessions to its neighbours so long as the Christian Right in the US blindly supports it. Thus, if Israel were truly interested in regional peace it must alter its behaviour to the US and choose its friends for the friendship they offer, not allow its own political constellations be determined by religious zealots who are ready to encourage Israel to fight to the last Arab and Israeli to make way for the realisation of their fanciful apocalyptical epoch.

Secondly, Israel must energise its relationship to the EU. Although, as mentioned, Israel is often regarded by the EU as the Union's 28th member, it does not fully appreciate its position and continues to prioritise relations to the US, seemingly oblivious of the urgent need to simultaneously engage the EU. As noted, the US is not a steadfast ally of Israel for altruistic reasons; it is driven either by its strategic interests, religious cognition or a combination of these. European states, on the other hand, are genuinely oriented to the defence and well-being of Israel due primarily to the assumption of moral responsibility for the tragedy conducted against Europe's Yiddish population at the hands of the NAZIS, their puppet regimes (re: Vichy France), and many tens of thousands of 'volunteers' from NAZI administered lands particularly Austria, Lithuania and Poland. In the immediate aftermath of WWII, Europe's moral indignation at its own 'years of insanity,' produced a wave of unfettered support for the remnants of the European Yiddish community; – then fully engaged in a 'last stand' war of attrition against British mandate forces in Palestine – support which pressed the UK to abandon its mandate to the

UN and ultimately led to the recognition of Israel as a member of the international community. Many Israelis may be reluctant to recognise the importance of Europeans in the construction of Israel, however without European support for the UN's Partition Plan (29 November 1947) and with it Israel's right to statehood, the acceptance of Israel's Declaration of Independence (14 May 1948) and military support for the young state to counter the subsequent Arab invasions (15 May 1948), history would have taken a very different course. Indeed, it is noteworthy that (pre-Communist) Czechoslovakia helped Israel build its first air force, France trained Israel's navy and Germany provided Israel with the means of civil development, infrastructural enhancements and industrial capabilities, nearly twenty years before the US sent its first arms shipment in support of Israel.

From the tragic first years until the present, many, if not all, European states have stood shoulder to shoulder with Israel in ensuring its security, international engagement and economic prosperity. Of course there was an 'official' break between the USSR and Central/East European states and Israel during the Cold War as the USSR cosied up to any 'resistance' movement and state proclaiming socialism, which most Arab movements and states did; however this did not bleed into public consciousness. In fact, the 1968 Prague Spring was partially inspired by Prague-based journalists who wanted to report on the 1967 Arab-Israeli war and not just recite Soviet propaganda. With the end of the Cold War however, not only was Europe reunited geographically, but also emotionally and Euro-Israeli relations received a boost that has, so far, not subsided.

This should not be taken as Europe providing Israel with a carte blanche to pursue any policy it wishes, as the US does. Instead, European states are more honest and forthcoming in support of Israeli security. Indeed, while it is true that many European states condemn Israel when its actions undermine their moral sensibilities, they have also taken a leading role in recognising and working with Palestine to help secure Israel, they have assumed responsibility for monitoring the Lebanese-Israeli border, have worked to isolate Iran and Hezbollah and have generally expended tremendous energies supporting (financially) a viable two-state solution. So, while many in Europe are quick to condemn Israel, this should not be taken as ingrained anti-Semitism or political opportunism – two deflecting techniques deployed by subsequent Israeli governments to justify low-level relations to Europe – but part of a more honest approach to Middle Eastern politics.

At present, there are only a handful of European states Israel has enhanced relations to: the Czech Republic, Cyprus, France, Germany,

Greece, Hungary, Italy, the Netherlands, Poland, Romania and the UK. This list should surely be expanded on though Israel must recognise that the EU, and its members, is not bent on its destruction but rather on its preservation. Of course, international politics is a dual carriageway and the EU must also be more explicit in its support for Israel. But the logic and language coming out of Jerusalem is alienating Israel's true allies, which have done more physically for the state than any other member of the international community. This must be recognised and used as the basis for a proper re-evaluation and retrenching of Euro-Israeli relations.

Finally, Israel must recognise and support the creation of an independent Palestine. This is both a moral and strategic imperative and although this point has already been raised (above) it needs to be reiterated because, at the time of this writing, the entire history of the Middle East and the next chapter of international relations will rest on the singular decision to recognise Palestine, an independent people in every sense of the term and already a, *de facto*, independent state. It is truly mind-boggling that the daily situation in Palestine has not filtered into direct policies. Palestine is not governed by Israel; it is in essence not governed at all. So, the political-commotion/emotion about preserving Israel's "historic boundaries" is absurd considering the state does not actually control the West Bank and, apart from some outposts and settlement blocks, Israelis do not visit Palestine. The policy towards Palestine is both immature and imprudent, revealing that Israel is more comfortable stifling opposition then developing policies which would keep Palestine from drowning and taking many Israelis with it.

While this work was meant to provide an overall picture of what Israel is doing wrong and sought to offer ways for Israel to enhance its security, there is one issue which links everything together – Palestine. Hence, for Israel to move in from the dark and to assume its proper historic place as the Third Jewish Republic, it needs to adopt republican values which are not attached to "hope" but rather to "wisdom." The speed of change currently engulfing the Crescent region will not spare Israel and if Israel is to survive the next fifty years its leadership must abandon its standoffish politics and own up to its responsibility; to the region, Palestinians, and most importantly to itself.

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THE POTENTIAL USE OF PMSCS TO FULFILL THE EU SECURITY STRATEGY

Marco Marilli

Abstract: *The EU is facing a gap between its security ambitions and the reality of its military capabilities. It is often argued that the suitably regulated use of Private Military Companies and Private Security Companies (PMSCs) by international organisations would prove beneficial for cost savings and the removal of an organisation's dependence on voluntary and poorly equipped contributions from Member States. This work provides a policy recommendation to the use of PMSCs both by Member states within the operational framework of the European Security and Defence Policy (ESDP), and directly by EU's bodies. Though PMSCs do not appear to have been deployed to any extent in large-scale EU operations, there will be pressure to use them as Member States' armed forces contract while the EU's security competence and activities expand.*

Keywords: Private Security Companies, Private Military Companies, ESDP, peace operations, EU operations, international organisations

Introduction

It is often argued that the suitably regulated use of Private Military Companies (PMCs) and Private Security Companies (PSCs) by international organisations would prove beneficial for cost savings and for the removal of an organisation's dependence on voluntary and probably poorly equipped contributions from Member States.

The focus of this work rests on the potential role of PMSCs in EU peace operations to reflect the organisation's growing competence (as a security actor) and as a regulator of private security services. Though PMSCs do not appear to have been deployed to any extent in the large-scale EU operations, there will be pressure to use them as Member States' armed forces contract while the EU's security competence and activities expand. Generally, there is a discernible

trend among international organisations to use the services of PMSCs.[1]

This work provides a policy recommendation on the use of PMSCs by Member States within the operational framework of the European Security and Defence Policy (ESDP), and directly by the EU's bodies. It is argued that PMSCs might, under certain circumstances and appropriate regulation, provide considerable support to ESDP missions in combat and non-combat roles.

In order to provide a recommendation grounded on empirical data, an overview of the chief ESDP goals in the Community sphere will be presented in the first section. Sub-sections will introduce aims and necessities highlighted in EU documents related to the EU's Security Strategy (ESS). In the following section, an introduction to PMSCs and their services will be presented. In the third section the main advantages and disadvantages for the EU to contract a PSMC will be discussed. An attempt to relate private security companies' tasks and missions to the EU need for a stronger, more reliable and efficient military force will follow. In particular, analysis is undertaken to reveal the potential use of PMCs in support of the wide range of ESDP tasks, as acknowledge by the ESS, the Headline and Civil Headline Goals 2010, and, eventually, the Lisbon Treaty. In the final section, concerns related to the use of PMSCs especially within the EU, will be assessed. With praxis as a starting point, when existing or acquainted, it will be evaluated, in the last sub-section, how the use of PMSCs by the EU, if beneficial, could be regulated.

The European Security and Defence Policy

There is a growing culture of security in Europe, along with the recognition of the need for the EU to play a more consistent, active and effective role in crisis management, as acknowledged in the 2003 ESS.[2] Notwithstanding that the EU has made substantial progress for its 'full potential to be realised we need [it] to be still *more capable, more coherent and more active*,' as stated in the December 2008 "Report on the Implementation of the ESS."[3] In the "Declaration on Strengthening Capabilities" drawn up by the Council of the EU, Members States express their will for the Union to enhance its contribution to international peace and

security and to evolve its capacity to confront the dangers and menaces to its security as identified in the ESS and the 2008 report updating it.[4]

At the December 1999 Helsinki European Council meeting, EU Member States set a military capability target known as the Headline Goal. EU member states should have been able to deploy 50,000 to 60,000 troops within 60 days and for a period of at least one year, to sustain the Petersburg Tasks.[5] Despite that the Headline Goals were formally met in 2003, the European Council in June 2003 acknowledged that the EU's operational capability across the full range of Petersburg Tasks still remained limited. At the same Council a new Headline Goal was set, formally adopted in June 2004 by EU defense ministers.

Battlegroups and Civil Missions

The new Headline Goal 2010 envisages the capability to respond to crisis management operations with rapid and decisive actions. It expressed the necessity for more flexible, mobile and interoperable forces, using efficiently available resources by sharing assets. These forces, militarily effective and coherent, should be rooted on the concept of "Battlegroups" (BGs), comprising 1,500 troops, deployable in less than 10 days for a period of up to 120 days.[6] Their mission tasks include the Petersburg Tasks as well as additional missions set by the 2003 ESS, which comprises joint disarmament operations and the assistance of non-EU countries in countering terrorism.

In 2007 the BGs reached their full operational readiness, and since then two BGs remain on standby for a six-month period, with guaranteed availability, enabling two simultaneous operations to be deployed within five to ten days. To determine if it is capable of responding to emergency situations, a BG undergoes a range of exercises before going on standby.[7] A BG should be able to 'conduct autonomous operations or take part in the initial phase of larger operations. It may be formed by a single state or by a multinational coalition of member states [...].'[8] Although some of these BGs are fully operational and highly trained (such as the Nordic BG), they have not yet been deployed.[9]

Furthermore, in 2007 the Civilian Headline Goal 2010 was signed, which enlists ESDP's most important priorities namely:

- Strengthening EU crisis management through an improvement of operating procedures and an optimisation of training dynamics;
- Strengthening the EU's capability to plan and deploy several missions at the same time in rapid-response situations;
- Developing suitable management tools for mobilising capabilities for civilian missions;
- Developing administrative, financial, logistical and human resources aspects of missions;
- Optimising synergy between civil and military assets and between ESDP missions and third pillar actors (EUROPOL, EUROJUST, etc.);
- Facilitating, nationally, the deployment of personnel.

Accordingly, EU member states can internationally deploy police officers, civil administrators, civil defenders and monitoring teams to prevent and manage crises.[10] No reference is made to Private Military/Security Companies (PMCs/PSCs).

On 13 December 2007, the 27 European heads of State and Government signed the Lisbon Treaty, amending the former Treaty on European Union. The Treaty, which entered force on 01 December 2009, includes more resources, a higher profile and greater coherence for the ESDP, which became the Common Security and Defence Policy (CSDP). In fact, the EU civilian and military tasks are extended, in the new Article 28 B (par. 1), to joint disarmament, military advice and assistance tasks, conflict prevention and post-conflict stabilisation.[11]

Resources and Capabilities in Support of ESDP Missions

In military missions, the ESDP can be supported by resources and capabilities of member states, the EU, NATO, and a spectrum of multinational forces under Member States' initiatives. Even if these forces are external to the Union, member states make them available to respond to EU operative necessities. These forces include *inter alia* the European Operational Rapid Force (EUROFOR), created in 1996 by France, Italy, Spain and Portugal and the European Maritime Force (EMF). Their tasks are humanitarian and evacuation

missions, peacekeeping and peace-enforcement operations. Other multinational forces are the European Gendarmerie Force (EGF) (France, Italy, The Netherlands, Portugal, Spain and Romania) and EUROCORPS, created in 1993 by France, Germany, Belgium, Spain and Luxemburg.[12]

Over the past decade the ESDP, as an integrated part of the Common Foreign and Security Policy (CFSP), has enhanced its capabilities and experiences.[13] Since 2003 the EU has conducted 23 ESDP missions, six of which are military missions.[14] The other 17 have deployed police, border guards, monitors, judges and administrators.[15] Many scholars argue that EU missions have been more effective when member states' interests clearly converged. For instance, the EU monitoring mission in Georgia sheds light on this assumption: it was deployed only a few weeks after the August 2008 war between Russia and Georgia, and the political determination of EU member states has been able to translate into a mission that made a difference on the ground. The rapid EU deployment ensured that the ceasefire between Russia and Georgia held when other international actors could not intervene. The dispatch of the naval operation off the coast of Somalia to fight piracy, protect humanitarian aid and trade routes, is another example of the power of political will. As of the end of 2008, the EU has deterred several pirate attacks, handed over 68 pirates to authorities and ensured the delivery of 267,000 metric tonnes of food aid.[16] Nevertheless, EU operations still experience real difficulties, the lack of qualified civilian personnel and adequate military equipment *in primis.* For example, EU governments have only sent 225 police officers out of 400 authorised for their training mission in Afghanistan. Moreover, it took more than six months for the EU to find 16 helicopters and 10 transport planes for their peacekeeping operation in Chad. Yet, everywhere, the coordination of ESDP operations with other European efforts (i.e. national programmes for security forces or aid project by the European Commission) has proved inefficient.[17]

Training, Professionalism and Expenditure

Military equipment and training are of vital importance for EU operations. A successful ESDP policy requires professionalism measured according to a universal conception of military power in terms

of preparedness and performance.[18] Introducing standards of professionalism in the ESDP is an issue of high importance. Training, field and command post exercises are required to develop effective working practices, levels of professionalism and shared knowledge.[19] The role of the EU should be to ensure that standards of training are created and monitored under the ESDP.

Joint training would contribute to the smoothness of internal (administration) operations and would provide better operability among EU forces. It would increase troops' cooperation and effectiveness while securing facile operability in real events by enabling problems that emerge in the exercises to be identified and addressed.[20] As reported in the "Declaration on Strengthening Capabilities," in addition to the improvement of force projection in operations, the modernisation of the air-force, and the development of a more effective information-gathering and space-based intelligence, it is necessary to 'strengthen interoperability and the ability of European personnel to work together: development of exchanges of young officers, modeled on Erasmus; improved functioning of the European Security and Defence College [...].'[21]

The 2008 updated version of the ESS returns to this concept while assessing the necessity for the ESDP to assemble trained personnel with a variety of skills and expertise at short notice for civilian missions.[22] Moreover, Gerd Höfer, Member of the Parliamentary Assembly of the Council of Europe and the European Security and Defence Assembly (ESDA/WEU), argues that

> As it is now common knowledge that Member States lack armored personnel carriers, protective equipment for troops, communication, command and control facilities, strategic air and sea transport, helicopters and other things, it seems obvious that these gaps should be filled jointly with the same types of equipment [...]. The advantages would be larger production runs, lower unit costs, and unified logistic, training and deployment criteria,' the potential savings are considerable.[23]

Yet, to enable the timely deployment of forces, equipment, procurement and budgeting should be made available and provided more effectively.[24]

Finally, ESDP civil operations are funded from the CFSP budget, a Community budget managed by the Commission. However, it is

the Council that decides to use the funds of this budget for administrative or operative civil expenses. For the period 2007-2013 it has been agreed to provide a budget of at least €1,74 billion, i.e. nearly €250 million a year.[25] In contrast, defense or military operations cannot be financed from the Community budget. Some of this expenditure is shared among member states according to the GNP key and is managed by an administrative and financial mechanism, called the ATHENA mechanism, instituted in February 2004. The remainder of the expenditure is financed directly by those members participating in the mission.[26] In practice, less than 10% of an operation's total cost is pooled in the case of military crisis-management.[27]

Private Military and Security Companies

Until the nineteenth Century, a large part of most European nations' forces was supplied by the private sector. The provision of military services for commercial reward dominated Europe since the monopoly of the *condottieri* in the Italian city-states of the fifteenth century. Later, until the increasing scale of warfare and the advent of mass citizen armies during the French Revolution, formed units of mercenaries were hired by the emerging European nation-states to be integrated in their armies. Swiss, Scots, Irish and German soldiers were among the those often contracted by France, Great Britain and other European states.[28]

Recently, however the accepted model has been to maintain armed forces in state employment, through conscription or individual recruitment. Only since the Cold War have both Western and developing countries increasingly employed private military companies (PMCs) and private security companies (PSCs) for missions both at home and abroad, involving a wide range of services.[29] As Singer argues in his study of the military services industry, in the post-Cold War era 'the private military market has expanded in a way not seen since the 1700s.'[30] The corporatisation of military services is one of the chief differences between current security service providers and private military units in the past. The services provided today are part of a business sector, and many firms are part of bigger multinational corporations (for example Halliburton, L-3 Communication or Lockheed Martin).[31]

PMSCs are regular, for-profit, enterprises which offer specialised services traditionally associated with the state security sector, especially with the military, para-military and intelligence agencies. They are employed by governments, companies and individuals, both at home and abroad. Their main business areas are direct or indirect combat support, by offering logistic (housing, transportation, amenities), intelligence (interrogation, satellite surveillance and analysis), training and advice (risk-management, training of Police and army), personnel, escorts, security facilities and a spectrum of operations, procurement, maintenance and weapons system development.[32] The extreme end of the spectrum is the provision of direct combat operations (as provided by the former South African firm Executive Outcomes and the British Sandline International). Nevertheless, the employment of such services has been rare and, as foreseen by the industry, will probably end soon.[33] However, the distinction between PMCs and PSCs is blurred. In principle, PMCs are associated with the supply of services in proximity with the military frontline and might include engagement in combat, while PSCs are usually concerned with services delivered in a civilian context.[34]

The private military and security industry performs globally as both its structure and operative mode are transnational. Currently, most companies are based in the US, UK, France and Israel, but also in many developing countries (for instance, China is increasingly exporting private military and security services to protect its oil firms in Africa).[35] A two-year research project by the International Consortium of Investigative Journalists identified around 90 PMCs which operated in 110 countries as of 2002, and different sources estimate that about 200-300 PMSCs are currently active.[36] Between 1994 and 2002, the US established more than three thousand contracts with PMSCs. The two wars in Iraq clearly show the extent of the enhancing security privatisation: from 1:50 ratio of civilian contractors to military personnel in the 1991 Gulf War, to an estimated 1:10 ratio in the 2003 campaign. Despite the current focus on US-led operations, especially after the high employment of PMSCs in Afghanistan and Iraq, the use of these firms is growing steadily also in UK, France, Denmark, Finland and many other EU member states.

Moreover, the industry has a wide range of clients besides national governments, including intergovernmental organisations

(such as the UN, the African Union and the EU), NGOs (often in the humanitarian sector) and multinational corporations (MNCs). Examples are the use of British PSCs by the EU to protect officials in Iraq, and the logistical support in peace operations or de-mining tasks provided by US PSCs for UN missions (for instance by "Pacific Architects and Engineering" and "Medical Support Solutions" in Darfur),[37] although neither organisation has an explicit policy on their use.[38] In the humanitarian sector, NGOs, non-political actors that in their missions uphold a position of neutrality, often contract PSCs for the safeguard of their staff, resulting in heated debates as to the impartiality of such decision.[39]

It is clear that the resort to private security is a growing trend that is still to reach its *apex*, with significant impact on the problems of accountability and regulation, as explored below. Possibly, international organisations such as the EU will enhance their use of PMSCs as their security roles increase and their capabilities to respond efficiently prove insufficient.

The Potential Use of PMSCs by the ESDP

Recent conflicts have shown that a small force of motivated, well trained and equipped soldiers may produce outstanding military impacts. Although even the largest PMC is hardly able to deploy more than 500 troops, 'this should prove sufficient for a limited intervention mission with logistic assets and EU or NATO support.'[40] As discussed, since the enunciation of the 2003 ESS, the creation and maintenance of rapid-response forces, BGs, able to be deployed effectively in a short time-frame has been expected. Nevertheless, the success of such BGs, as well as that of other law-enforcement European units (EUROFOR, EMF, EUROCORPS, etc.) is ambiguous.

Rapid-Reaction Forces

In a hypothetical EU BGs operation,

> a PMC could be hired to intervene rapidly in a deteriorating security situation, defeat local opposition, and stabilise a conflict long enough to allow peacekeepers from member states or the UN to deploy at a more leisurely pace

without significant military risks. In addition to providing units for forced entry operations, a combatant PMC might also provide a rapid reaction force in support of an EU peacekeeping operation.[41]

Because PMCs proved to be more flexible and quicker to deploy qualified personnel, the provision of such companies directly contracted by the EU to be included in contingency planning for BGs could solve many of the problems currently faced by these forces. For example, on 27 December 2005, the Council approved the UN request for EU assistance in supporting the Mission of the UN to the Democratic Republic of the Congo (MONUC) during the 2006 elections. Although a full BG could have been deployed, a 2,400 soldiers *ad hoc* force was created with contributions from all EU members, in order to share the burden of the operation. While a BG would have implied a rapid, light and preventive deployment in the DRC, this operation, which took four months to realise; revealing the limits of the European rapid response force.[42]

Given that some EU BGs will be composed of contingents from a number of different EU states, the incorporation of an organised and trained PMC into such a formation would arguably be less difficult than the integration of units from some smaller, newer or non-NATO member states.[43] In a partially privatised peacekeeping scenario, EU expeditionary missions of the future could involve synergies between private companies and BGs, responding efficiently to those tasks and goals assessed by the ESS and Headline Goals.

Technical Services and Operational Support

PSCs could help EU operations in efficiently developing technical services and operational support, as requested by the Headline Civil Goal 2010. Technical services include IT services (for example the implementation and support of IT infrastructure), systems support (i.e. the support and operation of military systems) and equipment MRO (equipment maintenance, repair and operation), where some companies or divisions specialise as a distinct activity.[44] Operational support includes facilities management (from administration to equipment support), logistics (from supply chain consultancy to management and operation of procurement and supply systems for

military bases and operations), training, and a range of intelligence services (from surveillance to counter-terrorism).[45]

In Sierra Leone, the South African PMC Executive Outcomes (EO) deployed in field operations with long-range reconnaissance, surveillance and signals jamming and intercepting capabilities that easily outclassed anything fielded by the rebel forces of the Revolutionary United Front (RUF).[46] However, future military forces could have access to sophisticated technology and expertise, equaling non-state combatants. Thus, unlike the armed forces of many EU member states, major PMCs have remained up-to-date with technological developments in the US military. Therefore, the employment of technologically advanced PMCs may offer EU military forces both a 'means to bridge some of the gaps identified in the Union's combat and force protection capabilities and remain interoperable with US forces on operations.'[47]

Training

As far as the ESDP goal to optimise training and deploy professional soldiers is concerned, a PSC could both provide joint training for European forces as well as take part or lead ESDP training operations around the world. Training could be in specific systems (e.g. with simulation software), but also weapons training and rifle ranges operations. In 1994, for instance, the US licensed a PSC to provide training to the Croatian military during the Balkan War. Shortly after, the newly trained Croatian militia won a military success that ultimately ended in a negotiated settlement and the Dayton Accords. Through a PSC, the US was rapidly deployed international civilian police, as is also the case of the Operation Iraqi Freedom, where private companies provided, *inter alia*, training to the Iraqi Army and police forces.[48] Yet, Military Professional Resources Incorporated (MPRI), one of the biggest military firms based in the US, has had government-promoted contracts for training and consultancy in Croatia and Colombia (for instance).[49] Similarly, Vinnell has considerable training contracts in the Middle East, including Iraq, and DynCorp has had many in Latin America.[50]

More considerably, within the UN, many bodies, such as UNHCR, the United Nations Children Fund (UNICEF), the United Nations Development Programme (UNDP), the World Food Programme

(WFP), the United Nations Angola Verification Mission (UNAVEM) and the United Nations Operation in Mozambique (ONUMOZ) have relied on PSCs' expertise. If BGs, EMF, EUROFOR, EGF, EUROCORPS (etc), were to be sufficiently trained by PMSCs, not only could the efficiency and reliability of such forces be enhanced, but also the costs would be reduced while avoiding many bureaucratic passages and political uncertainties.

Lower Costs

As far as costs are concerned, if the EU is publicly financing provision of security services with member states' resources, transferring the provision to private companies can be advantageous.

The costs of private provision may be lower because PMSCs have more flexibility than military forces and can deliver the same service with fewer people and less equipment.[51] As shown above, ESDP missions rely heavily on member states' funding, and the provision of cheaper services from the private industry might enhance the possibility to nimbly deploy, for instance, EU peacekeeping operations.

Moreover, costs are also lowered since PMSCs often hire already trained personnel and do not provide the personnel support and benefits provided to soldiers by the state.[52] In any event, even the slightest transfer of some services to the private sector could help the EU save money for its operations.

Possible Concerns

Although interviews with officials both from governments and firms indicate that PMSCs employ well-trained, highly motivated, professional staff, there are many other concerns with the outsourcing of security services. For the purpose of this work, only those concerns related to the potential use of PMSCs for ESDP tasks will be analysed.

First, even though the use of private contractors is usually promoted as a cost saving solution, it is not clear that outsourcing reduces expenses. That cost-efficiency can be a problem is especially interesting because one of the main arguments to shift from public to private security providers is the belief that private companies can

offer services at a better value.[53] Studies of privatisation found that competition among private companies assures lower costs. However, in reality, 'there is often collusion among firms competing for long-term contracts,'[54] which leads to opportunistic behavior (e.g. firms offering less than what they really are later disposed to bid). Though outsourcing logistical support can save costs, particularly when contractors face competition and have the flexibility to hire locally, there are many situations when competition and/or flexibility are missing, precluding low-cost services.[55] Overpricing is also common as costs and fees are frequently left open in contracts because of the uncertainty of the conflict.[56] Furthermore, given that many areas of military outsourcing are dominated by a few major firms, once a long-term contract has been stipulated it creates a 'bilateral monopoly' where the supplier is in the position to increase charges and lower quality. Once a long-term service has been contracted, the customer can lose the capacity to effectively monitor the service provider, thus excluding another prerequisite for the maintenance of low-costs.[57]

Second, a potential obstacle to the use of PMSCs by the EU is the lack of transparency and public accountability, among the most frequently discussed problems in the governance of PMSCs in national states. Both are essentially 'normative concerns and can be explained by the observation that the fragmentation of functions and resources among public and private security providers clashes with persistent norms concerning responsible "government" and democratic decision-making processes.'[58] Moreover, organisational responsibility (e.g. of the EU) is made more complex by the question whether accountability lies with the union itself or member states (or with both).[59] For instance, the UN has accepted responsibility only for forces acting under its authority, command and control. This means that it refuses to accept liability for unlawful acts committed by troops which are operating under a Security Council mandate but under the command or control of member states.[60] The same principle should apply to private individuals or contractors employed by international organisations, which implies that the organisation (the UN in this case, or supposedly the EU) should be responsible for unlawful acts committed by contractors acting under its authority and command. Similarly, if the contractors are employed by member states contributing to a UN/EU operation

and not directly by the organisations, then accountability should lie with those who have authority over the contractors. If neither states nor organisations have such control, then the issue has to be considered from the perspective of corporate responsibility.[61] In conclusion, if the EU authorises a peace operation and intends to have some control over it, it has to bear the responsibility of unlawful acts committed by troops and PMC employees. That is why, in reality, organisations such as the EU do not actually exercise control over peace operations under their authority. Consequently, higher standards of control are desirable in order to allow the EU or UN to exercise a more effective command over PMCs by means of detailed contracts containing mechanisms of accountability.[62] As argued by many scholars and policymakers, there is a need to regulate PMSCs both nationally and supra-nationally. The EU has adopted few regulation strategies of private security services which pave the way for a higher aim.

EU Regulation Strategies

First, the area of private policing, although regulated, to various degrees by member states, technically falls under the competence of the EU. According to several rulings of the European Court of Justice (ECJ), private security is part of the "economic sector," falling under the regulation of the internal market of the EU. Although some recommendation papers have been adopted by the Council and pressure is constantly exerted by the Confederation of European Security Services (CoESS) and the trade union federation UniEuropa, movements toward harmonised common European regulations on private policing have so far been slow.[63]

Second, the EU has already used *ad hoc* Regulations at the Community level to control the export of private military services to certain destinations in response to civil wars and regional conflicts. Specifically, the transfer of technical services related to military equipment and activities has progressively been the target of EU restriction since the mid-1990s and Joint Actions have been adopted regarding the transfer of small and light weapons facilitated by PMSCs' operations in developing countries (e.g. Council Joint Action 2100/401, Council Regulation 1334/2000 and 1236/2005, EU Council

Common Position 2003/469/CFSP, EU Council Joint Action 2002/589/CFSP).[64]

Third, the EU has adopted the Code of Conduct on Armaments Exports which not only enhanced transparency concerning armament exports from the EU, but also contributed to a growing harmonisation of national arms export legislation within the Union which ultimately strengthens the regulation of private military services.[65]

Future Development of EU Regulation

The above concerns point to what is widely perceived as a general inadequacy in national and supranational regulation of the activities of private military and security contractors. Such regulation would help define PMSCs' role, assess the liability of individuals and companies and increase the transparency and accountability of their services to democratic scrutiny.[66]

The development of EU codes and standards for the governmental employment and application of private services could be considered as complementary to decisions adopted in the ESDP framework for interoperability, effectiveness, transparency and general good practice. This could happen by (following different lines of action) standardising rules and codes for governmental use of PMSCs on EU member states' territory and adopting joint concepts for the involvement of PMSCs in the planning and exercising phases for EU BGs and other European multinational forces. Moreover, joint concepts and plans for the mobilisation of PMSCs during operations undertaken abroad under the authority of ESDP by EU members should be settled. Finally, the EU 'should adopts codes and standards for the direct employment of PMSCs by the central institutions of the Union itself (e.g. as guards).'[67] All these approaches could be refined by a range of sub-components of regulation and standardisation based on acknowledge performances.

Overall, depending on the extent to which the chief conditions are present – competition, precision of requirements and effective monitoring – the efficiency of outsourcing is likely to vary. In some cases, for example technical support for complex systems, 'the company that designed the systems may simply be in a far better position to provide the activity than the military customer, to a degree

that outweighs other concerns.'[68] Nevertheless, the assertion that private provision necessarily implies better value can be questioned on many grounds, both theoretically and pragmatically.

Conclusion

The EU is facing a gap between its security ambitions and the reality of its military capabilities. It remains to be seen whether initiatives to promote greater defense integration and role specialisation will successfully enable EU member states to rise to the challenge of playing a global security role. PMCs could play an increasingly important function in supplying support services to the expeditionary forces critical for effective European power projection. As shown, PMSCs provide a wide set of services that proved supplementary to ESDP's priorities, including the achievement of effective rapid response forces, increased operational and technical capabilities, and the development of training, logistic and administration, as outlined in the EES, the Headline Goal 2010 and Civilian Headline Goal 2010.

While contracts for these firms might exclude direct combat roles, the character of modern warfare suggests that their exclusion in practice will become increasingly difficult. PMCs should have the opportunity to play a vital and legitimate role in the front line of EU intervention forces (e.g. in cooperation with BGs), particularly if EU regular armed forces and European multinational forces prove to be unequal to the task.

Even if a PMSC would be integrated into EU peacekeeping operations, it might never be possible to eliminate all the tensions between a commercial organisation seeking to maximise profit and the security objectives of a contracting organisation. Policymakers, rather than assuming *a priori* that outsourcing security services saves money, should establish investigative procedures, including oversight costs and real spending on long-term contracts, to reveal actual costs. They need to evaluate the economic and political implications of privatising and, if its conceded that employing PMSCs could be a helpful element in managing EU defense goals (easing constraints especially on deployable resources and manpower), 'ESDP's ambitions should manage to reach a common understanding

on the pros and cons of outsourcing security and best practice for applying it.'[69]

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Notes to Pages 31-47

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EU EXTERNAL RELATIONS: FROM NON-INTERVENTION TO POLITICAL CONDITIONALITY

Dan Lazea

Abstract: *The international system developed after the Peace of Westphalia placed at its core the idea that nation-states are equal units that cannot intervene in the internal affairs of other states, an idea which ultimately led to the conclusion that international anarchy is a reality of international affairs. Is political conditionality, as developed over the past decades, compatible with the Westphalian philosophy? If not, how has political conditionality succeeded in challenging the legitimacy of the old paradigm? This article answers these questions by placing them into the framework of the external relations of the European Union (EU), using a historical perspective and following a constructivist research agenda. Challenging realism, this article suggests that the context of the 1990s in the immediate aftermath of the Cold War cannot completely explain the importance political conditionality has gained in the conduct of foreign policy in general and of EU external affairs in particular. Indeed, the EU practiced political conditionality long before the end of the Cold War and therefore before this conditionality was regarded as a "mechanism" and formalised into a "policy." This has opened the door to the normative discourse practiced by the EU in its foreign affairs during the 1990s.*

Keywords: political conditionality, EU external relations, EU enlargement, post-cold war, sovereignty

Introduction

For much of modern history nation-states have been regarded as the ultimate bearers of political power for the conduct of external affairs. In International Relations (IR), as an academic discipline, the state was also regarded as being the most important element in analysing world politics. The international system developed mainly after the Peace of Westphalia (1648) placed, at its core, the idea that nation-states are equal units and cannot intervene in the

internal affairs of other states, an idea which ultimately led to the conclusion that the state of anarchy is a reality of international affairs. So, is political conditionality compatible with the Westphalian philosophy? If not, how has political conditionality succeeded in challenging the legitimacy of the old paradigm? This article answers these questions by placing them into the framework of the external relations of the European Union (EU),[1] using a historical perspective and following a constructivist research agenda.[2]

This article does not analyse the consistency of political conditionality throughout all forms of EU external relations and neither does it question the effectiveness of this strategy. Instead, the main focus of this research gravitates around the way in which the EU has deployed this mechanism in its external dimensions despite strong opposition to the very idea that one state could have the right to question what happens inside another state. Two distinguishable issues are strikingly visible: the first one refers to the development of political conditionality as a legitimate discourse in international relations, while the second tries to explain the EU's recognition as the most important international actor using political conditionality in its external relations. Challenging both realism and liberalism,[3] this article suggests that the context of the 1990s in the immediate aftermath of the Cold War cannot explain the importance political conditionality has gained in the conduct of foreign policy. This article argues that the EU practiced political conditionality long before the end of the Cold War and therefore before this conditionality was regarded as a "mechanism" and formalised into a "policy." This has opened the door to – and made more credible – the normative discourse practiced by the EU in its foreign affairs throughout the 1990s. Despite that the European states started from a critical position at the end of the Second World War, owing to the lengthy period of European colonisation in Africa and Asia, they succeeded in making political conditionality a cornerstone in foreign affairs by offering the model of the European Community (EC) political project and by practicing, in a persuasive manner, the same policy regardless of the interests at stake. In doing so, the EU delegitimised discourses that accused normative discourse in European foreign affairs as a new form of 'standard of civilisation.'[4]

This article is divided into four parts. Firstly, it identifies and implicitly references democracy, democratisation, and human rights

protection in the relations of the European Communities to Greece from the signing of the Association Agreement, through the "freezing" period, until democracy was reinstalled and negotiations for EC accession reopened. In doing so, it highlights the origins of what developed later in the 1990s namely the doctrine of political conditionality as used in the process of European integration of former Communist states. This is followed by a shift capturing the relations between the EU and the countries which belonged to EU member states as colonies. Also known as African, Caribbean and Pacific (ACP) countries, this group is diverse in cultural heritage and economic potential. Nevertheless, they share recent histories of gaining independence from European powers and the difficulties encountered in building up their own economic and political systems. The development of EU-ACP relations serves the purpose of this argument by showing how the EU position starts from the denial of interference in the internal affairs of the new independent states and arrives at the recognition of the principles of democracy and human rights protection as essential conditions in the official agreements between the parts. Thirdly, this article presents the main changes to both the vocabulary and context of international relations; changes that have gradually softened the doctrine of sovereignty and non-interference by introducing the concept of international protection of human rights. The Helsinki Final Act introduced divided Europe in the 1970s to the idea that human rights could be the object of international concern. At the same time, the dynamics inside EU institutions and the increasing role of the European Parliament (EP) provided the basis for a post-national European arena and a model supra-national system of human rights protection. Moreover, after several situations of human rights violations, corruption, and authoritarian regimes in third countries with which the EU had different types of agreements, a revision of the doctrine of absolute sovereignty became, more than ever, necessary. However, only through the evolution of international law and the entering into force of the important Law of Treaties, has the idea to suspend a treaty because of gross human rights violations become possible. Finally, this work follows the implications of such evolutions by presenting political conditionality and the evolution towards a systematic approach in the EU's external relations.

The EC-Greece Relationship: Association, Freezing, Integration

The history of EC-Greece economic cooperation begins in 1962, with the entry into force of the Association Agreement, usually called the Athens Agreement, on 9 July 1961. The Athens Agreement was the first Association agreement signed by the EC and its legal basis was Article 238 of the Treaty of Rome, which states that the Community may conclude with third country agreements creating an association. The Athens Agreement covers several policies, from customs and agricultural policies to transport and competition. The development of the economy of Greece was also included in the Agreement and, consequently, Greece could obtain loans of up to $125 million from the European Investment Bank during the first five years of the association.

There was no provision, in the main text of the Agreement or in the preamble, which might have resembled the future mechanism of political conditionality: there was no reference to democracy or human rights. But there was another gate through which references to democracy and human rights entered the scene. The Athens Agreement was not only an economic document but also the first legal document of the EC which speaks of the possibility of EC enlargement. Indeed, recognising the aspiration of Greece to become a member of the Community the legal reference is no longer Article 238, but Article 237, which holds that any European State may apply to become a member of the Community. The EC, as a *common* project, was founded on certain values and the Preamble of the Agreement clearly refers to them: peace and liberty are common European ideals and the document once again calls any European country to join this initiative. Concluding, the Athens Agreement had an implicit political dimension beyond the overall economic goal. Indeed, speaking on the Council side about the Association Agreements of Greece and of those of the other first associated states, Harmel acknowledged their future full membership in the Community in terms of a voluntary association of peoples sharing the same democratic values and a long parliamentary tradition, an idea reaffirmed several years later, in 1976, by Van der Stoele, President in office of the Council,[5] upon the occasion of Greece restarting the process of negotiating admission to the EC.

The two parties agreed to establish a number of common bodies to supervise and coordinate the agreement, but also to solve disputes arising from its enforcement: a Joint Council of Association and a Mixed Parliamentary Committee. The Committee had to be formed by an equal number of Greek and European MPs and its main task was to supervise the implementation of the agreement. Precisely because of its mixed membership the functioning of the Committee was questioned during the military regime in Greece as demonstrated below.

The Athens Agreement evolved normally in the first years. For example, a document of the Directorate General for Agriculture of the EC Commission from June 1965 makes a brief summary of Greece-EEC relations in this policy area. It notes that, although a final agreement on harmonisation for certain products had not yet been reached, the Council of Association had finalised negotiations on other products and continued to work through the manifold problems involved. Furthermore, another paragraph in the document refers to the generally optimistic atmosphere concerning political development: 'The Community (...) takes the view that direct participation in the institutional machinery of the common agricultural policy must be considered in the terms of subsequent Greek membership of the Community (...).'[6]

However, five years later, an event changed the development of the agreement. Indeed, the 21 April 1967 *coup d'état* of the Greek army officers and the military regime installed in the aftermath of the *coup* radically transformed Greece-EEC relations. The seven years of the junta regime was marked by the suspension of democratic political life and by a number of human rights violations: arbitrary arrest and detention, political purges and torture etc.[7] The first institution that reacted to the new political situation in Greece was European Parliament, in contrast to the rather slow and vague reaction of the European Commission. In the beginning of May, the EP adopted a resolution in which it expressed concern over the suspension of democratic life in Greece and its hope that democracy would soon be re-established. Moreover, the resolution expressed its view on the future application of the Association Agreement considering that the process should be delayed. The reasoning behind this was that no step in the framework of the Agreement could be taken until the mixed Parliamentary Association Commission

would meet again. The condition for the Commission to function would have been the existence of a Greek democratic Parliament, which was at that time suppressed by the authoritarian regime.

For the EC, responding to non-democratic developments in Greece presented a challenge and an opportunity to clarify its own fundamental values. In terms of international law, the Commission insisted that there is no ground for suspending or terminating the Athens Agreement as a commercial treaty between two independent parts. In fact, in the area of trade and tariffs, the Agreement continued to produce effects. Only those areas where the parts had to continue negotiating in view of harmonisation, for example in the field of agricultural policy, were subject to "freezing." As far as political justification is concerned, a series of oral and written questions addressed by the members of the EP helped clarify the matter and created a precedent future enlargements would be based upon: acknowledging the intention of Greece to become a member of the Community, the Agreement ceased to be a mere economic treaty and became a political document.[8]

Therefore, following intense pressure by the EP, the Commission started a unilateral "freezing" of the Agreement. Indeed, even though certain commercial provisions continued to produce effects, all agricultural negotiations were interrupted and discussions about accession were suspended for an indefinite period.[9] The "freezing" period ended immediately after the conclusion of the military regime in Greece and the country's accession to the EC was accompanied by democratic transformation.[10] Can the success story of the democratisation of Greece and its European integration in terms of political conditionality be explained? From a legal perspective, of course not, because there was no such conditionality policy expressed in legal terms in the official documents between the EC and Greece. However, the economic consequences of the "freezing" and the political isolation of the regime definitely played a role in the gradual erosion and final overthrow of the junta.

Further clarification is needed to understand the democratic evolution of Greece after 1974. As argued by some authors, there were other factors in the post-junta political system that aided the process of democratisation in a more direct manner than the European institutions. In Spourdalakis´s analysis, the key factors of democratic consolidation were related mostly to the internal

characteristics of Greek society: 'the "format" and the "mechanics"' of the new party system, 'as well as the system's relation to society and the role of the newly formed democratic institutions, articulated by the leading political elites of the forces who controlled the transition process.'[11] The strategic aim of Greece for European integration can also be understood not in economic terms, but as a logical choice in the aftermath of the highly traumatic experience during the 1974 Cyprus crisis. The invasion of Cyprus by Turkey – an allied partner under the NATO umbrella – reoriented Greek foreign policy and 'the adoption of a more sophisticated "external balancing" strategy became, in the minds of Greek policy-makers, the only way to enhance Greek deterrence.'[12] The EC appeared, in this context, as the most important actor capable of counterbalancing NATO support for Turkish policies and that reason alone would be powerful enough to explain the European choice of the Greece.

It is outside the scope of this article to analyse the efficiency of political conditionality or to explain the democratisation of Greece in terms of external pressure, i.e. from the EC. However, by delineating the attempts of European institutions to introduce explicit political conditions in the dialogue with an Associate country before 1989, this part of the article supports the idea that developments in the 1990s were anticipated and made possible through previous experience gained during the Cold War.

Introducing Implicit Conditionality in the EC Relations with the ACP Countries

Relations between the EC and the former colonies of its Member States are regulated in a special part of the 1957 Treaty of Rome. The fourth part of the Treaty establishes the 'association' status of the colonies, called, in the Treaty, 'overseas countries and territories' or, more exactly, 'non-European countries and territories which have special relations with Belgium, France, Italy and the Netherlands.' The Treaty asserts that the purpose of the association is 'to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Community as a whole.'[13] The phrase "special relations" meant to cover a large range of unresolved issues that were on the way to transformation in each European state and, therefore, even

more difficult to negotiate within the Community framework. In France, for instance, the legal framework concerning its *territoires* was everything but clear during negotiations over the Rome Treaty. This situation is captured by Bouvier: 'Le stade de l'Union française était dépassé, celui de la Communauté française n'était pas encore atteint et l'on se trouvait en pleine mise en oeuvre de la 'Loi cadre'."[14]

It was for a period of five years that the Treaty of Rome created the Association Agreement between the two parts, with the EC on one hand, and 'overseas countries and territories' on the other hand. A series of events during the period around 1960 which resulted in the vast majority of African countries declaring independence. The main questions in this new context circled around how to continue economic cooperation with the new independent states and whether the association could continue. If a new framework of association were required, what legal basis could be used as its foundation: the special fourth part of the Treaty of Rome speaking about "special relations" or the general Article 238[15] which provides the framework for association with EC of any independent state in the world?

Moreover, it was not only on the African side that things had changed following the signing of the Treaty of Rome. Once the EC was established after 1958, the newly created institutions (notably the Commission) could claim a leading role in negotiating Association Agreements with third countries. Indeed, this was one of the first tensions between the new European supranational institutions and the Member States. After compromise was reached, a common team of the Commission and Member States representatives conducted the negotiations for reaching the new Convention between the "Six" and the eighteen associated African States and Madagascar (AASM). The document, signed on 20 July 1963 in Yaoundé, reconfirms the Association Agreement resulted from the Treaty of Rome. In order to understand the complex historical situation in which Yaoundé I was signed, it must be mentioned that the USSR had already pressured the recently independent African states to interrupt the new framework of economic relations with the EC. The Association Agreement was denounced as a mask for old colonialism and (then) First Secretary of the Communist Party of the Soviet Union, Nikita Khrushchev, described the EC as a 'state-monopoly agreement of the Western European financial oligarchy that

threatened the vital interests of all peoples and the cause of peace in the entire world.'[16] After another period of five years, a second Yaoundé convention was signed on the basis of the same principles.

During the existence of the Yaoundé II convention, important international events unfolded; among them the first enlargement of the EC, which added three new members to the six founding states: Ireland, Denmark, and the United Kingdom. For the purpose of this article, the accession of the UK to the EC is of central importance since it adds a long list of new "overseas" entities with whom the EC had to establish "special relations." In fact, during enlargement negotiations, three options were envisioned for the 20 independent states of the Commonwealth once the UK would join the EC: (a) to join the Convention replacing the Yaoundé II convention, (b) to sign an Association Agreement under Article 238 of the Treaty of Rome or (c) to conclude simple trade agreements with the EC.[17] Furthermore, the UK's membership in the EC created new conditions for a more "global" approach for European assistance and cooperation with developing countries, counterbalancing the French "regional" approach, which favoured former African colonies.

The task of reaching agreement was so difficult that negotiations took 18 months. Finally, the document was signed in the capital of Togo, Loma, on 28 February 1975 and entered into force on 1 April 1976. The Convention comprised 46 African, Caribbean and Pacific (ACP) states and 9 EC states, proving its ambition to embrace a comprehensive policy of the EC regarding development cooperation with third countries. Among the many innovations of Loma I, is the replacement of the Yaoundé I&II principle of reciprocity by a unilateral system of trade advantages.[18] This means that while almost all goods originating in the ACP states could enter the Community's market in unlimited quantities, the products coming from the EC could be subject to unilateral limitation and taxation by ACP countries.

This, and other provisions favouring the ACP countries, cannot be understood outside the logic of the Cold War. Although the ACP countries proved striking unity during negotiations – in sharp contrast with the different voices expressed in the EC – the power of achieving their political ends through diplomatic negotiations would have been much weaker without the constant pressure exercised by the USSR and its effective support for anti-capitalist

regimes around the world as events in Korea, Vietnam or Cambodia demonstrated. It would have been even more difficult to introduce any political considerations in the Convention, an attempt in this direction constituting evidence that the former colonial powers were still attempting to interfere in the internal affairs of the newly independent states. It is also true that the international framework regarding the protection of human rights was still in a nascent phase and that the political situation, especially in African countries, was so unclear that it was difficult to point out who should be blamed for human rights violations. Furthermore, US foreign policy, centred on the doctrine of containment, supported undemocratic regimes in different countries which were considered to be of strategic importance in the battle against the spread of communism, rendering discourses about democracy and human rights in international relations all-the-more difficult.

Therefore, the negotiations of the first conventions between the EC and the ACP countries were marked by opposing constraints. On one hand, from an economic perspective, the EC market was important for the exports of ACP countries and thus for their development as were the financial mechanisms and the development funds directed to them by the EC. On the other hand, from a political perspective, the EC countries had limited negotiation power due to the internal disagreements, the colonial past of some Member States, and the logic of the Cold War. As a result, the general doctrine of the times, regarding international relations, was encapsulated in the principle of sovereignty, non-interference in the internal affairs of a state, and diplomatic dialogue between equal parts.

In 1979, in a memorandum to be discussed with the ACP countries during negotiations for the Loma II,[19] the Commission expressed the idea of an explicit reference to human rights in the Preamble of the future convention.[20] Even though the EC succeeded in this attempt only five years later by introducing such a reference in the Lomé III convention, it is significant that the first attempt took place at the end of the 1970s, clearly demonstrating a correlation with what was happening in the case of Greece´s accession to EEC. Still, the reference is not a legal provision in the main text of the Lomé III convention, but only part of a symbolic declaration in the Preamble stating that the parts adhere to the principles of the

UN Charter and 'their faith in fundamental human rights, in the dignity and worth of the human person.'[21] This kind of policy was called "implicit conditionality" because it is the result of combining a non-binding provision in an international document with *de facto* consequences in situations in which systematic human rights violations occurred in third countries.

In the fourth Lomé convention of 1989, Article 5 represents a first formulation of what became, from then on, a common practice in the EC external relations. The article underlines that at the core of the development policy lies in the idea that man is 'the main protagonist and beneficiary of development, which thus entails respect for and promotion of all human rights.' Even further, the document stresses that 'cooperation operations shall thus be conceived in accordance with the positive approach, where respect for human rights is recognised as a basic factor of real development and where cooperation is conceived as a contribution to the promotion of these rights.'[22] This legally binding provision allowed the Community to pressure third countries in cases of human rights violations, given the legal basis for the suspension or termination of the treaty. As the next part will show, international law has codified this idea in the doctrine of the 'material breach of a bilateral treaty,' in which case the other parties are entitled to 'invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.'[23]

A New Vocabulary of International Relations in a Changing World

In order to understand the history of European integration and the subsequent process of institutionalisation of the EC external dimension, the entire process should be placed in the general framework of international relations. The beginning of the Cold War, the creation of the United Nations (UN) and the beginning of the decolonisation process, all shaped the setting in which European politicians had to decide for their states. It is not by chance that at the beginning of the UN Charter of 1945, Article 2 indicates the 'sovereign equality' of all Member States as a principle the Organisation is found upon: 'The Organisation is based on the principle of the sovereign equality of all its Members.' The same Article 2

explains also the principle of non-intervention in the internal affairs of a country:

> Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.[24]

Underlying both the principle of sovereignty and that of non-intervention was a normal solution in historical context.[25] Because of the rivalry between the US and the USSR, these principles played the role of guaranteeing each state the freedom to choose the ideology underpinning their form of government. Additionally, the USSR rejected any discussion related to a possible international monitoring in the field of atomic research. The refusal has to be understood against the background of US technological supremacy in the field and the fear of the USSR that international monitoring of their atomic research programme would prevent them catching up to the US. Therefore, the USSR worked hard to strengthen the principle of sovereignty and denounced any attempt to establish international mechanisms of control as an intervention in the internal affairs of a state.

The so-called *détente* in East-West relations during the 1970s also represented a turning point in the approach of the Community towards the ACP countries and, in a broader sense, to the rest of the world. For the understanding of the changing nature of the international system in the last two decades of the Cold War, it is important to consider the evolution of a new vocabulary of international relations, which has developed alongside a series of international events.

The Helsinki Final Act and International Concern for the Protection of Human Rights

There was growing concern for human rights and a consequent development of international legal instruments for their protection and enforcement, mostly within the UN, but not exclusively. Of special importance was the Conference on Security and Cooperation in Europe (CSCE) and the signing of the Final Act (Helsinki Act)[26] in 1975. The Conference and the Final Act were presented

by Soviet propaganda as a great success of the Communist bloc, especially for the recognition of borders as established after the Second World War. However, as the history of the Cold War later showed, another provision in the Final Act played a crucial role in the aftermath of the CSCE, although it was not in the first positions on the so-called "Decalogue" of the Final Act, officially named the "Declaration on Principles Guiding Relations between Participating States."

Apparently, the document summarises the fundamentals of the post-Westphalian order: it outlines the first principle as being sovereign equality and respect for the rights inherent in sovereignty, later on supplemented by the sixth principle of non-intervention in internal affairs. Moreover, these principles are consistent with those related to the duty of states to refrain from threatening or using force and to recognise the territorial integrity and the inviolability of the frontiers of other states. Together they fuelled the Soviets' enthusiasm at the end of the Conference and seemed to seal the post-war partition of Europe and the USSR's domination of the Eastern part of the continent. Compared to the aforementioned principles, little attention was paid, at that time, to the principle calling for the respect of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; it was actually Title VII of the Helsinki Final Act that provided the basis for various dissident movements in the Communist states fighting for fundamental civil and political rights. Additionally, the fact that human rights entered the vocabulary of international relations is a cornerstone in the evolution towards later developments of political conditionality. The USSR's acknowledgment of the legitimate concerns of the international community regarding the situation of human rights in a particular state represented an implicit recognition of the idea that there are certain limits of the sovereignty principle. In other words, what is challenged here is the idea that states are absolute sovereigns and there is no superior framework in which they can be questioned about what happens within their frontiers.

In the late 1970s and early 1980s the idea of further European integration received new stimuli. The first direct elections in 1979 provided the EP with new and reinforced legitimacy and its members tried to make this visible to Europeans and the rest of the world. Although less powerful when compared to other EC institutions, the EP succeeded in playing a significant role in certain issues related to the external relations of the EC. Among others, the EP could adopt common declarations on issues considered relevant for the Community, a role with non-binding consequences which holds, nonetheless, symbolic power. Indeed, the EP adopted of a series of declarations on human rights violations reported in certain countries with which the EC had agreements of association or simple trade agreements.

In contrast, the Commission exercised a more technical role and could not adopt a political position. Additionally, it was less likely to be directly influenced by public opinion. The importance of the Commission in making the policy of conditionality effective during direct negotiations or implementation processes is obvious, as much as its significant work on clarifying and introducing a systematic approach in this regard. However, even in such situations the impetus came from the EP which usually asked the Commission to write a Communication on certain issues or to undertake particular measures in relation to negative developments in third countries. Similar to the Commission, the Council was more of a space for negotiating and accommodating divergent national interests than a coherent framework for common external action.

In this context, the EP played a significant role both in stimulating the *prise de conscience* in Europe regarding human rights abuses in partner countries and in delineating the profile of the Community globally. By gaining new decision-making powers after the enforcement of the Single European Act (SEA), the EP was able to more actively shape EC foreign action. Apart from the interventions previously referred to regarding Greece and the ACP countries, the EP was active in promoting democracy and human rights in many other situations. For instance, after several steps undertaken by the EC regarding the repression of Palestinian riots in

Israel after 1982, the EP blocked the protocols accompanying technical and financial instruments directed to Israel, by adopting a resolution on 09 March 1988.[27] In line with the European Parliament, the EU Court of Justice ruled in several occasions on issues related to the promotion of human rights. The decisions were important milestones for furthering the agenda of human rights, as much as the reasoning beyond them helped advancing the vocabulary of conditionality.[28] In a manner similar to that in which it has moved forward the EU agenda towards a deeper integration, the Court of Justice also played an important role in supporting the political conditionality in all foreign relations of the EU.

The Challenges of Human Rights Violations, Corruption, and Authoritarian Regimes

As reports on human rights violations reached public opinion in Europe, increasing voices asked: 'what types of governments should be refused what types of aid?'[29] Events such as the atrocities under the despotic regime of Idi Amin Dada in Uganda in the 1970s shook both public opinion and decision-makers. In other words, should the EC stop or suspend development aid, cooperation or even trade relations with a country, as a reaction to this kind of events? In the case of development cooperation, is it legitimate to question the final destination of European money inside a target country in which there are allegations of corruption or human rights abuses against people or is this kind of inquiry an "interference in the internal affairs" of a sovereign state? In fact, after several decades of experience in the field of development aid and cooperation, a sound conclusion started to take shape beyond ideological disputes: it is not enough to transfer development funds to a government of a country in order to improve a situation if the money will not reach the people in need. In other words, a mechanism of control has to be in place to prevent authoritarian governments using money for their own prosperity or, worse, to fight their own people. Otherwise, development aid is nothing more than a way of transferring money from poor people in rich countries to rich people in poor countries.[30]

It is important here to mention the 1989 report of the World Bank entitled *Sub Saharan Africa: From Crisis to Sustainable Growth:*

A Long Term Perspective. The report is a milestone for the evolution of development aid and it has particular significance for this article as it was published before the end of the Cold War and is therefore more difficult to contest as being the result of "neo-liberal" economic philosophies of the 1990s. It is also important because it provides another argument for the claim that, rather than a consequence of the post-Cold War neo-liberal optimism, political conditionality is the result of the accumulation of experience in various international frameworks. The main claim of the report, that Africa 'needs not just less government but better government,' should be thus understood in its original context: a root cause of weak economic performance in the past has been the failure of public institutions. Private sector initiative and market mechanisms are important, but they must go hand-in-hand with good governance; a public service that is efficient, a judicial system that is reliable, and an administration that is accountable to its public. And a better balance is needed between the government and the governed.'[31]

Obviously it is difficult to introduce "good governance" as a policy-making concept against the backdrop of an international system based on the principles of sovereignty and non-intervention. Nevertheless, it seems that at the end of the 1980s international institutions, such as the World Bank, were moving towards rendering sovereignty subservient to respect for human rights.

The Evolution of International Law: How to Suspend a Treaty?

The evolution of international law after WWII, under the auspices of the UN, is largely indebted to the works of the International Law Commission established in 1948 by the General Assembly. One of the main tasks of the commission was to help codify existing practices in relations between states. After twenty years of working on different drafts, the final text was adopted during the UN Conference on the Law of Treaties (22 May 1969), and, after a due process of ratification, it entered into force on 27 January 1980.

Only from this date could a state, or an international organisation, invoke a legal basis in the framework of the UN for suspending or terminating a treaty with a third country. The Law of Treaty clarifies this aspect in Article 60, which starts by noting that

'(a) material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part' and continues by explaining '(a) material breach of a treaty, for the purposes of this article, consists in [...] the violation of a provision essential to the accomplishment of the object or purpose of the treaty.'[32]

Indeed, as the case of EC-ACP relations showed, in the aftermath of the entering into force of the Law of Treaties one can find the innovation of inserting binding references in the first agreement to be negotiated between the two parts. From then on, this practice has been refined and gained different forms, while developing throughout the 1990s as a general principle in almost all aspects of external relations of the EU.

Conclusion: Towards a Systematic Approach to EU External Relations

For Europe, 1989 meant the fall of the Iron Curtain and the beginning of European reunification more than the end of the Cold War between the US and the USSR. Indeed, once Communist parties lost power, the Central and East European countries reoriented their foreign policy towards the West claiming their legitimate place in European political structures.[33] It is difficult to measure the capacity of their leaders to persuade EU politicians to include enlargement towards the East as a priority on the post-Maastricht agenda. However, it is certain that both Eastern and Western politicians have employed rhetorical discourses based on such ideas as the historic chance of reunification of the continent and the obligation of a values-oriented EU to act in accordance with its principles.[34] If it is true that by doing so, the "drivers" of the enlargement process have succeeded in moving on the agenda, then success was based on the previous democracy and human rights engagement of the EC during the 1970s and 1980s as captured above.

At the end of the 1990s, almost all Central and East European countries officially requested accession to NATO and the EU. Confronted with the idea of eastern enlargement, the 1991 Intergovernmental Conference prepared the initial form of the text adopted in 1992 and known as the Treaty of Maastricht. For the purpose of this work, the original Article F deserves special attention because it is

the first time democracy and human rights are explicitly mentioned in an EU Treaty. The article states that the system of government of the Member States is founded on the principles of democracy and that the Union shall respect the fundamental rights of its citizens. The provision was further developed with the revision operated by the Amsterdam Treaty (1997), which provided that in case of serious and persistent breach of human rights principles the Council may decide to suspend certain of the rights deriving from the application of the Treaty to the Member State in question. For such a procedure to be real, the rule could not allow the state in question to use its veto, so that the Treaty provides that the rule to be used is that of qualified majority that not unanimity.

The human rights and democracy provisions in the EU Treaty are important for at least two reasons. Firstly, the EU is, from that moment on, more credible in its external promotion of human rights once it internalised its fundamental principles. Secondly, it is important as an example of how the concept of absolute sovereignty in international relations changed over time. It is true that the EU is more than an international organisation, but at the same time, it is less than a federal state.[35] Therefore, in the name of absolute sovereignty, one could denounce the idea of defending human rights of the citizens under the jurisdiction of a Member State in terms of "external intervention in the internal affairs of a state."

As a community of values, the EU defined the main lines of enlargement policy in accordance with the Maastricht Treaty, in a set of requirements adopted in the Concluding document of the European Council on 21-22 June 1993, usually referred to as the "Copenhagen Criteria." The explicit political conditionality regarding enlargement is based, in fact, upon this document and, more precisely, upon this phrase: 'Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.'[36] However, the EU already employed many of these ideas previously, in the Association Agreements concluded with the Central and East European countries. Based on this experience, the European Commission summarised and developed the mechanism of conditionality two years later, in a Communication on the inclusion of respect for democratic principles and human rights in agreements between the Community and Third Countries.[37] More

than anything else the document provided a necessary systematic approach regarding the matter of human rights and democracy clauses. The Communication also recommended concrete ways of improving future agreements with third countries and explained the difference of vision between the two kinds of clauses, namely the "Baltic Clause" and the "Bulgarian Clause;" both of them related to Article 65 of the Vienna Convention but at the same time diverging from it. They are actually a form of an "additional clause" to the "essential element clause," providing for an immediate response in case of human rights violations.

The so-called "Baltic Clause," employed only in the first agreements with the Baltic States and Albania and Slovenia, allows for a unilateral suspension of the application of the agreement 'with immediate effect' in cases of serious breaches of essential provisions (related to respecting human rights) without consultation of any kind. This is a very severe formula and this is why it was substituted by a more flexible one, called the "Bulgarian Clause," used in agreements with Romania, Bulgaria, Russia, Ukraine, Kyrgyzstan, Moldavia, the Czech Republic, Slovakia, Kazakhstan and Belarus. Except for cases of special urgency, this clause provides a conciliation procedure, allowing the parties to exchange opinions. Therefore, another difference between the two is that the second 'is also designed to keep the agreement operational wherever possible.'[38]

Considering the positive impact of this initiative, the EU has gradually extended the use of the additional clause to other geographical areas, a practice initially intended only for OSCE countries. For example, a similar provision has been introduced in the reviewed version of the Lomé IV convention in 1995 confirming human rights as an 'essential element.' In this way, the EU arrived at a mature form of the conditionality mechanism in cooperation development relations with third countries in accordance with the provisions of the Article 130/U of the Maastricht Treaty. The latest development in the field took place with the Lisbon Treaty or the Reform Treaty of the EU. Besides being founded 'on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities,' the EU now explicitly bases its external actions on the same principles and therefore develops relations and builds 'partnerships with third countries, and international,

regional or global organisations *which share the principles* referred to in the first subparagraph.'[39]

In practice, the consistency of political conditionality may be limited by political and economic considerations of the EU as a whole or by divergent interests of its Member States. Nevertheless, the remarkable advancement of the EU's doctrine of democracy and human rights over the past two decades is undeniable. As this article argued, the recent advancement would not have been possible without earlier implicit political conditionality developed in relations with Greece and the ACP countries. Furthermore, the evolution of political conditionality was possible in a particular context in which the principles of sovereignty and non-interference became more flexible and suffered serious limitations. Important steps of this development cannot be explained in terms of the interests of states or by rational calculation of political actors. It is thus plausible to admit that once accepted in the realm of international relations, some ideas have gained a force on their own. Therefore, it is not a surprise that the EU, as 'a community of values,' raised expectations to act internationally in accordance to its principles and, consequently, these expectations influence the behaviour of the EU as a global player.

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Notes to Pages 51-70

1 During this study, the term "European Union" (EU) not only refers to the entity existing after the Maastricht Treaty (1992), but also to the organisation in general, including its predecessors. However, in those parts where attention is focused on a narrower period of time before 1992, the term "European Community" (EC) is deployed. As a generic term covering all three initial Communities, EC will be used also for the situations in which the economic relations with

a third country did not involve but one of the three, the Economic European Community.

2 The constructivist approach in both IR and EU studies continues to be an umbrella for a variety of schools and authors. See: Stefano Guzzini and Anna Leander (2006), *Constructivism and International Relations: Alexander Wendt and His Critics*, London: Routledge. For an account of the main references shaping the research agenda see Thomas Christiansen, Knud Erik Jorgensen and Antje Wiener (1999), 'The Social Construction of Europe,' *Journal of European Public Policy*, 6:4, Special Issue, pp. 528-544.

3 Liberal intergovernmentalism is a form liberal theory in European integration studies and Andrew Moravcsik its most important promoter, see: Andrew Moravcsik (1993), 'Preferences and Power in the European Community: A Liberal Intergovernmentalists Approach,' *Journal of Common Market Studies*, 31:4, pp. 473-524; and Andrew Moravcsik (1998), *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, London: UCL Press. For a critical perspective on the EU democracy promotion in Africa, see Gorm Rye Olsen (1998), 'Europe and the Promotion of Democracy in Post Cold War Africa: How Serious Is Europe and for What Reason?' *African Affairs*, 97, pp. 343-367.

4 Jack Donnelly (1998), 'Human Rights: A New Standard of Civilization?' *International Affairs*, 74:1, pp. 1-23.

5 Max van der Stoel (1976), 'Conference between the European Communities and Greece,' *Statement*, 27 July 1976, Brussels. This speech is available at: <http://aei.pitt.edu/id/eprint/10847> (accessed 15 April 2010). He cites his predecessor, Mr. Harmel, and adopts his remarks 'as his owns.'

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PEACEKEEPING AND JUS POST BELLUM: TOWARDS A CONCEPT OF RULES IN POST-CONFLICT SITUATIONS

Ivar Scheers

Abstract: *This article argues that post-conflict peacekeeping should be seen as highly valuable for further developing jus post bellum, since the UN is the main actor in contemporary post-conflict situations. It elaborates on the historical background of jus post bellum, as well as the revival of the concept within just war theory. Subsequently, it argues that the visible movement towards jus post bellum, making distinctions between the different parts of the just war theory, as well as relations between those parts and the need for a tripartite just war system. This view focuses on the compatibility of just war theory with 21st century post-conflict situations. It presents peacekeeping as the catalyst for a modern just post bellum approach and argues that, firstly, peacekeeping mandates have changed to such an extent that contemporary peacekeeping has actually become peacebuilding. Furthermore, it shows the importance of peacekeeping for modern jus post bellum, to create the catalysing function of peacekeeping. It explores this issue by focusing on recent peacekeeping missions, which established transitional administrations as these missions involve complete UN-(authorised) governments focusing on post-conflict nation building and provide for the broadest available post-conflict practice, as well as a legal foundation for jus post bellum contentions. Finally, it presents a comprehensive jus post bellum proposal based on the examined peacekeeping missions, lessons learned from earlier peacekeeping practice and general UN post-conflict nation building, which includes human rights issues, economic reconstruction and criminal prosecutions.*

Keywords: just war theory, jus post bellum, UN peacekeeping and peacebuilding, transitional administrations, post-conflict nation building

Regulations on the status of war and peace have traces that go back to the contemplations of philosophers in ancient Greece and Rome. Through time the distinction between war and peace evolved into a legal paradigm recognising a just war theory (JWT) existing of *jus ad bellum*, which focuses on the justness and sincere intentions of a war and *jus in bello,* which centred on the legitimacy of actions undertaken during hostilities. The basic rule was that the end of war meant peace, but in the post-World War II era the framework of this war/peace distinction has been subject to changes and a blurring of boundaries.

Peacekeeping missions and post-conflict nation building reflect a call for a renewed attention to JWT.[1] This instigated focus on issues which regulate the transition from war to peace; a third part of JWT which has largely been overlooked despite its origins dating back as far as the peace/war dichotomy. There has been a revival of this third principle, which enhances *jus post bellum* (law after war) and focuses on different post-war elements. In Afghanistan, for instance, a broad UN mission was established to support the reconstruction and democratisation of the country.[2] Similarly, after international intervention, the UN created transitional administrations in Kosovo and East Timor to guide them back into the international community. This is the general contention that circles around the idea of contemporary post-conflict solutions.

The main argument in this article is that post-conflict peacekeeping should be seen as a key to the development of *jus post bellum* because the UN is the main actor in contemporary post-conflict situations. To demonstrate the validity of this argument this work proceeds as follows: First, it provides a historical background to *jus post bellum* and explains its revival in modern international legal theory and JWT. Subsequently, the second section demonstrates the movement towards *jus post bellum* by highlighting distinctions between the parts of JWT, the relations between those parts and the need for a tripartite just war system. This view focuses on the compatibility of JWT with 21st century post-conflict situations. Next, this work turns to peacekeeping as a catalyst for developing a modern *just post bellum* approach and argues, firstly, that peacekeeping mission's mandates have drastically changed

to become peacebuilding missions. Secondly, it underscores the importance of peacekeeping for modern *jus post bellum*. The next section elaborates on recent peacekeeping missions enhancing transitional administrations since these involve UN-(authorised) governments focusing on post-conflict nation building and provide for the broadest available post-conflict practice, as well as a legal foundation for *jus post bellum* contentions.

Then this work presents a *jus post bellum* proposal based on: the explored peacekeeping missions, lessons learned from earlier peacekeeping practices, and UN post-conflict nation building, for which both laws and regulations of these missions, international law and reports will be examined and human rights, economic reconstruction and criminal prosecutions play a key role in constructing a sustainable post-conflict peace. Finally, this work elaborates on 21st century challenges to peacekeeping and *jus post bellum*.

This work should not be taken as an all-encompassing proposition towards a conclusive set of rules applicable to post-conflict situations. Neither does it claim that the proposed ideas are alone in assessments of the topic. Instead it contributes solutions for the foundation of interventions in future post-conflict situations which might be valuable for contemporary discussions on the subject and is based on legal and practical grounds as well as an assessment of results obtained in previous post-conflict situations.

Jus Post Bellum: The Old Becomes New

JWT can be traced back to the works of Aristotle, Cicero and Augustine,[3] with the latter linking the concept of *jus post bellum* to *jus ad bellum* by stating that 'it is an established fact that peace is the desired end of war.'[4] Spanish theologians de Vitoria and Suarez called for restraint on certain behaviours of the victors of wars and proposed that a justly fought just war should also be rewarded with a just post-war settlement.

It was Kant who distinguished a tripartite system of war, while recognising a *Recht zum Krieg* (Right to War), *Recht im Krieg* (Right in War) and *Recht nach dem Krieg* (Right after the War),[5] stating the *Recht nach dem Krieg* should involve a situation in which

> neither the conquered state nor its subjects lose their political liberty by conquest of the country, so as that the former should be degraded to a colony, or the latter to slaves [and] that an amnesty is involved in the conclusion of a treaty of peace is already implied in the very idea of a peace.[6]

Kant's conceptualisation should be regarded as light-years ahead of its time since it focused on strengthening peace and justice within an international system largely governed by a "might makes right" attitude.[7]

However, *jus post bellum* practically disappeared in the 19th and 20th centuries, whereas the concepts of *jus ad bellum* and *jus in bello* were codified.[8] The major reason for such neglect is found in the contention that the concept was a part of *jus ad bellum* – rather than acknowledging it as an independent part of JWT – because peace was seen as the objective of going to war.[9] Unlike other arguments for neglecting *jus post bellum*, such as the unwillingness to break out of the dual JWT and the contention that post-war justice should limit itself to war crimes trials,[10] the former recognised the relevance of *jus post bellum*, but did not grant it any independent status in JWT. The shift towards emphasising positive rather than negative peace, and the changing face of armed conflict – two issues which will be returned to below – created an atmosphere in which *jus post bellum* was revived and now finds itself at the heart of international law discussions. A legal assessment of JWT, and the extension of this theory to a tripartite system (as subsequently provided), establishes the need for *jus post bellum* in contemporary international law and supports the call for a renewed view of JWT. This renewed view is applicable to 21st century post-conflict situations, after which the practice of peacekeeping will be presented as a catalyst for a modern *jus post bellum* approach.

Moving towards Jus Post Bellum: Revising Just War Theory

With *jus post bellum* in the spotlight of international law, the question of whether the concept should be part of the existing dichotomy of JWT or whether the extension to a tripartite system should be preferred. This section addresses the need for such a tripartite just war system, after which peacekeeping will be presented as

a catalyst for a modern *jus post bellum* approach where substantive issues revolving around the concept will be fleshed out.

Movement vs. Content

As the conventional approach is to give a substantial overview of *jus post bellum* after which the movement to this content is adjudicated, the concept of *jus post bellum* is not yet widely accepted by international legal scholars or can count on extensive support from legal practice. Therefore, it is better to look at the historical and revived contentions concerning the subject and that *jus post bellum* has recently been brought to the centre of international law.[11] Subsequently, elaboration will follow on the substantial issues of the concept, which are still tempered by a lack of clear definition.

Jus Post Bellum Incorporated in the Jus ad Bellum/ Jus in Bello Distinction

Scholars historically split JWT into *jus ad bellum* and *jus in bello*; two concepts divided by the initiation of hostilities and with a general aim of making war a less viable option. The re-emergence of the idea of *jus post bellum* revealed that the traditional just war divide into *jus ad bellum* and *jus in bello* enjoyed such strong support that some argue for the inclusion of *jus post bellum* be part in JWT, together with *jus ad bellum* rather than as a separate component.[12]

The contention that *jus post bellum* should be combined with *jus ad bellum*[13] must not be accepted merely because the planning of post-war developments as peace building should feature prior to the very initiation of the conflict. Without doubt, such considerations form a part of *jus ad bellum* contemplations, cognitively rather than physically. There must be a distinction between rhetoric and reality as well as a difference between interrelation and independence. Thus, where *jus in bello* are interrelated with *jus ad bellum,* the real *jus in bello* is more tangible since it occurs during conflict. Indications of this interrelation may be found in article 1(4) of the Additional Protocol to the Geneva Conventions, which incorporates a nexus with *jus ad bellum*,[14] as well as the "reverse effect" of *jus in*

bello on *jus ad bellum* which ensued from the Cold War nuclear arms race: decisions on the right to go to war were heavily constrained by the use of these destructive weapons in war.[15]

Similarly, the concept of *jus post bellum* is related to *jus ad bellum,* but the physical behaviour that comes along with the concept is separated from the *jus ad bellum* concept. Blueprints of post-conflict peace-building should exist prior to the initiation or cessation of hostilities and should also be adaptable to the specific situation in which they are employed and furthermore be able to answer the challenges which were the result of *jus ad bellum* and *jus in bello* in the conflict itself.

Furthermore, the claim that peace is not an afterthought of war but a concept present throughout all phases of war is only true to the extent that the final objective of war is peace. But the *attainability* of peace is often overlooked. Just like the *need* for war looms larger before war than after it, the need for peace also looms larger after war than before its initiation. If sustainable peace were possible in the first place war would likely never have been waged – unless we consider an aggressor state which would probably wage an unjust war. The negative interpretation of peace – a situation where there is no war – has lost ground to the positive interpretation of peace.[16] This not only implies the absence of war but includes (relative) freedom, justice, liberty and equity.[17] In other words, the cessation of a war does not necessarily mean peace and, as Kant suggested, when the end of war leaves important issues unresolved, the precedence has been set for a new conflict.

The contention that *jus post bellum* should be conceived as a part of *jus ad bellum* also ignores the fact that peacekeepers – not an uncommon actor in contemporary post-conflict situations – often arrive towards the end or after the cessation of a conflict creating a distinction between parties to the conflict in its various phases.[18] In Kosovo and East Timor for example, peacekeeping forces arrived in response to violence by respective Serbian, Kosovar and Indonesian soldiers and militias. In Afghanistan the NATO-ISAF peacekeeping mission entered the conflict after the US had overthrown the Taliban. This establishes a link between peacekeeping and *jus post bellum,* since the other two aspects of JWT are generally of less relevance for the concept of peacemaking,[19] even though it has been established that the extended

mandates of contemporary peacekeeping missions often refers to the use of 'all necessary means to carry out the mandate.'[20]

The argument that *jus post bellum* should be a category on its own, because *jus ad bellum* would otherwise be too complex,[21] makes sense because the importance of post-conflict peace-building might be underestimated by *jus ad bellum* decision-makers, which the US-led invasion of Iraq serves as a good example. Another reason for the establishment of *jus post bellum* as an independent category is rooted in the contention that the interrelation with *jus ad bellum* and *jus in bello* must provide a system in which aggressors are more constrained in their behaviour; strengthening the focus on accepted just wars. If JWT ends with *jus in bello*, post-war actions of aggressors remain unconstrained when compared to a situation in which a third part of JWT exists which, due to its relation to the other parts, legally rules out the "justness" in the post-conflict behaviour of an aggressor, and is able to constrain its resort to war in the first place.

An Independent, but Interrelated, Tripartite System

Wars have changed over time. Inter-state wars have become relatively rare; replaced by an increase in intra-state conflicts, such as civil wars or insurgencies.[22] The tradition of declaring war before the commencement of hostilities and the signing of peace treaties after has shifted to a more nuanced situation where it is often difficult to pin-point exactly when hostilities begin or end.[23] Since JWT mainly focuses on inter-state war, theoretical and empirical perspectives regarding *just post bellum* and intra-state conflict can be derived from peacekeeping, since the UN is, internationally, the main actor in post-conflict situations.[24] Indeed, Chapter VII enforcement is largely directed at internal conflicts.

Even internal armed conflicts do, however, have a beginning, middle and an end.[25] The fact that the first and last parts are less clearly defined than in the past does not render the concepts less independent *per se*. There is thus a logical interrelation between *jus ad bellum, jus in bello* and – when accepted as an independent part of JWT – *jus post bellum.* Interrelation also does not imply the end of independence and Orend deploys a sunrise analogy to emphasise

the perceptible irrelevance of rejecting a jus post bellum in this respect by noting:

> who can say around dawn, exactly when the night is over and the day begins? But eventually that is irrelevant and we all come to realise a new day has dawned.[26]

Jus post bellum connects with *jus in bello* in relation to the aim of achieving justice for wrongs done during war; thus the idea of war crimes trials can remedy previous violations. It also serves to evaluate how certain aspects of a war were fought and which lessons can be learned from particular combat-related situations. Similarly, *jus in bello* connects with *jus post bellum* in the transition from a state of war to a state of peace, which in contemporary conflicts is often covered in a cloud of transitional uncertainties. The exact initiation of the "post" era may thus not be clear, but the concept focuses on the final objective, rather than on the exact entrance of "post."

The *jus ad bellum* connection with *jus post bellum* is the final achievement of peace, which is based in both concepts as well as the notion of justification for the objective of going to war in the first place. Additionally, a remedy for previous violations must also be sought here for there is a difference in violations attributed to the decision-makers which chose waging war and the violations committed by combatants.[27] Both concepts are addressed legally since satisfying the requirements of *jus ad bellum* creates a stronger legal basis for applying *jus post bellum* and the legality of *jus post bellum* will therefore depend on the motives behind the resort to war.[28]

Similar to *jus in bello*, evaluation should be a part of the *jus post bellum-jus ad bellum* relationship, to reflect on the decisions that were taken and learn from them. The necessity of the independence of these three concepts cannot be overstated. Since contemporary assumptions revolve around the idea that the right to go to war, and the possible violation of this right, is detached from the rights and obligations which belligerents are encumbered with, most legal scholars argue a similar distinction in relation to *jus post bellum,* stating that 'parties must end the dispute in a fair and just fashion irrespective of the cause of resort to force.'[29] Peacekeepers could fulfil this contention, since they will legally fulfil the requirements of justness and fairness. It also means that an aggressor should not be allowed to use *jus post bellum* since it will most likely deploy it as

a vehicle for expansionist or suppressive behaviour, unjustly. Thus the behaviour of a belligerent during the *jus ad bellum* and *jus in bello* will determine its right to engage in *jus post bellum.*[30]

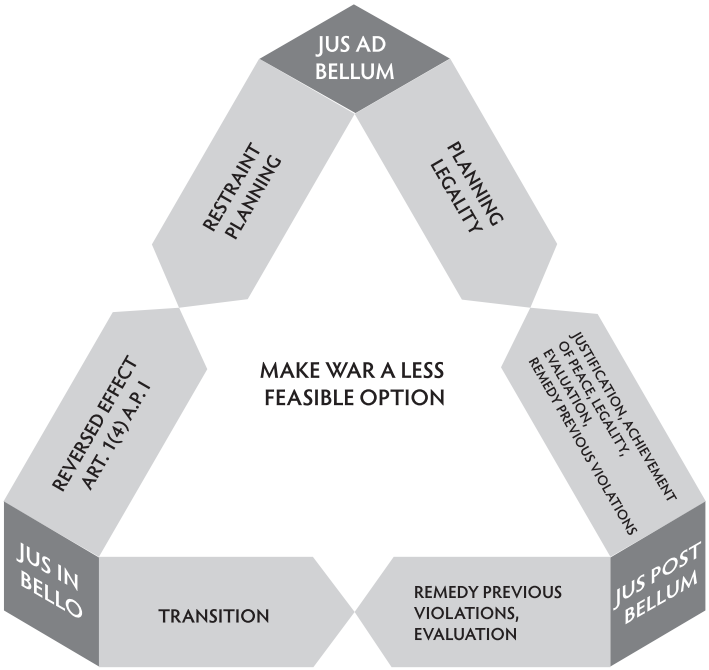
Peacekeeping & Jus Post Bellum

This independence should, subsequently, be put into perspective when assessing JWT in modern international law: the strong presence of internal armed conflicts, the decline in state-vs-state conflicts and the emphasis on peacekeeping missions and post-conflict nation-building. The deployment of peacekeeping missions with nation-building characteristics indicates independence of *jus post bellum* from traditional JWT by means of its objectives, where (limited) participation in *jus ad bellum* and *jus in bello* is subordinated to emphasis on post-conflict nation-building.

The evolving practice requires an altered view of JWT and the addition of a third part is what international law needs, the rules of which should find a strong basis in peacekeeping objectives, a point demonstrated below.

Peacekeeping has become an important factor in the resort to force and post-conflict practices and theoretical and practical knowledge in this field has been gleaned. This is reflected in the doctrine of the Responsibility to Protect (R2P),[31] the call by UN Secretary-General Ban Ki-Moon to implement the R2P,[32] and the establishment of the Peacebuilding Commission aimed at helping countries towards post-conflict peacebuilding and recovery, reconstruction, sustainable development and enlarging the period of attention which the international community gives to post-conflict situations.[33] This need for a tripartite system is strengthened by the advantages that *jus post bellum* brings to the traditional JWT in relation to the removal of *a priori* normative and moral gaps, captured in Info-Graph 1 and assessed below.

Info-Graph 1. The 'Just War Triangle'



Peacekeeping: a Catalyst for Modern Jus Post Bellum

Since the UN is the main international legal actor in post-conflict situations, the practice of UN peacekeeping should be seen as the catalysing factor in the development of revised *jus post bellum*. However, before assessing the importance of peacekeeping for modern *jus post bellum* a legal assessment of the broadening of peacekeeping missions is required.

From Peacekeeping to Peacemaking and Building

Many international legal scholars identify four peacekeeping generations,[34] which reflect the changes to peacekeeping over the (roughly) sixty years of their practise. First generation missions were largely based on constructing a human (re: UN troops) buffer

between belligerents and monitoring ceasefires.[35] Authorisation for such missions was provided by the warring parties themselves and thus lacked automation.[36] Since these missions were not established as an enforcement measure under Chapter VII of the UN Charter, peacekeepers were only allowed to use force when fired upon.[37] Due to political tensions in the UN (re: Cold War), this traditional form of peacekeeping was maintained until the collapse of the USSR after which a more robust set of objectives accompanied each new mission.

Indeed, second generation missions were considered 'multi-dimensional peace operations,'[38] and endowed with various tasks such as monitoring human rights and elections. Gray notes that the collapse of state institutions, humanitarian emergencies, refugees and civilian casualties enhanced the complexities surrounding such peacekeeping missions when contrasted to their more traditional predecessors.[39]

Third generation peacekeeping was more robust and combined military force where necessary with humanitarian aid for civilians and required a legitimate mandate based on Chapter VII of the UN Charter instead of the consent of the parties themselves.[40]

According to White and Klaassen the fourth and final generation was largely determined by actions in Kosovo and East Timor where peacekeepers were endowed with administrative functions, legislative and executive powers and the establishment of what actually looked like a trusteeship.[41] Indeed

> (t)hey [the missions] are qualitatively different from almost any other the Organisation has ever undertaken. In each place the United Nations is the administration, responsible for fulfilling all the functions of a State – from fiscal management and judicial affairs to everyday municipal services, such as cleaning the streets and conducting customs formalities at the border.[42]

Gray states this generation forms the third generation, while the fourth is formed by operations in Chad and the Central African Republic, where the involvement of the AU and the EU form hybrid operations.[43] This hybrid was however already visible in Kosovo, where the EU bore responsibility for the Pillar of Recovery and Development, and the OSCE for Democratisation and Institution-Building. Likewise, if an organisation similar to the EU had existed

in South East Asia, it would not have been unthinkable that the UN endowed this organisation with similar duties in East Timor. Therefore, although White and Klaassen and Gray follow the doctrine of four peacekeeping operations, the former should be preferred for reasons of practice.

The subject of peacekeeping missions has transformed from international conflicts involving state governments to conflicts within or around the borders of a state concerning different groups fighting for power, often not governmentally-controlled. This means that the notion of separating combatants at the border has been replaced for a far more complex duty of nation-building and the creation of sustainable peace.

The shift from buffering to enforcement and rebuilding in peacekeeping is legally supported by Article 40 of the UN Charter, which notes that 'in order to prevent aggravation of the situation, the Security Council may (...) call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable' whereas 'such provisional measures' refers to Article 39. Former UN Secretary-General Boutros Boutros-Ghali stated in his *Agenda for Peace* that a greater role should be endowed to peacekeepers, whom should according to article 40 be able to 'enforce rather than merely monitor ceasefires.'[44] In the same document, peace-building was referred to as

> action to identify and support structures which will tent to strengthen and solidify peace in order to avoid a relapse into conflict – rebuilding the institutions and infrastructures of nations torn by civil war and strife [and tackling the] deepest causes of conflict: economic despair, social injustice and political oppression.[45]

Also, the *Brahimi Report* called for more robust peacekeeping operations and a modification of understanding the use of force and impartiality.[46] According to Klaasen, neither the Security Council nor the SPCO confirmed the doctrinal shift the Brahimi Panel propred,[47] but the sustainability of this position should be strongly doubted. Ghali confirmed as much during the operations in Kosovo, East Timor and Afghanistan as do more recent UNSC peacekeeping missions, which authorised peacekeepers in Congo 'to use all necessary means'[48] to carry out certain aspects of their mandate and 'to use all necessary means to carry out its mandate'[49]

in the Ivory Coast and Burundi. This echoes the contentions of scholars engaged in exploring peacekeeping and peacemaking.[50]

This defines the shift that has taken place in contemporary international law: the UN is endowed with a broader mandate to interfere in conflict zones. Traditional peacekeeping does not reflect current demands and missions to Kosovo, East Timor and Afghanistan reveal that emphasis has been put on the making and building of peace by UN (-authorised) missions.

Peacekeeping & Jus Post Bellum

The question as to why post-conflict actions, of peacekeepers, are relevant for the creation of such a *jus post bellum*, and what would the content of *jus post bellum* look like? To adjudge further on the apparent extension in peacekeeping missions, the reasons why peacekeeping form such an elementary part of *jus post bellum* will be examined, so legal and practical grounds for the contention that peacekeeping is important for *jus post bellum* is understood.

The Importance of Peacekeeping Missions for the Jus Post Bellum Concept

There are multiple reasons why peacekeeping should play a large role in the defining of *jus post bellum*: 1. peacekeeping under Chapter VII-enforcement is one of the legal resorts to war in JWT and 2. UN peacekeeping exudes a spirit of consent, while 3. the forces can be seen as ethnically neutral towards the various ethnical groups within the population, 4. both peacekeeping and *jus post bellum* aim to create sustainable post-conflict peace and 5. peacekeeping can form the hybrid system combining different legal paradigms within *jus post bellum*.

Article 2(4) of the UN Charter characterises war as illegal except under two conditions: self-defence, and if undertaken under Chapter VII of the Charter. Thus enforcement action requires prior authorisation by the UNSC. However, as explained below, article 2(4) has proven to be more flexible than originally intended. Chapter VII enforcement should play an important role in defining *jus post bellum*, it is one of the two legal ways of going to war and established above, an illegal resort to war cannot lead to *jus post bellum*. The case of self-defence, arguably as in the US-led war against Afghanistan, showed similar involvement of a (UN-authorised) peacekeeping mission in nation-building and the security and infrastructural

reconstruction efforts of this mission should be of relevance for the *jus post bellum* concept.[51] Such post-conflict practice makes the UN the primary source of law in regard to *jus post* bellum.

UN-intervention should, be regarded as "just" in respect to JWT. Within this theory scholars largely agree that an aggressor can never fight a just war and that consequently its post-war actions will most likely be unfair and should not form part of *jus post bellum*.[52] This is indeed true to some extent, but especially the often-quoted contention by Orend that 'once you are an aggressor in war, everything is lost to you morally' should be seen as a simplification of right and wrong.[53] In the past, unauthorised interventions (re: Liberia, Sierra Leone, Kosovo, Afghanistan and Iraq) have been retrospectively legitimised by the UNSC.[54] Furthermore, the Report of the UN High Level Panel on *Threats, Challenges and Change* established criteria which not only applied to the authorisation of the use of force, but also extended to the 'endorse[ment] the use of military force.'[55] This resembles a stretch of Article 2(4) of the UN Charter as referred to above.

Secondly, UN-enforcement actions convey a spirit of consent, since a coalition of states will likely participate in a peacekeeping mission, which is more likely to reduce attempts at diplomatic and economic gain and diminish claims of imperialism.[56] Guided by an international organisation with aims of peace, the mission will enjoy more international support than in the case of unilateral action. Additionally, a broader state practice will become visible after the deployment of multiple missions, which can strengthen the application of certain *jus post bellum* rules.

Thirdly, peacekeeping forces can be seen as neutral to combative ethnic groups. A mission consisting of a broad international coalition will be more persuasive in removing feelings of ethnic prejudices among the local population than the presence of a sole occupier. This can also be seen as a reason for the US's requirement of UN-authorised peacekeeping forces in Afghanistan: it signalled to Afghans that the international community working to better their situation.[57]

Fourthly, the final objective of both peacekeeping and *jus post bellum* is the creation of a sustainable post-conflict peace. This should be of relevance in the defining of the content of *jus post bellum.* As stated above, the UN is the leading actor in post-conflict

situations and is endowed with a considerable amount of knowledge regarding post-conflict peace building. The presence of UN peacekeeping forces, after hostilities, gives insights into the practice established and lessons learned from these situations and may be helpful in bringing *jus post bellum* into a legal conception applicable to 21st century conflicts.

A fifth and final argument for the relevance of peacekeeping missions for *jus post bellum* is that it offers a solution to the argued fragmentation of theorisation of the concept, which focuses on substantive *jus post bellum* aspects in separated legal paradigms.[58] The hybrid system of recent peacekeeping missions deals with the holistic view of *jus post bellum* following assessments of various authors, whereas human rights, criminal prosecution and post-conflict nation building are fused into a hybrid framework in which the aspects of different legal fields receive adequate attention in post-conflict situations.

The contention that UN involvement would not be necessary in post-conflict peace building should therefore be rejected since transitional administrations in Kosovo and East Timor have been successful in their objectives and the disappointing experiences in the DRC, Somalia and Rwanda should not be seen as representative cases since those missions contained co-administrations and belong to the category of third generation peacekeeping. The questioning of the political legitimacy of UNSC decisions in respect to UN involvement contradicts supporting unilateral interventions with subsequent peace building by the interventionist party, since certain political or economic gains will more likely be pursued in the latter case.[59] The involvement of the UNSC, even though it might produce political obstructions, at least involves a more multilateral assessment – legally, as well as politically – of the case in question.

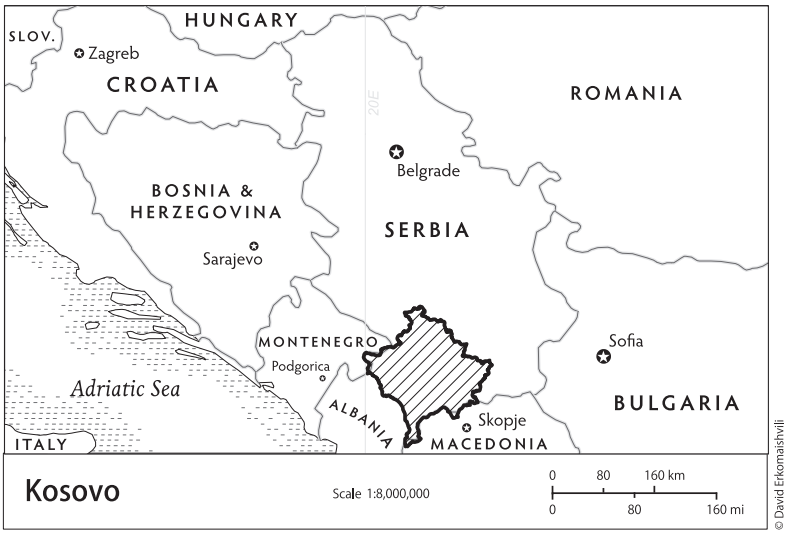
Fourth generation peacekeeping missions, which enhance transitional administrations making the UN run the complete set of governmental responsibilities provides insights to the shift that has taken place towards post-conflict behaviour by looking at mandates establishing these missions. Indeed, these missions provide the broadest possible post-conflict practice in international law with peacekeeping personnel as lawmakers and the creation of a hybrid fusion of different *jus post bellum* components. Therefore these UN transitional administrations should be seen as the primary source

for a substantial *jus post bellum*, while the less far-reaching *fourth generation* peacekeeping missions and the lessons learned from previous generations can be seen as a secondary source.

Transitional Administrations: The Broadest Post-conflict Practice

The concept of transitional administrations is not only linked to the last peacekeeping generation, but is traceable the League of Nations.[60] After World War II the UN created various trusteeships,and in the post-Cold War period followed administrations in Cambodia and Somalia.[61] These can be characterised as "co-administrations," since they existed alongside the governments of the countries concerned and left such governments autonomous decision-making power only in certain areas.[62]

The concept of post-conflict transitional administrations with powers in all branches of governance – which entered the international community within the *fourth* generation of peacekeeping – became visible with the establishment of the United Nations Transitional Authority for Eastern Slavonia (UNTAES), with its duty to peacefully incorporate the Serbian part of Croatia into the newly established Croatian state. UNTAES assumed governing control of Eastern Slavonia, which was not preceded in earlier peacekeeping missions, but the mandate was only stretched for a period of two years, after which Croatian authorities took over responsibility though lacked judicial powers.[63] Therefore, even though this transitional administration can be seen as the first of its kind the concept remained incomplete, as argued by De Wet, since the powers of the transitional administration were not as extensive as those of the transitional administrations established later in Kosovo and East Timor, but on the other hand were more extensive than the powers in earlier transitional co-administrations.[64]



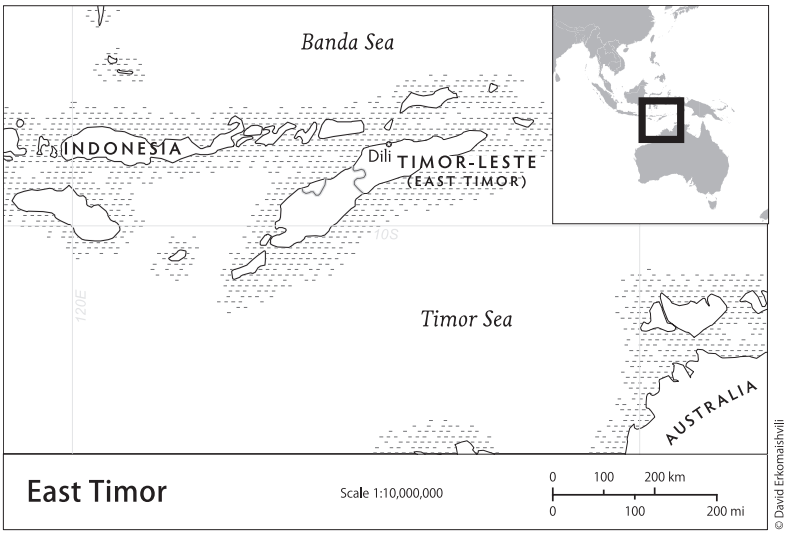
Boundaries of disputed territories reflect de facto status at the time of publication

The UN Transitional Administration in Kosovo (UNMIK) was established on 10 June 1999, following UNSC Resolution 1244. The mission was split into four pillars, of which two were UN-led (Police and Justice, Civil Administration), one OSCE-led (Democratisation and institution building) and one EU-led (Reconstruction and economic development). While recognising that Kosovo remained part of the Federal Republic of Yugoslavia, Yugoslav authorities retained few effective enforcement tools. The splitting of responsibilities into different pillars reiterates the argument made regarding hybrid *fourth generation* peacekeeping missions. Resolution 1244 shifted responsibilities of governance – legislative, executive and judicial – to the UN, creating UN governance. The resolution provided for a transferring of these responsibilities to local authorities in the final stages of UNMIK; a phased transfer 'while overseeing and supporting' and 'overseeing the transfer.'[65] Two years after the establishment of UNMIK a regulation was adopted which decided that some legislative powers had to be transferred to the Kosovar Parliament (re: heath and education), while legal enforcement and judicial decisions, as well as the supervision aspect remained with UNMIK.[66] This regulation suggested the first sign of transferral

from the UN administration to local authorities, but the UN held ultimate responsibility for civilian administration. Although Kosovar Albanian politicians had sought early withdrawal of the UN, the 2004 inter-ethnic riots fuelled fears that the full withdrawal of the UN might lead to a revival of more widespread ethnic violence.

East Timor

In 1999, the UN Security Council established the United National Transitional Administration in East Timor (UNTAET) acting upon Chapter VII of the UN Charter, which was endowed with the responsibility of governance in East Timor, including legislative, executive and judicial authority.[67] In 2000, military control was handed over to the UNTAET by the International Force in East Timor (INTERFET) – a coalition that had intervened in East Timor after serious destabilisation of the country following a separation referendum with the objective of peacekeeping and dispelling violent Indonesian militias from western parts of the country. INTERFET merged into UNTAET, which itself became the United Nations Mission of Support in East Timor (UNMISET) following East Timor's independence (20 May 2002), creating a supportive mission endowed with administrative, law enforcement and security assistance.[48] Compared to the Kosovo mission, UNMISET was the first time the UN gained effective control of a country, whereas Kosovo was an autonomous region, which only in 2008 unilaterally declared its – still disputed – independence from Serbia. A further distinction to UNMIK was that independence was relatively uncontroversial.



This emphasises the contention that transitional governments and the peacekeeping missions covering them have large similarities in objectives and *modi operandi*, but that a careful evaluation of specific applicability's on the mission concerned are of a great importance to have the mission succeed. It reiterates the argument of adaptability: no complete applicable scenario or blueprint exists for peacekeeping and anticipation of situational changes and specific regional dilemmas are of the utmost importance. Nevertheless, close inspection of post-conflict nation building activities of peacekeeping missions provides a set of applicable rules for *jus post bellum*.

Afghanistan

The US-intervention in Afghanistan, as a response to 9/11, fell under the scope of self-defence and outside the scope of peacemaking. Nevertheless shortly after the intervention the UNSC – under Resolution 1386 – established the International Security Assistance Force (ISAF), under NATO command; a result of the Bonn Agreement.[69] The objectives of the mission were 'providing security and law and order'[70] and 'assist[ing] in the rehabilitation of Afghanistan's infrastructure.'[71] Where the mission first concerned Kabul and its surrounding environs, a unanimous UNSC vote (2003) led

to the adoption of a resolution that widened the ISAF-mission to all Afghanistan.[72] The UNSC backed the creation of the Afghan Transitional Administration (ATA).[73] This administration succeeded the Afghan Interim Authority and filled the power vacuum that arose after the removal of the Taliban-regime and paved the way to democratic elections, which occurred in 2004. The Bonn Agreement provided wide powers of the Interim Authority, stating that it 'shall be the repository of Afghan sovereignty, with immediate effect' and gave the administration executive, legislative and judicial powers to in accordance with international humanitarian law and international human rights law; ratified by Afghanistan, and consistent with UNSC Resolution 1378 and other relevant resolutions. The peacekeeping mandate in Afghanistan differs from its predecessors in Kosovo and East Timor in its separation from the transitional administration.[74] Although closely cooperating with the transitional administration, the peacekeeping mission was endowed with objectives of security and infrastructural issues and the transitional administration was representing the political part of the country's rehabilitation.

The cases of Kosovo, East Timor and Afghanistan show the broad set of duties and responsibilities post-conflict peacekeeping missions are endowed with, including a strong focus on nation building. Practical and theoretical lessons can be learned from these missions, in order to create a substantive view on *jus post bellum*. The *Brahimi Report* stated that the concept of transitional post-conflict administrations was likely to recur and claimed that a centre for those tasks had to be established within the UN.[75] It recommended the creation of a panel of international legal experts to evaluate the feasibility of interim codes used by such operations.[76] Efforts by the UNDP to develop a model transitional draft code for criminal law and procedure in post-conflict areas and an International Commission on Intervention and State Sovereignty (ICISS) report on justice packages in post-conflict nation building and re-emergence of institutions[77] show similar movement. These efforts underscore the importance the UN lends post-conflict nation building as well as the creation of a set of rules that can be applied in such situations. Even though there appears to be agreement on certain issues that *jus post bellum* should address, the scope of the concept has yet to be defined. This is partly due to the relatively recent revival of the concept and a reflection in practice which is not yet very broad, although the peacekeeping missions in Kosovo, East Timor and Afghanistan and the aforementioned UN documents can provide for future guidelines. Close examination of the post-conflict rules in these missions and UN Reports on peacekeeping nation building activities will be able to pave the way for the creation of the substantive part of *jus post bellum*.

Fleshing out Jus Post Bellum: Post-conflict Practice

With the UN as a main post-conflict actor, a closer view at recent post-conflict peacekeeping and general UN practice could give a more coherent view of what should be regarded as a set of rules, applicable to post-conflict situations.

As with *jus ad bellum* and *jus in bello*, a set of legal constraints should be applicable to post-conflict situations, thereby mapping

the boundaries of this revived area of law and paving the way for the final objective: a sustainable post-conflict peace. Stahn drafted a list of these restraints in post-conflict situations, but simultaneously recognised that except for the *jus cogens* rules these proposed norms and standards can be superseded by international practice.[78] This superseding international practice can be observed in the case of Iraq, where the UNSC set aside the occupation law of the 1907 Hague Regulations and the Fourth Geneva Convention and triggered the post-war conservationist approach to the extent that it was actually subdued. UNSC Resolution 1483 created a framework in which the socio-economic and political reconstruction of Iraq was centralised, thereby ignoring the preserving of a status quo, which, according to the Hague and Geneva conventions, maintains that pre-conflict laws cannot be changed when valid. A similar practice can be observed in the examples of UN transitional administrations in Kosovo, East Timor and Afghanistan.[79] It is the clash between law and practice that rises to the surface in such contexts and too often international law defied. Ultimately, practice will strongly influence the further development of a set of rules in international law and may suggest the necessity of adaptation to changed circumstances or the rise of new legal challenges. Particularly, the focus on economic reconstruction faces a major legal challenge in *jus post bellum*, given its importance and the relative success that has been achieved in the transitional administration cases. The following part of this article depicts a set of rules which should be focused on post-conflict situations.

Human Rights Emphasis

An important aspect of *jus post bellum* is the final vindication of human rights in a post-conflict situation.

Walzer, in *Just and Unjust Wars,* linked JWT with human rights[80] and the objectives of a just war are the final vindication of human rights – whether it is the right to live or the right of self-determination.[81] The objectives of post-conflict nation building in societies torn by civil war do not differ in that respect, given the extensive attention that has been given to human rights in UNSC peacekeeping mandates.[82] Additionally, the *Agenda for Peace* emphasised the importance of human rights in the post-conflict phase, the *Brahimi*

Report declared human rights to be critical for effective peace building[83] and research and case law in the field of *jus post bellum* and human rights indicates legal support for the extraterritorial application of human rights in situations of non-domestic administrations,[84] something which the practice of peacekeeping has confirmed.

Williams and Caldwell note that 'a just peace is one that vindicates the human rights of all parties to the conflict,'[85] endorsing Orend's definition, suggesting that 'the proper aim of a just war is the vindication of those rights whose violation grounded the resort to war in the first place'[86] with a slight difference. These contentions are to be closely followed since *jus post bellum* tries to create a sustainable peace, and this sustainability should be reflected in the preservation of human rights.

As many peacekeeping mandates and subsequent UNSC resolutions indicate, there is a need for supporting, protecting and promoting human rights.[87] The aforementioned contemplations of Williams, Caldwell and Orend are in line with this peacekeeping practice; they proclaim a focus on human rights in the shift from war to peace as essential for peace itself. In most missions various subparts created within the peacekeeping mission portray this focus. Furthermore, reports from independent organisations such as Human Rights Watch and Amnesty International or reports from the UN High Commissioner for Human Rights may be helpful in the assessment of human rights areas that should be placed under a more scrutinising examination.

A second aspect, further developed supporting, protecting and monitoring emerged from the UN Mission in Bosnia and Herzegovina (BiH) during the 1990's, in which the mission had a clear mandate to investigate human rights violations.[88] The Human Rights Office of this mission had a mandate to 'investigate or assist with investigations into human rights abuses by law enforcement personnel,'[89] which emphasis that states are often violators, rather than defenders, of their citizen's human rights.[90] The *Brahimi Report* recalled the necessity of such investigations by stating that 'United Nations civilian police monitors are not peace builders if they simply document or attempt to discourage by their presence abusive or other unacceptable behaviour of local police officers.'[91] Investigational powers furthermore defy – as *ut res magis valeat*

quam pereat – the idea of the creation of a paper authority in regard to supporting and promoting of human rights.

The precedence set by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) was followed in Kosovo, where the Ombudsperson was allowed to receive and investigate complaints regarding human rights violations by public authorities.[92] This practice has a double-edged effect: signalling to the local community that human rights violations are taken seriously and that victims of violations have an authority to turn to, while simultaneousl deterring (possible) violators.

In East Timor, the Serious Crimes Investigation Unit examined ten major violations and the Serious Crimes Panel investigated a set of serious violations. However, these fell under the caption of war crime trials, although, naturally, they addressed the violations of certain human rights since human rights law is not overruled during armed conflict.[93] Furthermore, the establishment of a special criminal tribunal for East Timor failed after the UNSC could not establish 'the existence of a threat to peace or breach of peace or an act of aggression,'[94] since the entrance of the INTERFET and the UNTEAT into the conflict reduced human rights violations,[95] general calm had returned and the threat to peace. Since the aforementioned investigation units have a strong retrospective nature, they will receive more attention in the section on war crimes trials below. The judicial powers the transitional administration in East Timor was allowed to investigate human rights violations. Also, the UN established the Office of the Ombudsperson of the East Timorese Transitional Administration, but this Office was criticised for lacking a strong mandate and enforcement methods to carry out its objectives.[96] The UNTAET Human Rights Unit was however another channel which complaints could be submitted regarding human rights violations by public authorities.[97]

The Bonn Agreement concerning the transitional administration in Afghanistan provided for the establishment of an independent Human Rights Commission in cooperation with the UN, 'whose responsibilities will include human rights monitoring, investigation of violations of human rights, and development of domestic human rights institutions'[98] Additionally, the UN itself was endowed with the power to investigate human rights violations.[99] The precedence of the mission in Bosnia was followed by negotiations leading to

the Bonn Agreement and emphasis was not merely laid on promoting human rights, but also on active investigations of violations.

A third aspect is ensuring that the peacekeeping forces live up to the rules of international human rights law and are endowed with knowledge of this field of law.[100] Violations perpetrated by peacekeepers or soldiers of the "occupying" forces are to be punished equally in relation to violations perpetrated by local individuals.[101] The unequal application of certain rules regarding accountability for human rights violations will not benefit the creation a post-conflict peace, establishes the notion of a *princeps legibus solutus est*[102] and will not match the democratic intent which underscores the concept of peacekeeping missions nor the purpose of the UN. This part of international law is underdeveloped and the need for a further defining of *jus post bellum* begs for a clear set of normative rules. In the past, some accountability for the UN has been acknowledged, but the contemporary legal framework does not provide for sufficient protection.

A fourth and final aspect concerns the transfer of the sovereignty of a nation from the hands of the "victorious party" back into the hands of the local population.[103] Both the missions in Kosovo and East Timor aimed at delivering sovereignty to domestic political institutions. Similarly, the transitional administration in Afghanistan was established to create a government endowed with political sovereignty. The principle of self-determination is one of the most fundamental human rights[104] and has a legal basis in the UN Charter the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and should legally support the reintegration of the nation into the international community.

Indeed, the importance of human rights is captured by:

- **Supporting, protecting and monitoring human rights –** A broad focus on human rights must be established, which focuses on supporting, protecting and monitoring human rights by post-conflict peacekeeping forces. Legal support for the extraterritorial application of human rights law can be seen as a basis for this.
- **Investigating and sanctioning violations of human rights –** Investigational units and a judicial system sanctioning the discovered violations is a requirement for the just vindication

of human rights in post-conflict situations, there it sends strong signals to the community regarding the creation of stabile human rights situation and a deterring message to violators.

- **Accountability for human rights violations by proxy** – Members of international peacekeeping forces and UN personnel should be accountable for human rights violations in a way any other person will be held accountable. The international community must equally apply the rights it endeavours to promote to all sides involved in the conflict.
- **Restitution of sovereignty** – One of the objectives of *jus post bellum* is the return of a government with full domestic sovereignty and thereby the recognition of self-determination. The restitution of this domestic sovereignty by the peacekeeping mission is therefore required and will pave the way for full reintegration into the international community.

Economic Reconstruction

It is undeniable that war has a devastating effect on a nation's economy and there is reasonable support for the contention that poor economic situations increase the possibility of internal or international conflict,[105] and is empirically confirmed: many of the world's "conflict zones" are located in the so-called Global South. As many economists and politicians have embraced the idea that economic globalisation has reduced armed conflict, the concept of post-conflict peace building must strongly emphasise the reconstruction of a state's economy as part of producing sustainable peace.

Furthermore, according to research, the primary reasons for internal armed conflict is also rooted in economic problems, rather than inequality, ethnic problems or a lack of democracy.[106] Additionally, liberal models suggest that an open economy leads to higher levels of economic development, which in turn may lead to peace.[107] In writings on *jus post bellum*, the importance of economic reconstruction has been largely neglected though some ideas have been proposed.[108] The Brahimi Report recognised the importance of economic changes in complex peace operations and a more complete idea of the importance of economic reform might be established when looking at legal reforms in the aforementioned cases of

transitional administrations, of which the reform to secure a market economy is a long-term target.[109] Unlike the previous section on human rights, knowledge on economic reconstruction must be gained from the peacekeeping missions regarding UN transitional administrations and UN-authorised peacekeeping mission and transitional administration in Afghanistan, since a relatively successful post-conflict economic reconstruction has not been pursued in more narrow missions.

In Kosovo, economic reconstruction was boosted by various UNMIK-regulations addressing economic reform, as well as labour and employment measures, taxation, and economic regulation. These decisions were based on UNSC Resolution 1244, which stated that 'supporting (...) economic reconstruction'[110] was to be one of the main responsibilities of the mission in Kosovo. Such resolutions cannot be separated from the results achieved in the post-conflict situation and it is important to look at the effect of these in retrospect, since a relatively short period of time has passed since their adaptation. Figures and reports of international economic and development institutions, such as the World Bank, should be regarded, since they provide insights into economic growth and stability. The economy of Kosovo grew tremendously in the immediate post-war environment (1999). By 2000, growth accelerated to 21.2%, after which it dropped to a more balanced level in 2006 (4.2%)[111] and 2008 (5.4%)[112] Furthermore, a World Bank Report on Poverty in Kosovo predicted an estimated 17% drop in absolute poverty rates within five years of sustainable 5% GDP growth[113] and the International Monetary Fund (IMF) analysed an increase of more than 60% of the per capita GDP in comparison with the immediate post-conflict situation.[114]

Another aspect, which received attention, was the flow of foreign investment into the Kosovar economy.[115] Tax laws were amended to make the country's economy more viable for foreign investment, since the flow of new capital would bring new technologies, employment and a higher production standard. Attracting foreign investment was also a priority for the EU pillar of UNMIK.[116] The successful attempts at attracting foreign capital were reflected in the quadrupling of companies of foreign and mixed ownership between 2004 and 2007.[117]

The transitional administration in East Timor also focused on economic development.[118] This was reflected in the regulations adopted by UNTAET, which sought economic recovery in order to create a system in which capacity-building could take place.[119] Attempts were made to convert East Timor's largely subsistent crop economy to a cash crop economy, since agriculture remained East Timor's major economic sector but this largely failed due to heavy global price drops in the chosen export products. The notion of emphasising the country's main economic sector nevertheless seemed important in the attempt to revive the economy.

Also, progress was made in the development of East Timor's oil and gas fields. An oil-deal with Australia (2006) enhanced the annual revenue of the Timorese government, which between 2002 and 2007 alone increased by more than $600 million (USD)[120] and UNTAET established an Investment Promotion Unit,[121] recognising the importance of attracting foreign capital, which was embraced by the Brahimi Report.[122]

The GDP rose approximately 43% between 2000 and 2007, despite economic problems in 2006 and the GDP per capita rose 2% over the same period.[123] Despite the major income growth in natural resources, East Timor failed to implement these assets to create a stronger economy after independence (2002). A strong indication of the importance of peacekeeping presence followed from the 2006 crisis in East Timor, in a period the UN reduced the operation and the subsequent extension of the mandate of the UN Office in East Timor,[124] after which the economic situation recovered again. This supported the contention in the Report of the High-Panel on Threats, Challenges and Change, in which the importance of a longer-term process of peacebuilding was mentioned.[125]

In Afghanistan – despite remaining among the poorest countries in the world – the post-conflict economy revived with GDP rising more than $5,500 million (USD) in five years and a GDP per capita rise of $177 (USD) in the same period.[126] The transitional administration was endowed with the right to create financial institutions[127] and the UNDP cooperated with the Afghan government to create stable governance structures, including those of an economic capacity-building nature.[128] Emphasis was put on attracting foreign investors by laws from the transitional administration,[129] as well as the UNSC.[130] UN data shows a relative increase in foreign

investment in Afghanistan in the post-conflict phase, compared to the period of 1990–2000.[131] Nevertheless, the same data indicated the long road ahead, since comparison to other countries shows the enormous foreign investment gap Afghanistan will still have to overcome.

NATO-ISAF peacekeepers also focused heavily on the reconstruction of Afghanistan's economy, in combination with a large scale of projects initiated by international organisations. Emphasis was put on the recovery of the agricultural sector, which provides for 35.5% of the GDP and employs around 80% of Afghan civilians and could secure the spreading of economic development throughout the entire population.[132] Furthermore, a ring road to support growing transportation was created, extensive internet connections and a sustainable power network constructed.

The presence of the UNDP, World Bank and the IMF and the funding of specific economic or development projects shows the importance given to the economic reconstruction of post-conflict zones. In an attempt to revive the economy and development in post-conflict situations, peacekeeping missions consisting of transitional administrations assessed in this section have emphasised number of points, which in the economic development part of *jus post bellum* are relevant. These should be achieved by a transitional administration established by a UNSC resolution (such as in Kosovo and East Timor) or by a UN-authorised transitional domestic government closely cooperating with peacekeeping forces and the UN (such as in Afghanistan):

- **Strengthen domestic capacity-building** – The creation of a domestic taxation system, financial authorities and a general economic policy are indispensable for the consolidation of state finances. Gaining domestic natural resources to create independent resources will strengthen such capacity-building, just as the promotion of entrepreneurship.
- **Revive traditional sectors** – A strong focus on the development of the traditional economic sectors, which employ the largest share of workers, is essential for economic recovery in the immediate aftermath of the conflict-situation since it will quickly provide work for the civilians trained in traditional sector productivity.

- **Attract foreign investment** – Attracting foreign investment in post-conflict areas will positively boost the domestic economy and governmental assets and the creation of employment. Alluring tax systems will be able to attract foreign entrepreneurship and lift domestic technology and production standards to a higher level, but simultaneously a competent rule of law will be needed.

These can provide guidelines for future post-conflict nation building, but they cannot be regarded as exhaustive since more empirical research in the substantive area of economic *jus post bellum* will be valuable for further defining of the concept. Nevertheless, the successful economic rebuilding of the examined post-conflict areas by the peacekeeping missions consisting of transitional administrations should be considered.

Criminal Prosecution

Conflicts frequently go hand in hand with violations of rules pertaining *jus in bello*, while *jus ad bellum* violations are conceivable as well. Post-conflict periods offer opportunities for prosecuting those who have violated rules during conflict from both *jus in bello* and *jus ad bellum* perspectives. Where the human rights component of *jus post bellum* mainly focuses on human rights in the contemporary aspect, criminal prosecution focuses on the violations of human rights law and humanitarian law in a retrospective context. It is embodied in the very notion of *jus post bellum*, justice after war, that justice has to be done for wrongs committed in the preceding phases. Where would the *jus* in *jus post bellum* be if those who violated the most basic norms were left unpunished? This punishment must be meted for both moral and legal reasons: morally for blaming individuals for the wrongs committed[133] and legally for the need to sanction those who blatantly violated the rules of international humanitarian and human rights law. Similar to human rights, war crimes trials signal to victims, potential aggressors and the international community that violations of international law shall not be taken lightly.

The establishment of such post-conflict justice systems is supported by various scholars,[134] as well as a Report published by the UN, which recognised the importance of trials in the transitional

period.[135] The question is to what extent such criminal prosecutions and investigations should be undertaken? There is considerable support, in theory and practice, that war crimes trials be an important part of post-conflict criminal prosecution. Criminal courts such as the International Criminal Tribunal for Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have been instituted to adjudicate on violations committed in, respectively, former Yugoslavia and Rwanda; violations which concerned the *jus ad bellum* decision-makers as well as those persons directly involved in armed combat.[136]

These courts were not part of peacekeeping missions, they were established by independent UNSC resolutions. Nevertheless they followed directly from a conflict in which UN peacekeeping troops had been present. War crimes constitute an important part of the Statute of the International Criminal Court (ICC).[137] But what role can peacekeeping missions play in the assessment of this *jus post bellum* aspect?

In Kosovo and East Timor the UN followed precedence from the missions in Cambodia and Sierra Leone,[138] with the sole difference in respect to Kosovo that the ICTY had jurisdiction to prosecute 'high level civilian, police, and military leaders, of whichever party to the conflict who may be held responsible for crimes committed during the armed conflict in Kosovo.'[139]

In Kosovo the judicial system was supported by a group of international judges and prosecutors,[140] having the authority to 'select and take responsibility for new and pending criminal cases within select and take responsibility for new and pending criminal cases within the jurisdiction of the court.'[141] The Kosovar courts have convicted various war criminals in the immediate aftermath of the conflict.[142] International judges formed a part of the courts trying indicted suspects.

Following widespread human rights violations in East Timor and considerable pressure from the international community, Indonesia set up its own court to try those who committed war crimes.[143] In East Timor itself the Serious Crimes Investigation Unit focused on serious violations committed during the armed conflict and was able to bring cases before the Special Panels for Serious Crimes, which were created by the UNTAET.[144] Although the establishment of an international criminal tribunal for East Timor did not gain

enough support, the SPSC consisted of two international judges and one domestic judge.[145] The enormous advantage of the presence of these international judges and prosecutors incorporated within the post-conflict peace building mission is that often these persons have earned international legal respect and have extensive knowledge of the particular field of law they are going to be endowed with. Secondly, due the preceding conflict the neutrality or objectivity of domestic judges might be doubted, something which has been recognised in the recommendations of the UN Report on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies [hereinafter: 2004 Report].[146] Finally, the presence of international judges and prosecutors guarantees a quick and sound response in the immediate aftermath of a conflict, whereas the national legal system in most situations will have been undermined by the conflict itself.

The post-conflict situation in Afghanistan unfortunately did not provide for the establishment of war crimes trials to punish those who violated the rules of war during the conflict that tormented the country for some 25 years, nor for the period in which the US had invaded. In 2007, President Karzai signed a controversial law granting immunity for war crimes committed in the aforementioned period, with authorisation of parliament.[147] This contravened the 2004 Report, which rejected such amnesties.[148] Nevertheless, the US put some suspects, captured and imprisoned in Guantanamo Bay, on trial for war crimes,[149] but alleged war crimes committed by UN-authorised NATO-forces have not yet been investigated. The lack of criminal prosecution of war criminals in Afghanistan is perhaps attributable to UN-involvement, which is not as robust as it is in Kosovo and East Timor, and the different face of the transitional authorities and peacekeeping forces, which were UN-authorised rather than UN-executed.

Following the 2004 Report, which reiterated the importance of war crimes trials,[150] it is clear that the prosecution of war criminals constitutes an important factor in the post-conflict road to peace. This is supported by measures of the Geneva Conventions and its additional protocols, which are applicable during conflict and post-conflict phases.[151] These conventions call for the prosecution of persons who violated conventions on both international and internal armed conflict.[152] The UN convention against torture calls

for a similar approach and confirms its applicability during a state of war,[153] while the ICC forms the basis for war crimes trials. It must be noted that a substantial view of post-conflict criminal prosecutions within peacekeeping missions is still largely underdeveloped – with Kosovo and East Timor as good examples. The various international tribunals that have been established are not directly linked to the peacekeeping. However, they can, in a broader context, be seen as a post-conflict UN action since they adjudicate on crimes committed in a conflict in which the UN interfered. The criminal prosecutions for war crimes in *fourth generation* peacekeeping missions, consisting of transitional administrations in Kosovo and East Timor, nonetheless explicitly indicate the importance that has been given to war crime trials by means of the establishment of national war crimes trials.

Peacekeeping missions have assisted in criminal prosecutions conducted by national and international courts by means of collecting evidence, capturing criminal suspects and uncovering crimes.[154] The close cooperation between the UNMIBH peacekeeping mission and the UN High Representative is an excellent example of this.[155] The UN High Representative in Bosnia used his Security Council[156] and treaty[157] mandate to create a War Crimes Chamber in Bosnia and Herzegovina[158] in the hybrid form of both national and international judges, as has been done in Kosovo and East Timor as well.[159]

In Kosovo and East Timor, these war crimes trials followed directly from the powers of the UN transitional administration and that such a transitional administration did not exist in BiH, where the UN High Representative used his mandate for the creation of these trials and worked closely with the peacekeeping mission in the country. There is thus a difference between peacekeeping operations consisting of transitional administrations and less far-reaching peacekeeping missions in the way such war crimes trials are established, but they both find their legal basis in Security Council resolutions.

There seems to be more in the concept of post-conflict justice though, such as the establishment of truth commissions and reconciliation. These inquiries have previously been called for in Somalia,[160] used in South Africa in a non-peacekeeping related form,[161] and for the establishment of the Truth and Reconciliation Commission

in Sierra Leone.[162] Furthermore, the UNTAET established the Commission for Reception, Truth and Reconciliation in East Timor.[163] The Brahimi Report reiterated the importance of reconciliation in post-conflict areas, proposing a 'leading role (...) in helping to implement a comprehensive programme for national reconciliation.'[164] Calls have been made for a similar truth and reconciliation commission in Kosovo,[165] but so far the transitional administration has not established such a commission. In addition, the transition from negative to positive peace implies the need for restorative justice, since punitive and retributive justice of war crimes trials will not directly reckon with the victims need for reconciliation.[166]

Also the 2004 Report focused on truth and reconciliation in post-conflict zones[167] and recognised its importance in complementing criminal prosecution with truth commissions.[168]

In this area the connection between criminal prosecution and human rights becomes visible and the findings of investigating commissions may be used to prosecute individuals for war crimes and human rights violations. Alternatively, the findings of criminal prosecutions and war crimes trials will decide whether certain persons will be granted immunity for less serious crimes by the reconciliation commission, a situation which happened in East Timor.[169]

Various factors contribute to prioritising post-conflict criminal prosecution, namely:

- **War crimes trials –** Bringing justice to those who violated *jus ad bellum* and *jus in bello* is an important factor in post-conflict peace building. If no independent UN-established or supported court to adjudicate such crimes is possible, the prosecution of war criminals in domestic war crimes trials with the presence of international judges and prosecutors is highly recommended. A legal basis for this must be included in the UNSC resolutions which authorise the missions in the first place.
- **Aim for truth and reconciliation –** Where war crimes trials punish those who violated *jus ad bellum* and *jus in bello*, the establishment of truth and reconciliation commissions by, or in cooperation with, the peacekeeping mission may assist in reconciling a fragmented and shattered state; reaching out to the victims in truth-finding and complementing the work of criminal trials and human rights investigations.

Conclusion

The blueprint for *jus post bellum* must be rooted in post-conflict UN (-authorised) peacekeeping missions and legitimised through the international laws which regulate them. The need to revise JWT and create a tripartite system which includes *jus post bellum* can act as a step towards legally enframing the concept and developing a methodological outline applicable to post-conflict situations as a means of reinforcing sustainable, post-conflict peace.

The examination of peacekeeping missions and transitional administrations in Kosovo, East Timor and Afghanistan, revealed three main post-conflict focuses which may be supported (directly and/or indirectly) by peacekeeping missions. To reiterate, these are:

1. **Human Rights:** supporting, protecting and monitoring human rights, investigating and sanctioning violations of human rights, increasing accountability for human rights violations by proxy and the restitution of sovereignty,
2. **Economic Reconstruction:** domestic capacity-building, enhancing traditional economic sectors and attracting foreign investment,
3. **Criminal Prosecution:** war crimes trials and truth and reconciliation processes.

These are key, but not the only, elements required in substantiating *jus post bellum*. Indeed, the codification of *jus post bellum* requires significant research and international legal debate so it may eventually be accepted as common post-conflict practise. Within this process it must be recognised that a shift in conflict has occurred; forcing scholars of international law to adapt JWT to the unfolding peace/war-dichotomy. The idea of peace as the absence of war is archaic and the need for coherent and vigorous post-conflict objectives is boosted by the successful implementation of nation building measures in the peacekeeping missions this article has examined, which aimed to achieve sustainable peace. After all, a fragile peace will likely act as the foundation for a subsequent conflict.

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166 Murithi (2009), *The Ethics of Peacebuilding*, Edinburg, pp. 142-143.

167 *See* 2004 Report, para. 8, 25, 26, 50-51 and 55.

168 'It is now generally recognized, for example, that truth commissions can positively complement criminal tribunals, as the examples of Argentina, Peru, Timor-Leste and Sierra Leone suggest. And in Timor-Leste, the Serious Crimes Unit worked in close conjunction with the Reception, Truth and Reconciliation Commission, as provided for in Regulation No. 2001/10 of the United Nations Transitional Administration in East Timor, which established the Commissions terms of reference.' See 2004 Report, para. 26; Murithi (2009), p. 156, and Stahn (2007), pp. 198-202.

169 See UNTAET/Reg/2001/10, para. 27, 28 and 32; Stahn (2007),pp. 204-205.

EUROPEANISATION, BOSNIAN STYLE

Bedrudin Brljavac

Abstract: *There is a wealth of literature criticising European Union (EU) member states for not speaking "with a single voice" regarding foreign affairs priorities. This work is yet another contribution to such scholarship though its direction, analysing EU approaches to Bosnia and Herzegovina (BiH) via the Europeanisation process, is unique. The assumption of this work holds that the EU is deeply divided, incoherent, and weak, in terms of its Europeanising policies in BiH which itself plays a destabilising role and further deepens political impasses in the country. This work demonstrates that, to some extent, the EU is responsible for the enduring status quo in the country since it is the international actor BiH citizens attach the most recognisable set of expectations. This exposes a serious credibility gap for the EU since it is increasingly paralysed and unable to assert itself as an actor capable of resolving the cumbersome BiH enigma.*

Keywords: Bosnian Standards, Europeanisation, Capability-Expectations Gap, Credibility Crisis

Without integrating the Western Balkans, Europe will struggle to manage its out-of area expansion and its global commitments as problems from the region will keep its focus on local issues
Antonio Milososki

Introduction: BiH and the EU

Immediately following the appointment of Peter Sørensen as Head of the EU Delegation to Bosnia and Herzegovina (BiH) Dodik, leader of the Bosnian-Serb Union of Independent Social Democrat party (SNSD), set the parameters required for the emergence of constructive relations between BiH and the European Union (EU). Such political intercourse paints a vivid picture as to current ambiguities since Dodik conditioned Republika Srpska's cooperative role on the idea

that solutions to BiH problems are not imposed by the international community.[1] In other words, the price for cooperation is inaction. Indeed, prior to the arrival of Sørensen, some conditions were set in order to work with local political leaders. This situation could be understood as paradoxical for the grander project of the EU since, typically, it is the Union which sets the tone of interaction rather than the local political elites from potential candidate and candidate countries.

Dodik is but one example of a local politician modifying EU standards to suit their own, "Bosnian standards," which are constructed around particular ideological interests. As a result, the political postures maintained by BiH leaders, and the inability or incapacity of the EU to alter them, reveals an acute credibility crisis of the EU in BiH.

The promise of eventual EU membership has not been a sufficient instrument to encourage BiH political representatives to respect EU values and norms and implement them domestically. Although, occasionally, certain political elites articulate their prime objective as EU accession, most do very little to move BiH closer to Brussels. Such reluctance is largely due to BiH political immaturity as many key figures are more comfortable – as are their publics' – clutching onto past political polemics whereas the EU-related agenda is constructed to encourage them to work towards a more stable and peaceful future. Such politicking demonstrates the depth of the wound left by 1992–1995 war in Bosnia; rather than focusing on the practical side of EU integration, and prioritising the well-being of BiH citizens, the political elites across party colours and ethno-religious communities unanimously deploy emotional interpretations of BiH "histories" as a means to mobilise current public opinions, a process which only serves to heighten political polarisation and disputes. Indeed, as Bassuener notes,

> the Dayton constitution makes leveraging fear politically profitable and politicians unaccountable. Bosnian politicians pursue their self-aggrandising, maximalist goals at the expense of the general welfare.[2]

Under governing structures dominated by such nationalist political elites, Bosnia is sitting uncomfortably on the brink; a brink often referred to as *the* status quo, though is actually a formula of "don't-rock-the-boat" unsuccessfully developed following the 1990 general elections.

The BiH electorates' preference for "ethnic" parties has been a consistent feature of the political landscape with only one exception: the 2000 elections which brought the trans-ethnic and trans-religious Social Democratic Party (Socijaldemokratska partija, SDP), to power. As a consequence of such trends, political swaggering and rhetoric tends to contain ethno-nationalism in relatively – when contrasted to EU standards – extreme rhetoric. This has produced a climate of "outbidding," where those seeking elected power build on nationalist parties' cement dating from their early, post-war election successes elections, by using more extreme rhetoric.[3]

Therefore, on issues important to all segments of BiH, ethno-centric political leaders have been unable to compromise. This has been most apparent in the reform process required for EU membership. In fact, the European Commission (EC) once concluded that

> (i)n BiH, nationalist rhetoric by key political leaders is challenging the arrangements established by the Dayton/Paris peace agreement and has stalled reforms. Much needed reforms of the police and of the constitutional framework have failed to make progress.[4]

Although BiH's political leaders are (rightly) liable for the slow pace of reform rarely is responsibility for the deadlock placed on the actions of the EU and its members. Since the Europeanisation process is a two-way street, both the EU and the aspirant country share responsibility for the pace of the process. This research explores just that and is based around the fundamental question of the extent the EU is itself responsible for the enduring political deadlock in BiH?

BiH-EU Relations

BiH and the EU have maintained close economic and political relations for more than a decade. In the aftermath of the war in Bosnia, which ended in December 1995, the EU intensified its strategic activities in the western Balkans region, including BiH. Indeed, the EU proposed a variety of initiatives which were meant to strengthen the EU perspectives of BiH.[5] These include:

1. **The Royaumont Process:** The first major initiative originated from France's 1996 EU presidency which launched the so-called Royaumont Process. The initiative's main objectives were stabilisation and peace-building efforts in South-East Europe;

2. **PHARE and OBNOVA:** The EU developed a regional approach; advancing political and economic conditionality for the development of bilateral relations through the PHARE and OBNOVA humanitarian programmes. These began in 1997 as the EU tied its economic assistance to the condition that recipients took clear and concrete steps to enhance human rights regimes, democratisation, and allow the rule of law to cement.[6] This signalled that the EU had changed its approach towards the entire western Balkan region from a passive and incoherent to more active and united actor;
3. **EU-BiH Consultative Task Force:** In June 1998, the EU-BiH Consultative Task Force was established to provide technical and expert advice in the fields of: judiciary, education, media, administration, and governing national economies;
4. **Declaration of Special Relations between EU and BiH:** The EU-BiH Consultative Task Force led, in June 1998, to the signing of the *Declaration of Special Relations between EU and BiH*, a crucial document which still largely governs these actors' relations;
5. **Stabilisation and Association Process (SAP):** In 1999 the EU initiated the Stabilisation and Association Process (SAP) to establish more concrete and tangible political and economic links with countries in the west Balkan area;
6. **The Feira European Council:** In June 2000, during the Feira European Council, the EU agreed that all SAP countries, including BiH, are considered potential candidates for future EU membership;
7. **Road Map for BiH:** On 08 March 2000, EU Commissioner Chris Patten announced a Road Map for BiH as the 'first step' in the framework of SAP. The document identified 18 initial steps which had to be implemented and which could lead to a feasibility study for a Stabilisation and Association Agreement (SAA) with the EU;
8. **Stabilisation and Association Agreement:** Following a difficult and slow process implementing reforms, the BiH government signed a SAA with the EU in June 2008. This was the first pre-accession tool towards the country's full EU membership.[7]

If the production of strategy and policy papers were the indication of progress, BiH fares well. However, such documents went, largely, unheeded and difficult reforms were postponed indefinitely. Indeed, most of the early, heady days of EU-BiH engagement produced few long-term alterations within the latter and, crucially for this work, did not provoke a comprehensive and realisable set of objectives among the former. Since 2008, ethno-nationalist rhetoric has reached fever-pitch in BiH while the EU has returned to its preferred, but disastrous position on the fence.

This work now turns to tracing the EU's engagement to BiH in a bid to uncover where it has gone astray and how it can be brought back in from the cold. To achieve this goal, and to justify the research question posed above, this work first defines and theoretically treats the Europeanisation process. This is followed by an assessment of the EU's conditionality tools as a means of illustrating how the EU has elicited change in a potential member. This invariably leads to questions of expectations nurtured as "goals" following often painful reforms. Therefore, the subsequent section explores the EU's now infamous "Credibility-Expectations Gap." The final substantive section applies such a "Credibility-Expectations Gap" to the case of BiH in the hope of exposing weaknesses in the EU's current approach to solving the BiH quagmire.

What is Europeanisation?

Over the past decade, the literature on European integration has centred on processes of Europeanisation. This shift is due to the expectation that it the EU which identifies a potential member and sets a rigid formula, detailing the necessary political and economic arrangements which would bring a potential member into the "club." In other words, as the EU's international political and economic clout have risen, it is increasingly able to "call the shots" in negotiations with potential members. Hence, the process where a potential member seeks to join the EU it must follow EU-identified objectives, not vice-versa, and thus the potential member is being Europeanised in the EU's image of which there is no viable alternative.

The Europeanisation process does not only entail the adoption and implementation of EU policies, rules, norms and values into

a domestic economic, legal and political context, it is of equal importance that the EU sets clear standards, measures and rules to be adopted by aspiring countries. In this vein, Anastasakis and Bechev note that 'the criteria and benefits of (EU) conditionality must be visible not just to the elites but also to the citizens, in order to sustain momentum for reform along the long and difficult road to accession.'[8] Simply, Europeanisation is a two-way street between the EU and the countries that aspire for the EU membership.

Due to Europeanisation's growing popularity as a branch of European integration, there have been tremendous debates over how to specify the phenomenon and thus how to adequately define it. There have been a variety of definitions made in relation to Europeanisation. Unfortunately, most consider the process as reforming domestic political and economic systems based on policies decided at the EU level. In other words, Europeanisation is domestic change caused by EU decision-making. Radaelli, for instance, defines Europeanisation as

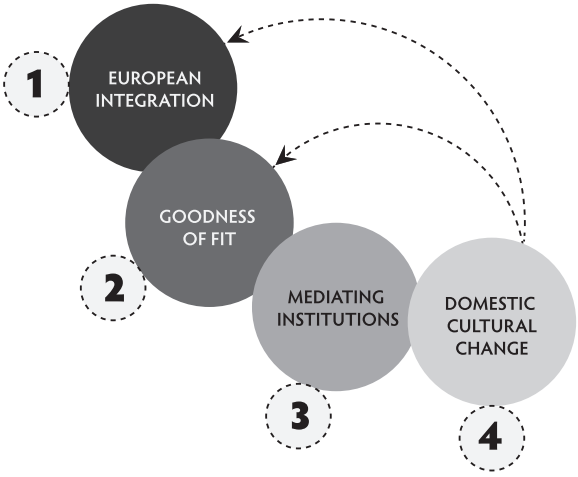
> processes of: (a) construction, (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ways of doing things and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourses, identities, political structures and public policies.[9]

However, EU norms and values may clash with those of a potential member. Domm articulates this clearly when he suggests that 'despite the rhetoric, Europeanisation, whereby vast numbers of detailed, non-negotiable rules are adopted by applicant countries, is hardly always consistent with local ownership.'[10] It is therefore crucial that the EU find consistent mechanisms to transmit its rules, policies, values while strengthening local ownership so that the gulf between Europeanisation and a potential member shrinks.

In fact, Europeanisation is a logical extension of the EU integration theory. It gained scholarly popularity during the 1990s though has extended until the present.[11] The Europeanisation process has two functions: first, it explains the influence of the European politics and institutions on domestic politics and second, Europeanisation stresses the process of change through which domestic actors adapt to European integration. Such a Europeanisation effect

is best illustrated through the 'basic paradigm,' (see Info-Graph 1 below). The paradigm emphasises that European integration leads to pressures to make necessary adjustments which are then influenced by domestic factors, and finally produce outcomes.[12] Indeed, Europeanisation has critical transformative power in the member states. Here, the degree of pressure created by Europeanisation is of crucial importance. This pressure is a function of the degree of fit/unfit or congruence/incongruence between "Europe" and a domestic polity.[13] As a result, the degree of fit or unfit leads to adaptational pressures. Simply, if EU policies and standards are similar to those at the domestic level then pressure for reform is much lower. However, such pressure is a necessary but not sufficient condition for reforms to be undertaken by domestic actors.[14]

Info-Graph 1: Europeanisation and Domestic Change



Source: Risse et al. (2001: 6), in Cowles et al., p. 1-20.

Means of EU Conditionality

The Europeanisation process in aspirant countries, such as BiH, is largely driven by EU conditionality that stimulates domestic reforms. In other words, EU conditionality is based on "strict

conditions" that candidate and potential candidate countries must meet in order to become full EU members.[15] As Schimmelfennig and Sedelmeier argue, 'the dominant logic underpinning EU conditionality is a bargaining strategy of reinforcement by reward, under which the EU provides external incentives for a target government to comply with its conditions.'[16] So far, the EU has established several strategic tools through which it attempts to press the process of institutional adjustment to EU standards and values. In the West Balkans EU conditionality deploys the following tools:

1. The Copenhagen Criteria – political, economic and acquis-related – applied to all candidate and potential candidate countries;
2. The 1997 Regional Approach and the 1999 SAP;
3. Country-specific conditions to be met before entering the SAA negotiation phase and conditions arising out of the SAAs and the CARDS framework;
4. Conditions related to individual projects and the granting of aid, grants or loans;
5. Conditions that arise out of peace agreements and political deals (e.g. Resolution 1244 of the UN Security Council, and the Dayton, Ohrid, and Belgrade agreements).[17]

EU conditionality is aimed at integrating the Balkan states into the EU: its intention is to promote reform, to prescribe criteria attached to EU-granted benefits, and to differentiate the countries by assessing each on its own merit.[18] Although it is often taken for granted that EU member states possess wide-ranging conditionality powers which can press domestic officials to implement the required EU-related agenda, it often produces opposite results as EU aspirants demonstrate significant levels of resistance. This has been especially true in BiH. Indeed, Sebastian suggests that the EU jeopardised and failed to link the power and incentives inherent in its accession conditionality to the constitutional reform process in Bosnia.[19] Noutcheva notes that the reforms demanded by the EU as conditions for establishing contractual relations with BiH link its membership prospects to changes in the internal state structure of BiH. However, internal politics in Bosnia were not significantly affected by the EU's promise of membership.

European studies literature is replete of praise and arguments supporting the EU as an international normative, civilian, humanitarian, and soft military actor. However, it is important to measure whether there is relevance between the idea of "European actorness" as such a normative actors and the tangible results the EU has produced in its international engagements. Recognition that the EU's self-prescribed identity may be out-of-sync with the reality of its policy actions, produced an enduring debate and spawned Hill's 1993 analysis which concluded that the EU is facing an acute capability-expectations gap. Hill suggests that the capability-expectations gap was produced by three interrelated variables namely: 1. the ability to agree, 2. resource availability and 3. instruments at the EU's disposal.[20] Elements of these variables have been further evaluated and deployed to assess the precise role of the EU in its international engagements. For instance, Toje claims that 'without capabilities and frameworks in place, the lack of agreement on foreign policy goals and the means by which they are to be attained could remain clouded in ambiguity.'[21] Taken back into context, for the EU to promote itself as a capable and powerful actor in international politics it is important that it matches its rhetoric about normative actorness with actions. Again Hill captures this best in his suggestion that if the capability-expectations gap is to be closed, the notion of European international activities must be grounded in demonstrated behaviour rather than potential and aspirations.[22]

Taken to the case of BiH, the EU must abandon its rhetorical offensive and replace it with more practical steps for reform. Without confronting BiH malaise, and being comfortable simply accusing domestic ethno-nationalist political elites' inflammatory rhetoric as the prime reason for deadlock, the EU continues to pursue a risk-laden policy which renders it unable to tackle sensitive regional and international problems.

In BiH the EU is not swimming against the tide as 88% percent of the country supports it's EU ambitions.[23] Furthermore, poll results reveal that support for EU membership is strongest in the Bosniak community with 97% favouring EU assession, while 85% of Bosnian Croats and 78% of Bosnian Serbs support the initiative.[24] Such support for EU integration – among all main ethnic groups – provides

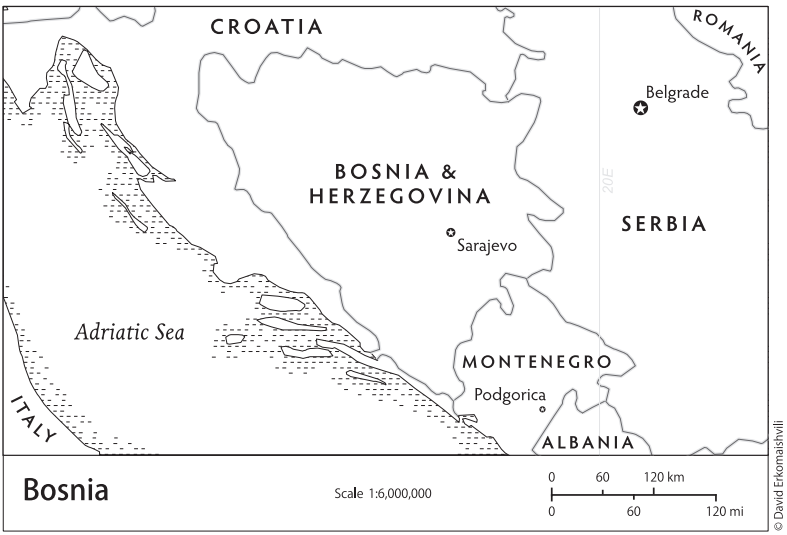
a solid opportunity for the EU to demonstrate its practical capabilities. However, a question mark hangs over whether the EU can meet the expectations of Bosnians? Does it have the necessary tools and resources to resolve the continuing Bosnian enigma?

The EU's Main Operating Tools

The EU has constructed bodies and instruments to speed up BiH's membership, for instance, the EU Special Representative in BiH (EUSR). In March 2001 Lord Ashdown was named as the first EUSR in BiH. The main and most important responsibility of EUSR has been to assist BiH government follow through on EU identified reforms. As the Commission itself stresses, the mandate of the EUSR is to promote overall political coordination and offer the EU advice and facilitation to BiH to help the country meet necessary requirements for the EU membership.[25] The EUSR's special mandate is derived from the EU's policy objectives in BiH. These include: helping achieve progress in implementing the Dayton Peace Agreement as well as in the Stabilisation and Association Process, the process by which BiH moves towards the EU.[26] Additionlly, the EUSR regularly reports to the Council of the EU, the inter-governmental body representing the 27 EU member states, through the High Representative for the Common Foreign and Security Policy (CFSP) and Secretary General of the Council. Thus, the EUSR has been of crucial importance to put pressure on domestic political leaders to continue with the EU-related reform process. However, in practise, the EUSR has played an ambiguous role.

The recent attempts at police reform serves as a telling example of such ambiguities. The Commission Feasibility Study (2003) identified weaknesses in BiH's policing system and concluded that it is necessary to 'proceed with structural police reforms with a view to rationalising police services.'[27] BiH political elites could not, predictably, compromise over the reforms so the EUSR simply imposed them to resolve the deadlock. This move enabled the EC to recommend the commencement of SAA negotiations with BiH (21 October 2005). However normative the intents, such an imposition, without addressing the core causes of local discontent and irreconcilability, was short-sighted and indicated that Europeanising reform could, in fact, be forced. This action spawned a wave of

criticism from within and beyond BiH. Perhaps the most indicative critique came from former High Representative Petritsch who rightly summarised the situation: 'I furthermore wanted to move this country away from a situation where it seemed, that fundamental changes – at times even alien to its local traditions – were being simply imposed on this state and its citizens. More often than not – the country was treated as object.'[28]



BiH's future in the EU is uncertain due to underdeveloped domestic policy-making structures and serious marginalisation of both political representatives and ordinary citizens from open democratic deliberation. This situation is made worse by the EU's imposition of reforms without attempting to solve the actual BiH impasse. Coerced Europeanisation by the EUSR has hampered the fragile democratic balance in BiH and retarded its ability to mature. In this sense, the EU inadvertantly paralyses BiH's political system.

Also, the often disunited position of EU members and institutions renders the EUSR ineffective. For instance, the status of the double-hatted OHR/EUSR has been unclear. Commenting on the appointment of Lord Ashdown as the EUSR, a EUPM official claimed that without dedicated EUSR staff, it was felt that 'he was the right person for the job … but he never really was the EUSR.'[29]

Another EUPM official said that 'the EUSR position was essentially irrelevant.'[30] This was the case in January 2009 when Lajcak, High Representative and EUSR in BiH, unexpectedly announced his resignation to take up the post of Slovak Foreign Minister. From his first mandate he considered his position was like 'riding a dead horse.' As Batt points out, 'the abrupt departure of HR/EUSR Lajcak has exposed drift and disarray in the EU's policy towards BiH.'[31] It would not be misleading to suggest that Lajcak did not carry a clear stamp of support from Brussels which would help him effectively fulfil his responsibilities. As the International Crisis Group pointed out in its report, '(t)here is some reluctance in Brussels for taking up such responsibilities, especially if its means deployment of the largest ever EUSR office, and increased EC funding.'[32]

From the American to Brussels Era

At present, it is the EU, rather than other international actors (re: the US, Russia, China), which is most involved in the political and economic affairs of the West Balkans. During the Yugoslav wars in the early 1990s, the EU had played only a marginal and largely incoherent role due to a serious lack of commitment and political will of its member states to pool more resources to build a more robust security and defence policy at the European level. As Solana points out, 'when the Yugoslav wars broke out in the 1990s we watched as our neighbourhood burned because we had no means of responding to the crisis (2009).' At the beginning of the Yugoslav crisis, Luxembourg Foreign Minister Jacques Poos – then head of the EC Presidency – declared that the organisation would intervene because it was 'the hour of Europe, not the hour of the United States.' However, the opposite proved correct as the situation spiralled out of control and Europe sought, and fought for, direct US intervention. This attested to Europe's major contribution to ending the Yugoslav wars; it managed to get the US involved in a peace-making capacity. In fact, it was only under US leadership that the Dayton Peace Agreement (1995) was concluded thus ending a brutal three and a half year war in Bosnia.[33]

However, after the war, the EU developed a more strategic and tangible approach to the West Balkans since the consequences of the war revealed that instability in the region poses serious threats

to the EU. In response, the EU developed a more pro-active and comprehensive security and defence policy at the European level. Or, as Patten, EU Commissioner for External Relations, remarked: 'the dreadful humiliation Europe suffered in the Balkans in the early nineties also made us realise that Europe had to finally get its act together.'[34] Among other things, in December 2004, the EU launched a peacekeeping military operation in BiH, replacing NATO's SFOR mission. In addition, the EU sent its Police Mission to Bosnia in January 2003 to replace the UN's International Police Task Force (IPTF) as part of the broader rule of law strategy in BiH and in the region. Alternatively, and following the 11 September attacks, the US's priority list changed, and it deployed most of its troops to Iraq and Afghanistan.

Following the initiation and signing of the SAA, the region shifted from the US-dominated Dayton era to an EU-dominated Brussels era. However, the Brussels era has not passed without challenges.

Credibility Crisis of the EU in Bosnia

Following the shift in US foreign policy away from BiH, significant diplomatic spaces opened for others, such as the EU, to assert influence. As a result, Hadzikadunic believes that gradual withdrawal of the US from the West Balkans towards more critical regions has signalised leaving the Balkans region to the EU as its natural and strong ally.[35] Although the EU developed new institutional relations with the region through the SAA it faced a multitude of challenges, especially in BiH.

In fact, the SAA is similar to the Agreements the EU signed with the Central and East European countries in the 1990s and the Association Agreement with Turkey. However, the enduring political malaise in Bosnia has obstructed the EU's SAA carrot. Bassuener and Lyon claim that not only did the SAA not generate momentum, but Republika Srpska is busy unraveling some of the hard-won gains of the previous 13 years, including reforms required by the EU as preconditions for signing the SAA.[36] That is why EU leaders must redouble their efforts to make the bloc's values, norms, and standards more attractive for Bosnian politicians and citizens.

Furthermore, EU sticks have also not worked in interactions with Bosnian political elites as the EU has not developed an adequate

"stick policy" which could be applied to politicians, political parties, and organisations that support policies opposed to Euro-Atlantic integration principles and that question the state institutions. Only recently has EU High Representative for Foreign Affairs, Lady Ashton, demanded that her new Bosnian envoy – part of her newly created diplomatic service – be given new powers by the Council of EU foreign ministers to impose travel bans and asset freezes on obstructionist Bosnian politicians.[37] Even EU financial aid for BiH has not been enough of a motivation for domestic politicians to implement necessary measures that Brussels had previously set. For instance, the EU provides targeted assistance to candidates and potential candidate countries through the Instrument for Pre-Accession Assistance (IPA) which supersedes the five previously existing pre-accession instruments, Phare, ISPA, SAPARD, the Turkey instrument, and CARDS. Thus, the European Commission has allocated some €440 million to support BiH in its transition from a potential candidate country to a candidate country for the period 2007-2011 under the IPA. BiH, as a potential candidate, is eligible for assistance to transition and institution building and cross-border cooperation. However, the EU has, in some instances, cut its financial assistance to BiH due to the slow reform process. In doing so, the EU has pushed BiH behind others on the road to Brussels.

The EU: Divided in Bosnia

Often EU leaders seem divided when European integration reforms in Bosnia are concerned. Former US Ambassador, Charles English, aptly noted that 'part of the problem is that the EU itself is divided about Bosnia. Among member states, only a handful, most notably the UK, appear to have a clear grasp of the dangers posed by Bosnia's current political dynamics.'[38] Probably the best demonstration of this is seen in the diverse views of EU officials regarding the future design and content of BiH's constitutional framework. In fact, Bosnian authorities are expected to implement European democratic values and effective bureaucratic standards based on the Copenhagen and Madrid criterion, respectively. However, although the Copenhagen and Madrid criterion propose the standards that have to be implemented by BiH politicians, the EU member states have not demonstrated a common and principled position on necessary

constitutional changes. Thus, while EU officials have been vocal in their demands for constitutional change, they have not been clear enough about specific requirements.[39] As a result, EU member states are as divided as local politicians over the design and shape of the future Bosnian constitution. This reinforced an EU credibility crisis in Bosnia.

At times, the EU sends contradictory messages regarding the content and degree of reform to BiH's constitution. European Commission President, Barroso, pointed out that while constitutional reform was not a strict condition for signing the SAA, 'there is [a] link between these two processes ... The EC and EU have to be convinced that they have a partner in BiH, which will be capable to respect its promises and implement the Agreement that we negotiate now.'[40] This has been an informal requirement that EU officials expect from BiH political representatives to implement in order to speed up the entire European integration process. However, there have been a number of EU leaders who do not support the idea that BiH requires a new, or even modified, constitution in order to join the EU. For instance, Welner Almhofer, Austrian Ambassador to BiH, claims that the EU had never set the successful implementation of constitutional reforms as a condition for BiH's EU membership.[41] Indeed, the EU perceived constitutional reform as an informal condition without articulating rewards or punishments for BiH politicians unwilling to implement such changes.

Even though EU leaders reiterate that BiH cannot realise its EU aspirations if it does not reform its constitutional framework, most have not explicitly stated what such constitutional reforms look like. This reflects the diverse national interests of EU members on foreign policy questions and is highlighted by the ambiguity of the Copenhagen and Madrid criterion. 'It is true that the EU has had no clear stance towards Bosnia. For a long time the EU officials have believed that the mere process of European integration will solve the country's problems. However, when it was clear that it was not the case then the EU could not find adequate alternative instrument.'[42] In other words, since the EU has not clearly indicated the measures required, the Copenhagen and Madrid criterion can be understood through a multitude of lenses, a point underscored by the variance of opinion among BiH political elites. For instance, it

could be said that Bosniaks want to enter the EU as a country with a strong central state; Bosnian Croats support a highly decentralised country while Bosnian Serb leaders see Bosnia in the EU as a weak central state with strong regional entities. Obviously, the EU should set the standard to solve this BiH impasse.

Initiative Failure for Dayton II

The Dayton Peace Agreement (DPA) established the Constitution of BiH in an annex of the Agreement deciding on the division of the country into two entities: the Bosniak/Croat Federation of BiH (mainly controlled by the Bosniaks and Bosnian Croats), and Republika Srpska (mainly governed by the Bosnian Serbs). Both entities have their own political and administrative structures. The Federation of BiH is divided into three levels: the Entity level, the Cantonal level, and the Municipal level. Republika Srpska does not have a cantonal level, it only has municipalities. The DPA has succeeded in keeping BiH as an independent and sovereign country with a joint multi-ethnic government. Thus, the current political system in Bosnia is the product of the DPA. Also, one of the most important goals of the DPA, the restoration of security and physical infrastructure, has been achieved. However, the broader objective of organising a multi-ethnic, democratic, and economically self-sustaining country is still a long way away.[43] So, while the DPA ended the war and laid the foundation for consolidating peace, many observers believe that the agreement, as a document, reflects wartime circumstances and cannot alone ensure BiH's future as a functioning and self-sufficient democratic state.[44]

Since domestic politicians could not agree on the necessary changes within the constitution it has become obvious that external mediation is required if significant progress is expected. This occurred when EU authorities decided to take decisive diplomatic action in fixing Dayton and paving a way for a new functional, self-sustaining and democratic BiH. During the Swedish EU Presidency there was a constitutional reform initiative, when Bildt (Sweden's Foreign Minister), Rehn (European Commissioner for Enlargement), and Steinberg, (US Deputy Secretary of State), called on BiH's political party leaders to attend a meeting at Butmir, outside Sarajevo, where they outlined a 'package' of reforms necessary for

deeper Euro-Atlantic integration.[45] The media termed the meeting 'Dayton II' which underscores the importance attached to it for the future of BiH's governance. Despite high expectations, Dayton II ended in complete failure. Bosnian Serb representatives rejected the proposed reforms as too drastic while Bosniak and Croat leaders described them as insufficient to solve the long-standing political stalemate. Thus, ambiguous and ill-prepared EU-US initative at Butmir contributed to deepening the current crisis rather than resolving it.[46]

On the surface the EU and US were united in the Butmir process and negotiations ended in failure because domestic leaders would not compromise on the adoption of the suggested measures. However, since Bosnia has been objectified while being passed from the Dayton (US) to the Brussels (EU) era, it is fair to assign responsibility for Butmir's constitutional failure to the EU. As Joseph points out, 'Washington's central policy challenge has shifted from getting the Bosnians to cooperate to goading the Europeans to act. Although Brussels has far more at stake than Washington does, and although it finally has a collective foreign minister, it still act only when galvanised by the Americans or by crisis, or both.'[47] In other words, the EU did not construct an adequate and stable political environment in the years it had assumed responsibility over BiH governance. Civil society, economic actors, and intellectuals were excluded from the Butmir negotiations, ensuring that unaccountable external actors (re: the EU) and divided internal actors (re: BiH political elites) were alone to make or break a deal. Additoinally, the Butmir meeting avoided the controversial principle of ethnic voting even though the EC identified 'entity voting' as preventing the swift adoption of legislation, which hinders BiH's progress towards EU membership.[48] These omissions posed an acute challenge to the values of democratic deliberation the EU claims as integral. Thus, the Butmir talks served only as a showcase however the status quo remained.

Conclusion

It is a natural part of the transition process for the EU to expect the BiH government to implement economic, political, legal and administrative reforms as a part of the country's Europeanisation

process. BiH has faced a serious impasse due to opposing, ethnic-based positions over the design of the country and its constitutional framework. However, the EU is equally responsible for the current status quo since its member states are not united in terms of defined standards and measures expected from Bosnian politicians. It seems that EU leaders believe that the process of integration of BiH is enough to produce stability, prosperity and genuine reconciliation. Although the Copenhagen and Madrid criterion proposed the standards to be implemented by BiH politicians, EU member states have not demonstrated a common and principled position on the necessary constitutional changes. As a result, BiH politicians successfully manipulate EU leaders. This poses a serious credibility gap for the EU since it could not assert and present itself as an attractive actor capable of solving the BiH quagmire.

Although the EU has deployed a variety of strategic tools, instruments and bodies in post-war BiH to help reform the country and get it on the road to EU membership, such approached have been haphazard. For instance, the role of the EUSR ineffective and the SAA has not generated momentum for reforms. EU leaders are falling victim to "history-repeating" and ignore the more visible problems of BiH; brushing them under the carpet believing that the prospect of EU integration will convert the country into a democratic, stable, peaceful and accountable member of the union. EU diplomats are thus caught unaware in a vicious circle between European values and radically opposing interests BiH's political and ethnic elites.

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WHY ISRAEL FEARS A NUCLEAR IRAN: REALISM, CONSTRUCTIVISM AND IRAN'S DUAL-NATIONAL IDENTITY

Christopher Whyte

Abstract: *This work compares and contrasts the theoretical models of realist and constructivist thought within international relations theory as they relate to the subject of Iranian nuclear proliferation. The spread of nuclear weapons to Iran and to the Middle East represents a unique international security dynamic that has not otherwise existed in the brief history of proliferation. Stratification of political, economic and cultural power at the regional and national levels alters the nature of traditional assumptions about deterrence and balances of power between states. This work is meant to contribute to the understanding of the rationales behind both past and future policy actions by Iran and its neighbours as both the region and the world struggle to cope with the diffusion of nuclear capabilities.*

Keywords: Israel, Iran, nuclear proliferation , realism, constructivism, geopolitics

Introduction

There is little doubt that the incorporation of nuclear weapons as strategic components of national defence policies has, at times, altered the course of international affairs. The destructive power of atomic devices, from the smallest tactical shells to thermonuclear strategic warheads, has transformed the ultimate potential of states when it comes to war-fighting capabilities to the point that there are numerous instances of such weapons acting as stabilisers in affairs between oppositely-polarised countries. However, the presence of nuclear weapons or development programmes has, on many occasions, triggered concern in the international community as to their control and use beyond the level of deterrence. The concentration of such large amounts of destructive power causes leading states

in the international system to ask pointed questions at those who would build nuclear weapons. Why are nuclear forces necessary? Will the arsenal be secure? How will this affect neighbouring actors or enduring conflicts in the international system?

These are all valid concerns, both for the international community as a whole and for the security calculations of individual states. The dangers of proliferation are many; as states must decide how likely fledgling nuclear powers are to use their new capabilities in war alongside concerns about the loss or illegal sale of devices to terrorist groups, rogue states and other non-state entities. Since the late 1960s, the Nuclear Non-Proliferation Treaty (NPT) has attempted to enforce the peaceful observation of nuclear affairs in the world, requiring nuclear weapons-possessing signatories to refrain from aiding the proliferation of nuclear know-how while at the same time encouraging the formation of a collaborative international regime aimed at complete atomic disarmament. However, many states have continued to develop nuclear weapons programmes under the guise of civilian nuclear energy projects, the right to which is guaranteed by the last major component of the NPT, and so the international community must regularly confront the potential implications of new nuclear powers in different geopolitical positions around the system.

While much of the early scholarship on the ways in which nuclear weapons affect affairs on the international stage was performed by those of the realist school of thought,[1] it is clear that the institutionalisation of nuclear weapons (from the idea of mutually assured destruction (MAD) to the norm of the "nuclear taboo"[2]) in the system merits a broader analysis of how proliferation might assert itself in behavioural relations between states and other political actors. This work aims to critically examine nuclear proliferation in the modern international system by comparing facets of both the realist (particularly neorealist) and constructivist paradigms. Proceeding initially with a discussion of the short history of proliferation, I aim, primarily, to apply key concepts of both schools to the subject of Iranian nuclear development. Use of various components of realist and constructivist thought can illustrate the existence of vastly different doctrinal and national mindsets between Iran and other proximate countries, particularly Israel. The dynamics that emerge from such a comparative theoretical examination of the

geopolitical realities in the Middle East enables this work to suggest that, given the internal mechanisms of Iran's internal sociopolitical apparatuses, a future Iranian nuclear capability may lead to regional instability not observed in previous cases of nuclear proliferation, even in cases of enduring conflicts such as between India and Pakistan or North Korea and the South Korean-American security alliance.

Proliferation Since World War II

World War II officially ended on 15 August 1945, barely a week after the US dropped two atomic bombs on the cities of Hiroshima and Nagasaki. The important role that the weapons played in ending the conflict brought them immediately into the public and strategic spotlight as a new method of fighting wars. After all, any state armed with atomic bombs, no matter the condition of its conventional forces, would be difficult to defeat and could inflict a high cost in lives to any aggressor. As a result, and despite America's initial monopoly on the technology, the next twenty years saw the relatively speedy acquisition of nuclear weapons by the Soviet Union, Great Britain, France and China.

Throughout that early period of the Cold War between the US and the USSR, nuclear weapons were consistently a topic of extreme caution. The relative costs of outright conflict between the two states, or between any combination of their nuclear allies, continued to rise as developments in nuclear technology increased bomb yields dramatically and the emergence of rocket technology introduced newer, faster, stealthier and more numerous delivery systems. Nevertheless, the absolute costs of atomic conflict were sufficient to maintain a balanced deterrent atmosphere and, despite early crises in Cuba and Korea, nuclear weapons became one of the key factors allowing for a thawing of relations in the latter days of the Cold War.

Since the fall of the USSR, there has been a marked decrease in the number of nuclear weapons-possessing states, with South Africa giving up its small nuclear arsenal and three of the four nuclear successor states to the USSR (Belarus, Ukraine and Kazakhstan) liquidating or returning all stockpiles to the fourth, the Russian Federation. Furthermore, the US has partially been responsible for persuading

many countries – from Egypt to Brazil and beyond – to give up their nuclear programmes, often in exchange for economic aid or support in the development of light-water reactors for civilian nuclear energy production. As a result, the scope of proliferation of nuclear weapons in countries outside of the original five signatories of the NPT can be reduced to three primary regions of the world: the Indian subcontinent, the Korean Peninsula and the Middle East. Though there is a high level of focus on the nuclear ambitions of non-state groups like terrorist cells or insurgents, the state capacity and infrastructural level of sophistication required to initially build bombs indicates that focus on these state-level sources of proliferation will lead to a fuller understanding of these asymmetrical concerns.

From the first Indian nuclear test in 1974, codenamed "Smiling Buddha," to the confirmed development of Pakistani weapons in 1998, the nuclear standoff between India and Pakistan has garnered constant attention from the international community. Enduring conflict between Islamic Pakistan and secular (though predominatly Hindu) India since their partition in the post-colonial period consistently brings an added amount of uncertainty to relations between the two countries. However, a relatively stable standoff developed, likely based on basic nuclear deterrence and probably aided by India's declaration to never engage in nuclear conflict without direct nuclear provocation. The outcome of that relative stability is that, in terms of nuclear matters, most international attention in that region is aimed at maintaining the integrity and safety of Pakistan's stockpile amidst fears of rogue state elements and the presence of volatile non-state groups nearby.

Though completely different in character, the nuclear situation on the Korean Peninsula exhibits some of the same stabilising characteristics that have emerged on the Indian subcontinent. Interestingly, the division of the Peninsula between North and South has its roots in the nuclear intrigue of the early days of the Cold War when a newly-nuclear US under Harry Truman moved a dozen atomic bombs to South Korea in order to prevent Chinese involvement in the initial phases of the Korean War. The failure of this defensive deterrent action, something that scholars like Waltz would likely have predicted,[3] led to a conventional war that ultimately left the Peninsula divided under a long-term cease-fire. North Korea's eventual development of a nuclear device, demonstrated twice since 2006, has

Black Sea
Tbilisi
Caspian Sea
Yerevan
Baku
Ankara
Ashgabat
Nicosia
1700 km
Tehran
Beirut
Damascus
Mediterranean Sea
Baghdad
Jerusalem
Amman
Cairo
Kuwait
MUTUAL TARGETING
This map depicts approximate distance for mutual targeting in possible military scenario.
Red Sea
Manama
Riyadh
Doha
Gulf of Oman
Abu Dhabi
© 2011 David Erkomaishvili Source: Esri. Kenneth Townsend. Scale varies in this perspective.

certainly returned much international attention to the stability of affairs on the Peninsula. However, unanimous regional opposition to North Korea's programme has led to cooperative efforts on the local international stage to the point that there is general agreement on the need to disarm and rehabilitate that state. North Korea has consistently shown signs of calculating rationality with its willingness to use disarmament as a bargaining chip for inducing capital and aid inflows. Alongside the unique concentration of collaborative coordination surrounding Korea, not to mention the deterrent standoff between the North's fledgling arsenal and the US's nuclear umbrella guarantees to the South, this has certainly helped maintain local stability in the ongoing Cold War-style standoff between the two Koreas.

The dynamics of nuclear relations on both the Indian subcontinent and the Korean Peninsula are far different from those in the emerging nuclear situation in the Middle East. At the most basic level, a constructivist examination would show that, unlike relations between Iran and Israel or Iran and some other Arab states, both India/Pakistan and South/North Korea share common ethnic and historical heritages, with common history for both ending as recently as the 1940s. Furthermore and as a realist may point out, both of those situations are inherently bipolar, with even the involvement of countries like the US or China aimed at addressing the specific interactive ties between the two Koreas and thus remaining unconcerned, in that smaller theatre, with each other. These situational geopolitical differences between nuclear power politics elsewhere in the world and those in the Middle East are important to consider, as they lend themselves well – for both realists and constructivists – to examining the unique intra-regional dynamics of a future nuclear Iran alongside existing enduring conflicts and relationships in the region.

Realism, Constructivism and the Normative Geopolitik of the Middle East

Iran's history of involvement with nuclear capabilities is decade's old, stretching back to the early 1960s when British and US agencies encouraged the development of civilian nuclear energy production projects for use under auspices of the Western-inclined regime of

the Shah Mohammad Reza Pahlavi. However, the events of the Iranian Islamic Revolution (1979) saw both the rise of a theocratic state to replace the monarchy and the withdrawal of support and material for nuclear projects from the US, Britain, Russia, China, Germany and others. While this was initially of limited concern for the fledgling Islamic Republic, recent years have seen the resumption of nuclear infrastructure development as the demand for energy production has, according to Iran, increased.

It is important to note that the overall nature of Iran's involvement in the intra-regional politics of the Middle East has changed dramatically since 1979. Notably, while relations with countries like Saudi Arabia and Turkey have certainly soured, it is Iran's focus on its patronage of Islamic movements in Syria, Lebanon and Palestine that seems to have truly defined both its cultural and political priorities in international affairs. Both Hamas and Hezbollah received initial militant training from Iran's Revolutionary Guard at the direction of Ayatollah Khomeini, and the religious and cultural ties that both movements share seem to largely be inspired by the specifically-nuanced Islamic teachings of the higher echelons of Iran. Both movements continue to receive Iranian funding and aid to this day and both operate, in a regional capacity, as militant representatives of anti-Israeli national groups.

With regard to Israel, which enjoyed close relations with Pahlavi before 1979, the transition to theocracy was something of a shock to the already-tenuous geopolitics of the region. The Supreme Leaders of Iran, Ayatollahs Khomeini and Khomeini, variously remarked that Israel is an abomination and that its existence is an affront to both Islam and the political environment of the greater Middle East. Iran's current president, Mahmoud Ahmadinejad, has similarly taken a sharp anti-Israeli stance, consistently commenting on the deceitful machinations of the Zionist movement and even going so far as to publicly doubt that the Holocaust occurred. From Israel's perspective and given the public stance of Iran, it is easy to see why the level of concern for homeland security is acute.

Iran's provocative regional stance on many issues, from Israel to shipping interests in the Persian Gulf to disagreements with its Sunni neighbours, has become of greater concern to the leading states in both the regional and international systems as Iran's efforts to produce fissionable material have clearly increased. From

the early-2000s onwards, the international intelligence community has consistently released reports suggesting that Iran's failures to completely comply with the requirements of the Nuclear Non-Proliferation Treaty,[4] which it is a signatory of by inheritance from the Shah's regime, indicate a nascent nuclear weapons programme being developed that would work in conjunction with the civilian enrichment programme at the Tehran Research Reactor and other facilities currently under construction. This perspective has much support in the international community and has been strengthened both by Iran's continuing failure to admit weapons' and nuclear inspectors to all of its facilities and by the recent launch of satellites on suspected dual-use rockets that could otherwise be utilised as weaponised delivery systems. The limited effect of international sanctions and Iran's ongoing denial of any wrongdoing have largely stymied successful collaboration in the last few years, meaning that future efforts to deal with a nuclear Iran are as yet at an unknown juncture. Foreign policies for this issue may yet have to cope with any task from preventing Iranian weapon's development to dealing with an aggressive nuclear Iran to containing the internalised threat of a nuclear Iran, or possibly even dealing with the aftermath of a conflict triggered by Iranian nuclearisation.[5] However, through analysis of Iran's geopolitical, historical and cultural positions, the applied concepts of both the realist and constructivist schools can bring some insight to future interactions between Iran, Israel and others in the international system.

Realism and Brinksmanship in the Middle East

The realist school of thought in international relations theory has its roots in the writings of various authors in the post-World War II period. Realists primarily focus on the state as the primary arbiter of power in the international system, viewing all other examinations of international affairs below the level of the state as unnecessary for an understanding of inter-state relations and behaviours.[6] As a result, realists focus on the implications of the condition of anarchy in the international system as the impetuses for all interaction and change in state behaviour. Waltz was the first to suggest that states act to protect their own security relative to other states in the system, as opposed to seeking absolute gains over others.[7]

This inevitably leads to conflict as the security of one state rises and falls in a direct ratio with the security of other states. Though more recent works in the field have suggested that states seek to maximise power relative to others in the system, as opposed to security, and that states engage in security calculations that are derived from different understandings of the offensive and defensive natures of capabilities among actors,[8] the basic premises of neorealism have remained fairly constant – states approach international affairs from a power political perspective, ultimately aiming to secure their own survival and prosper relative to other states.

In the case of Iranian nuclear ambitions, a focused look at the way in which realists analyse power, communication and cooperation could shed some light on the possible consequences of proliferation in the Middle East. Along this line of thinking, this work argues that the contrast between realist and constructivist perspectives on each of these areas should be a crucial part of any researched understanding of the dynamics of these affairs, since both have different models for determining national priorities and the interests of the parties involved.

In terms of power political considerations, Iran's nuclear ambitions may simply derive from a desire to maximise its own abilities to survive and thrive in the system in the future. Mearsheimer is noted among neorealists as positing that states seek hegemony, not just a balanced status quo, in order to endure in international affairs.[9] Mearsheimer's statement that all states naturally seek hegemonic power does not necessarily mean that Iran thinks of nuclear forces as necessary for fighting in future conflicts, but the perceived ability of nuclear weapons to stabilise tense relations is fairly well documented and the Iranian leadership may put stock in the idea that the mere presence of this capability could protect the integrity of the regime. Beyond this basic desire to use a deterrent stockpile as a stabiliser, it is also possible that Iran seeks to gain legitimacy and respect from going nuclear. This effect would initially be most evident in dealings with those countries in the region that are targetable with an Iranian bomb. Mearsheimer would argue that this is the most important area of concern for a hegemony-seeking Iran, as regional hegemony is the farthest a state can truly reach in any case.[10] Adding weight to this nuclear legitimacy argument is the well-documented "prestige effect" for fledgling nuclear powers.[11]

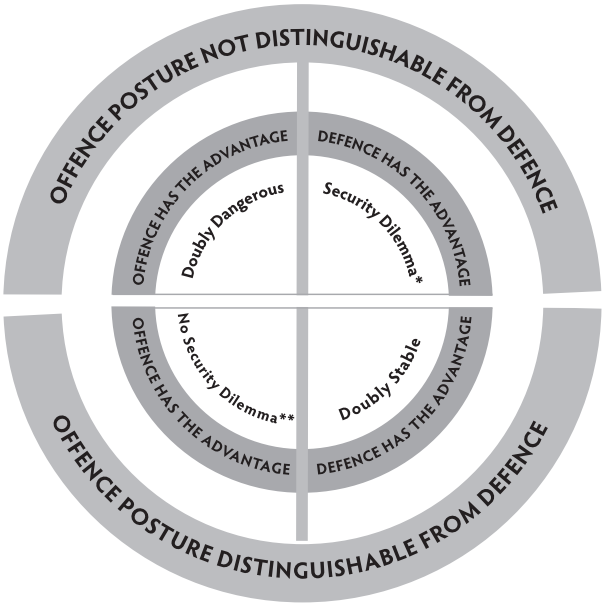
This implied effect can be described as any situation in which the possession of an arsenal legitimises the central state authority in dealings with outside entities, as well as symbolically implying that the state in question is a primary actor on the international stage. Similarly, nuclear backing can significantly heighten the level of caution in dealings with other states, a fact that would strengthen Iran's ability to bargain in the regional system.

Each of the above abilities that Iran may hope to gain from going nuclear represent different forms of power, at least as realists see it. In his *Power and Powerlessness*, Gaventa argues that power, much like Waltz's levels of analysis, is three-dimensional.[12] States can achieve power through a variety of methods, but that power manifests itself in different ways. The first dimensional power is essentially the power to make others do what they otherwise would not. The second and third dimensions of power refer, respectively, to the ability to either control another's access to decision making structures (an institutional type of control, like influence in the UN) or to actively shape the wants and interests of other states (essentially using cultural and economic influence to manipulate the politics of other sovereign units). While the second and third dimensions of Gaventa's model clearly refer to the effects that institutional and normative factors have on international politics, all three are relevant to both the realist school of thought and the case of Iranian nuclearisation. It is certainly the case that possession of a nuclear weapon could force other countries to enact policies and interact with Iran in a way that they would not otherwise do. However, a realist may argue that Iran actually has more to gain from seeking power as it is defined in the second and third dimensions of Gaventa's model. Mearsheimer argues that states have two types of internalised power, the "hard" military kind and latent power that essentially is a measurement of the level of economic potential and the size of the population as it refers to future hard power capabilities.[13] When latent power and hard power are merged with Gaventa's dimensions, it is clear that Iran stands to gain from an increase in systemic stability, a rise in the respect it receives and the attractiveness of its cultural prestige (as a nuclear great power). Such relative gains, a realist would argue, should eventually translate into hard power as stability in relations and economic prosperity leads to more advanced capabilities while, at the same time,

diminishing the strategic willingness of other states to attempt to dominate such a balanced power in the system.

The realist literature on cooperation closely follows the literature on power in international relations. Jervis, in his *Cooperation Under the Security Dilemma*, proposes that there are different ways to look at the capabilities of states in the anarchical state of affairs that previous realist works described. These different lenses for viewing system dynamics essentially focus on the idea that a state can, depending on its sophistication of its military and its geopolitical position relative to other states, have an advantage over other actors in either its offensive or defensive capabilities.[14] Jervis attempts to predict proneness to conflict based on which set of capabilities is dominant and whether or not that information is public, or in other words, whether or not states are aware of each others' abilities. As a result, there are four possible modulations of that dynamic:[15]

Info-Graph 1.



* Security requirements may be compatible
** Aggression possible, warning would be given

Based on Jervis's model of cooperation under the realist conditions of anarchy, if Iran were to test and deploy nuclear weapons there are two likely possible outcomes - a doubly stable environment in which Iranian and Israeli and possibly other nuclear forces deter each other successfully in the full knowledge that any attack would invite high costs, or a doubly dangerous, unstable environment in which regional parties communicate ineffectively, thus making an offensive posture indistinguishable from a defensive one and inviting security calculations that emphasise the need for action due to uncertainty. Scholars like Barry Posen have suggested that, in the case of an Iranian nuclear test, Israel or the United States could preemptively "out" Israel's nuclear capabilities, making the defensive nature of any future standoff with Iran known.[16] This argument is similar to Waltz's overall realist critique of nuclear weapons as stabilising factors in the system, so long as states can efficiently broadcast information about their deterrent capabilities.

Another of Jervis's options, in which defence has the advantage in an atmosphere of indistinguishable capabilities, cannot exist in this scenario, simply because an Iranian nuclear test, or lack thereof, either sparks first strike offensive calculations or, if a country like Israel publicises its own capabilities, means that the balance favours defensive measures. Again, a realist following Jervis's model of offence-defence-based calculations would argue that, ideally, any declaration of nuclear capabilities on the part of Iran should be answered by the Israeli acknowledgement of its own nuclear deterrent forces and second strike delivery systems. In this way, Israel raises the uncertainty involved in engaging in conflict so high that Iran is unlikely to take the risk of attacking the Jewish state since even a complete strike against all known Israeli military and civilian targets could not guarantee non-retaliation.

The basic precepts of realist (and especially neorealist) thought clearly highlight the fact that the high costs of an unsuccessful first strike in a nuclear conflict forces a balance of power between competing states. Scholars like Waltz would go farther yet, arguing that this deterrent balance would hold up even in the case of a multipolar standoff between naturally competing states.[17] Both scenarios would, of course, require the effective transfer of information about capabilities between the states involved in order for this balance

to be struck and maintained (something not difficult with modern methods of testing and detecting the detonation of a nuclear device). Therefore, a realist would likely argue that a nuclear Iran could be successfully contained and balanced against, thereby precluding the need for America, Israel or anyone else to preemptively strike against the developing military-nuclear complex.[18]

However, the above-mentioned case of America's failure to deter a non-nuclear China should be taken into account in overarching models such as this. China's lack of industrialized infrastructure or centralized population at the time are good examples of factors that can affect the formulation of tactical behaviours in waging war, and so it is clear that the realist school of thought must consider the effects that doctrine and geostrategic positioning have on state behaviour during the opening rounds of any conflictual situation. With this in mind, the case of Iranian nuclear proliferation and the possible effects that it is having and will have in affecting existing regional relationships would clearly benefit from a constructivist analysis of the sub-state factors that affect national priorities and form the third-level political designs of the state.

Constructing the Israeli-Iranian Relationship

Constructivist thought in international relations theory developed in direct response to the dominance of realism and the failures of both the neorealist and neoliberal paradigms in explaining the period of detente and non-conflictual crisis at the end of the Cold War. The strong presence of national and pan-national identity-based political commentary during that time period caused many political scientists to question the nature of the supposed self-help system in international relations. Starting with Onuf in 1987,[19] this led to the rise of the subfield of constructivism.

The Middle East is perhaps the most relevant place for the regional application of constructivist methodologies and ontologies, as they could enable the formulation of policies that take into account material factors alongside wide-ranging normative variables that affect state and non-state activity. This is further true of the study of nuclear proliferation in this region. As mentioned above, the Middle East and the potential nuclear standoff between Iran and Israel and Iran and other neighbouring countries lacks a number of

the similarities of culture or doctrinal mindset that have dominated nuclear balances of power in the past.

Constructivist explanations of such different situations and the resulting potential consequences start with scholars like Alexander Wendt who argue that self-help, anarchy and the balance of power come from the natural construction of interests and identities in international affairs, rather than being preset, overriding factors that characterize the state of nature.[20] The construction of this political reality thus clearly comes from shifting identities and perceived group interests in human societies.[21] Since states, or rather political structures that represent nations, are themselves socially-based constructs that act as a focal point for power (or perhaps even Hobbesian authority), they necessarily must be subject to ongoing revision. A constructivist like Wendt would thus argue that this occurs, whether through peaceable reformation, revolutionary conflict or third-image warfare, as new "nations" feel the need to revise the political structures that both rule them and represent their desires to maximise national benefits in the international arena.[22]

It is clear that as identities shift and change, due to factors ranging from geographical disposition to religious identity to warfare (or conquest) and beyond, states will be forced to behave and relate with each other in new ways. This was evident, for example, with the fall of the French monarchical state in the late 1800s and with the rise of different forms of revisionist German nationalism in the early 20th century. Both periods of intra-state revision led to immensely wider inter-state conflicts, as the political interests of both new "nations" in achieving overall identity-based priorities (like Germany's pursuit of pan-Germanic irredentism) inevitably contradicted the systemically-constructed balance of power. It is important to note from this that, as Wendt argues, many states have developed strong domestic national institutions that lead to the practice of self-help-style foreign policy as predicted by many realists.[23] This essay would argue that a major cause of intra-system conflict is the contradictory pursuit of nationalist policies from naturally-occurring states and those others that undergo revision from shifting identities. This could be described as competition between conventional nationalism and the hegemonic nationalism that can manifest itself when identities and norms shift sufficiently to cause political revision and the desire to alter the nature of

a "nation's" current political presence in the international system. This of course implies that the emergence of new capabilities and new power poles may spark conflict that is unpredictable through the use of realism's paradigmatic assumptions of materially-based security calculations and balances of power.

In terms of nuclear proliferation in the case of Iran, this highlights some very unique characteristics of the local system that could help shed light on the reasons both for historically-hardline Israeli stances on any level of neighbourly aggression and for the various levels of involvement that Iran, its neighbours and other international actors have in regional affairs like the Middle East Peace Process.[24]

Using the above summary and critique of the realist position on power and cooperation in the local international system, it is very clear to see how Israel may be unwilling to rely on purely material guarantors of security especially since, as a constructivist would argue, power is based on different nationalist, normative perceptions of what is in the national interest.[25] The beginning of this logic, to apply the above constructivist method, would be to identify those norms and national groups that identify with different power dynamics in the Middle East. In that regard and using that method, Israel is perhaps the most simple actor in international affairs to identify, since the Zionist movement and Judaism are the unique, primary defining characteristics of the Israeli nation.

However, Iran's myriad of different cultural/national concerns and ties complicate the straightforward (for a realist) examination of possible behaviours in the international system. While Iran certainly has a singular central state authority ruling over an ethnically homogenous group of people, there are other factors to consider. The revolution in 1979 severed many of Iran's solid political ties with neighbouring Sunni countries, which the government, with limited exceptions, has never been able to regain. Moreover, the revolution introduced a political system that intentionally stratified the country and the divided interests of the nation based on political, economic and religious grounds.

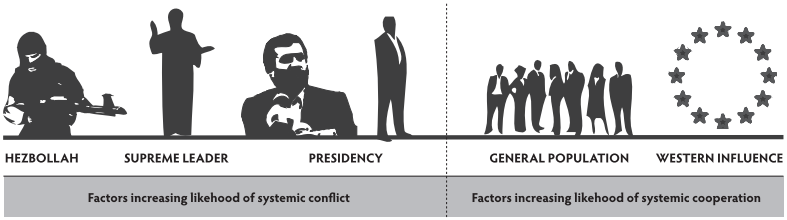
Relative to most political systems, Iran now has two nodes of political power. The presidency and positions in the legislature directly represent the popular electoral opinions of the Islamic Republic while the Supreme Leader, a position that has a significantly greater

say in the appointment and policy of the government, acts as a "jurist" for Islam and the Iranian system, interpreting laws and Islamic law in place of the absent twelfth imam. The population at large are known to have somewhat pro-Western leanings, likely partly to do with the successes of globalising industries in Iran that engage with the outside world. The government, while often critical of the West and cold towards neighbouring countries (especially Israel), have tended to cooperate (if reluctantly) on the international stage, at least insofar as trade and enterprise are involved. Pro-reform politicians have played a more visible role in the *Majlis* (the Iranian parliament) in recent years and, despite hard-liner opposition, have managed to rally support in the population against the volatility of Mahmoud Ahmadinejad's government.

The Supreme Leader, on the other hand, takes a hard line against all non-Shi'a states and has taken a strong anti-Israeli position when it comes to international affairs. Though the Supreme Leader is only one part of the Iranian regime, it is important to note that he directly controls the Iranian Revolutionary Guard Corps (IRGC), a paramilitary organisation that is separate from the regular army and is known to provide aid, training and encouragement to militant groups in Palestine and Lebanon, especially Hamas and Hezbollah.[26] The IRGC, while much smaller than the traditional armed forces, control key facets of Iran's military establishment, including the developing ballistic missile corps. The IRGC's important role in the economy cannot be marginalized either. The Corps controls or is involved with most of Iran's financial partnerships abroad and, because of a lack of governmental oversight, has also become crucial to the many regional illegal smuggling operations that allegedly constitute over a third of Iran's imports.[27] It is important to recognize this division of authority and power at the sub-state level in Iran because as different parts of the population, from the general populace to the educated religious class to the military to the upper revolutionary echelons, act to satisfy and maximize different national desires (economic welfare, religious supremacy, international prestige, etc.), the stratification of power structures allows individual parts of the state to engage in actions not representative of the whole. In other words, while the Iranian state may have certain capabilities and may face clear challenges on the international stage, the ceding of unbalanced political powers to different

imagined "nations" within the state, from the upper religious caste of Iran's government to the economically liberalising middle class, will ultimately lead to unpredictable and uncoordinated action in international affairs.

Info-Graph II



In the case of nuclear proliferation, this is an especially worrying dynamic. If one assumes that there is an equilibrium point that can be achieved through a well-informed mutual deterrent posture, then it also must be the case that an inability to achieve certainty about the behaviour of different actors on the opposing side upsets that balance. It would have to be assumed that different segments of Iran's are inclined to pursue different sets of interests (See Info-Graph II). For example, while the general population may support a nascent nuclear programme as a means to develop energy resources and a basic security-based deterrent, elements of the religious leadership or the militant Revolutionary Guard may seek to actively use such weapons against neighbouring states like Israel. One group's interests are conducive to balance and cooperation whilst the other's aim to existentially alter the system. Even if desires that extreme were not to be the case, the connections that exist between certain parts of Iran's political establishment and militant groups like Hezbollah that have been recently active in conflict with Israel may imply that nuclear weapons could be used as leverage on behalf of those groups, with the unspoken and uncertain implication that hostile dealings with Iran could lead to asymmetrical nuclear consequences.

The result of this level of uncertainty in dealings with a nuclear Iran could suggest, unlike the outcome of the assumptions of realist models that other nations (particularly Israel) should act to prevent the development of a full nuclear weapons capability. There are two

benefits, from the constructivist perspective, for doing so. First, the preemptive aggressor would act to ensure that the more volatile nationalist segments of Iran's political establishment could not use nuclear weapons directly, could not easily supply other actors likely to use nuclear weapons, and could not use those weapons as leverage in negotiation and bargaining. Secondly, and perhaps more interestingly, a preemptive attack on Iran's nuclear capability or its military-industrial complex could spark Iranian nationalist sentiment. While this sentiment would surely be one of outrage, coupled with the desire to see that either Iran or the international community punishes Israel, a united domestic political environment and a rapprochement of the conservative and reformist wings of the political leadership in Iran puts more focus on the construction of future weapons projects and their use, as well as on the conduct of the Iranian government in inter-state affairs. This kind of public oversight could possibly, as some have suggested, introduce a level of caution to military and nuclear considerations that would make Iran more likely to balance and deter Israel in a miniature Cold War-style standoff. Furthermore, the presence of pro-Israeli international norms, from international protectiveness of small nations to the universal memory of the Holocaust, would surely provide backing and act to legitimise Israel in its right to exist, even if not in its right to attack others. A riskier path to minimise volatile elements of Iran's political establishment could include an international focus on curbing illegal smuggling operations in the Persian Gulf and placing sanctions on those multinational enterprises that the IRGC is heavily involved in. While such a crackdown risks triggering aggressive activity by the IRGC and other volatile factions in Iran, it is possible that the overall economic stagnation caused by sanctions and a drop in imports may galvanise popular support for reform and a more moderate political strategy of engagement in future administrations. More importantly, a loss of business at any level for companies and groups supported by the IRGC provides opportunities for the legitimate corporations emerging from Iran's planned economic system to grow and supplant the influences and real power of the religious leadership.

The end result of this constructivist analysis and commentary on the consequences of Iranian proliferation certainly suggests that preemptive action may provide for more favourable conditions in

the international system for neighbouring states. The unbalanced centrality of power within the Iranian national political system and the factionalised control of important national military and economic capabilities introduce a level of uncertainty for states dealing with the issue of nuclear weapons development that cannot be ignored. Nevertheless, that imbalance also provides a route to be taken in the pursuit of non-aggressive preemptive action. In other words, engagement with Iran could focus on nurturing prosperous relationships that would influence public sentiment and increase the receptiveness of the government to international negotiation and aid for nuclear energy alternatives. This could alleviate fears of the bomb, and help usher in a more balanced, secure environment in regional dealings with Iran. Similarly, a renewed push to resolve political, cultural and territorial issues in the Middle East Peace Process could ease tensions in the region and lessen the likelihood that an Iranian nuclear capacity would threaten Israeli and other national interests through asymmetrical channels.

Conclusion

The challenge that the international community faces from nuclear proliferation is great. The prospect of undesirable parties, from rogue states to terrorist groups, having access to nuclear weapons presents major policy dilemmas to leading states in the international system. It is clear that, in terms of international relations theory; nuclear proliferation must be analysed using a variety of contrasting methodological and ontological tools, so that unique geopolitical and normative circumstances can be viewed in the proper light. In the case of Iran, this is especially true, since the dual-national identity of the Iranian political and cultural system lends itself to a bifurcated balance of power and the un-centralised access to military resources. Though this dual-national identity means that attempts to engage with Iran could be fruitful, it also introduces enough uncertainty that states like Israel may be forced to act. Regardless of the path to stability, concerned states in the international community should approach the subject of Iranian proliferation with the aim of engaging in ways that will ultimately resolve that domestic-level imbalance. Such a resolution, whether coming from the reformation of Iranian political institutions or the

neutralisation of Iran's volatile international relations (with support of militant groups and cold relations with neighbours), would do so in order to affect a more traditional, realist balance of power in which states could deter and cooperate with one another as singular entities in the international system.

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Notes to Pages 141-159

1 See, Glenn Snyder (1961), Deterrence and Defense, Princeton UP, Achen and Snidal (1989), 'Rational Deterrence Theory and Comparative Case Studies,' World Politics, 41:2, and Kenneth Waltz (1990), 'Nuclear Myths and Political Realities,' *The American Political Science Review*, 84:3, pp. 731–745.

2 For more information, see Nina Tannenwald (2005), 'Stigmatizing the Bomb: Origins of the Nuclear Taboo,' *International Security*, 29:4, pp. 5-49.

3 In his opening chapter debating the spread of nuclear weapons with Scott Sagan, Waltz states the the underlying premise of all nuclear deterrence strategies – a successful deterrent, conventional or nuclear, is punitive, not defensive or tactically threatening. The reason for this is that military defences can be overcome tactically, and so the calculation involved in preventing a move for nuclear war is weakened by the presence of surmountable challenges. See Kenneth N. Waltz and Scott D. Sagan (2003), *The Spread of Nuclear Weapons: A Debate Renewed*, New York: W.W. Norton and Company, pp. 5-9.

4 The US's stance is that Iran is in violation of Articles II and III of the NPT.

5 These scenarios are laid out in Posen's *A Nuclear-Armed Iran* as the main concerns for states that must deal with Iran and a possible nuclear arsenal. See Barry Posen (2006), A Nuclear-Armed Iran: A Difficult but not Impossible Policy Problem, Century Foundation Report, New York: Century Foundation, pp. 3-5.

6 Waltz is the original scholar of what is now called neorealism. His first book, *Man, the State and War*, developed the idea of separate levels of analysis: first (individual/human nature), second (domestic) and third (systemic). These levels of analysis allow scholars of the field to define the variables and outcomes of their examinations. In his later book,- *Theory of International Politics*, Waltz highlights the importance of the

third level of analysis, stating that the conditions of anarchy and natural competition between states could explain all behaviour in the system. See Kenneth Waltz (2001), *Man, the State and War*, Columbia UP (revised edition), and Kenneth Waltz, *Theory of International Politics* (1979), McGraw-Hill Social Sciences, New York; 1st edition.

7 See Waltz (1979), pp. 116-128.

8 For a discussion of offensive and defensive neorealism, see John Mearsheimer (2001), *The Tragedy of Great Power Politics*, New York: W.W. Norton, particularly pp. 29-54, and Stephen Van Evera (1999), *Causes of War: Power and the Roots of Conflict*, Cornell UP.

9 See Mearsheimer (2001), p. 35.

10 Ibid, pp. 234-266

11 The prestige effect of nuclear weapons refers to additional consideration awarded to states with nuclear arsenals as a result of the fairly unique club of great powers that can afford to field them. This idea came from the observation of a noticeable rise in the prestige of the USSR following its first nuclear tests in the 1950s. See Scott Sagan (1997), 'Why Do States Build Nuclear Weapons? Three Models in Search of a Bomb,' *International Security*, 21:3, pp. 54-86 and Robert Jervis (1988), 'The Political Effects of Nuclear Weapons: A Comment,' *International Security*, 13:2.

12 See John Gaventa (1982), *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley*, University of Illinois Press, pp. 1-32.

13 See Mearsheimer (2001), pp. 83-137

14 See Robert Jervis (1978), 'Cooperation Under the Security Dilemma,' *World Politics*, 30:2, pp. 167-214.

15 Figure reproduced from: Jervis (1978), p. 211.

16 See Posen (2006), p. 20.

17 See Waltz and Sagan (2003), pp. 3-9.

18 This is Posen's (2006) argument; essentially making the case that successful proliferation for Iran would enable its neighbours to contain its attempts to strong arm the system through a well-informed balance of power. See pp. 23-24.

19 See Nicholas Onuf (1987), 'A Constructivist Manifesto' in Burch and Denemark (eds) (1987), *Constituting Political Economy*, Lynne Rienner.

20 See Alexander Wendt (1992), 'Anarchy is What States Make of It: The Social Construction of Power Politics,' *International Organization,* 46:2, pp. 392-395.

21 This assumption is grounded in basic systemic observations, namely of those relationships that make little sense with the application of purely power political models. Good examples would be the "special"

relationship between the UK and US or the dysfunctional one between communist China and the USSR. See Wendt (1992), pp. 398.

22 Ibid, pp. 397-398.

23 Ibid, pp. 396, 399, 403.

24 This dynamic certainly lends credence to, and complements, the arguments of Finnemore who argues that all humanitarian intervention has its roots in norms and cultural phenomena and that exposure to a history of identity-based conflict has constructed a system of values that influences political decision-making in affairs outside traditional self-help calculations. See Martha Finnemore (2004), *The Purpose of Intervention: Changing Beliefs About the Use of Force*, Cornell UP.

25 See Wendt (1992), p. 406.

26 Many experts give credence to the fact that the IRGC actively funds Hamas and Hezbollah. However, most relevant perhaps are the statements of Palestinian Authority President Mahmoud Abbas, confirming the continued Iranian national involvement in and funding of Hezbollah's anti-Israeli activities.

27 See Frederic Wehrey (et al) (2009), *The Rise of the Pasdaran: Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps*, RAND Corporation, National Defense Research Institute, p. 64.

DEMOCRACY AND HUMAN RIGHTS PROMOTION IN US FOREIGN POLICY

Arif Mammadov

Abstract: *This article delves into the driving forces behind the US's human rights and democracy promotion policy. To facilitate the investigation of this work, liberal internationalism is deployed. This theoretical framework has been selected because of its insistence on the logic of consequences and this work's recognition that democracy promotion is not an instinctively altruistic policy choice of the US. Also, the history of human rights and democracy promotion in US foreign policy is traced to the presidency of Woodrow Wilson. Thus, the US foreign policy tradition of human rights and democracy promotion is dubbed "Wilsonianism" and its basic premises correspond to those of liberal internationalism. Subsequent administrations are then contrasted to gauge their attention to human rights and democracy promotion. Finally, utilising the aforementioned theoretical and historical frameworks, the human rights and democracy promotion policy of the current Obama administration is analysed. Despite seeming to pay less attention to human rights, it is clear that only the tactics and rhetoric have changed since President Bush; human rights and democracy promotion remain high on the US agenda and it is a matter of great interest to examine how these themes have endured as the anchor of US foreign and defence policy for the better part of a century.*

Keywords: democracy, human rights, foreign policy, liberal internationalism, Wilsonianism, Democratic Peace Theory, morality, realism, exceptionalism

Introduction

Since World War I, when the US fought 'to make the world safe for democracy,' administrations have been interested, to varying degrees, in promoting democracy around the world.[1] In his famous

address to the US Congress, Franklin Delano Roosevelt spoke about democracy in the following way:

> Even when the World War broke out in 1914, it seemed to contain only small threat of danger to our own American future. But, as time went on, the American people began to visualise what the downfall of democratic nations might mean to our own democracy ... the future and the safety of our country and of our democracy are overwhelmingly involved in events far beyond our borders ... No realistic American can expect from a dictator's peace international generosity, or return of true independence, or world disarmament, or freedom of expression, or freedom of religion – or even good business.[2]

However, until the end of the Cold War, democracy and human rights played only a marginal role in wider international affairs since, conceptually, human rights clashed with a seemingly more fundamental concept; sovereignty and hence they tended to be overshadowed by ideological and strategic interests.

The end of the Cold War breathed new life into US democracy and human rights promotion (DHRP), since it emerged from that period as the sole superpower. Presidents Bush (G.W.) and Clinton adopted democracy promotion as a key component of their foreign policy objectives.[3] Indeed, during Clinton's first administration, no goal seemed more significant than promoting democracy abroad. In 1993 for instance, Clinton declared that '(i)n a new era of peril and opportunity, our overriding purpose must be to expand and strengthen the world's community of market-based democracies.'[4]

The 9/11 attacks marked another turning point for US's efforts of spreading democracy. The 2002 National Security Strategy (NSS) introduced by Bush (W) prioritised the promotion of democracy, stating that the US would make 'freedom and the development of democratic institutions key themes in our bilateral relations, seeking solidarity and cooperation from other democracies while we press governments that deny human rights to move toward a better future.'[5]

A spring 2008 report from the US National Academy of Sciences estimated that between 1990 and 2005 the US Agency for International Development spent some $8.47 billion (USD) in 120 countries (est) on the promotion of democracy and governance assistance.

In general, the democracy promotion budget of the US makes-up about three percent of the total foreign assistance budget.[6] Given such attention to democracy and, by extention, human rights promotion, this work delves into the question of why the US has prioritised DHRP in its foreign policy?

Although some distinguish between human rights and democracy promotion activities, this work regards them as two sides of the same coin and assesses them together. To echo Carothers

> (t)his view is based on the assumption that human rights, or more particularly, political and civil rights such as the rights to free expression, free association, freedom of movement, and quality before the law, are defining elements of democracy. It follows from this assumption that by definition promoting democracy entails promoting human rights and conversely that promoting human rights is a form of promoting democracy.[7]

The following section defines the theoretical framework of this work and presents the relationship between DHRP and foreign policy. This is followed by an examination of the Wilsonian tradition in US foreign policy thinking, which is, so to say, a synonym for democracy promotion. Then, the relevant policies of the Obama Administration are analysed in the context of the Wilsonian tradition.

DHRP and Foreign Policy: An Uneasy Relationship

Human rights and democracy feature prominently in liberal theories of IR and therefore, research focusing on these themes must consider liberalism's assumptions about political behaviours and policy-making, if even as a basis of critique. This work however is grounded in liberalism and does not seek to move beyond it. Instead it accepts many of liberalism's core assumptions and seeks to refine liberalism's treatment of DHRP as it pertains to US foreign policy. This theoretical preference is also advanced because, unlike realism (among other theories), which regard states as the primary actors, it maintains that 'individuals, rather than states [...] are important in international relations.'[8] Liberalism is described in broad terms as a theory 'relying on claims about the impact of interdependence, the benefits of free trade, collective security and the existence of

a real harmony of interests between states.'[9] However, liberalism is better understood 'not as providing a blueprint for thinking about IR or foreign policy, but rather as a cluster or matrix of underlying values, principles, and purposes that provide a guide and framework through which one can think flexibly about IR, albeit within certain normative parameters.'[10]

More precisely, liberal internationalism calls for DHRP in foreign policy. According to MacMillan, 'liberal internationalism emerged as a coherent worldview in the Enlightenment and reached its height as a systematic statement of international reform with Woodrow Wilson's Fourteen Points, intended to form the basis of the post-World War I peace.'[11] However, internal (failure to have the Versailles treaty passed through Congress due to prevalence of isolationist mood among congressmen) and external (World War II and the Cold War) factors prevented the materialisation of Wilson's ideas. Only after the Cold War, were the ideas of liberal internationalism revived. As MacMillan suggests

> the liberal emphasis upon the determining power of factors at the state level – such as the spread of liberal democratic regimes – and the ability of states to refashion their national interests through the development of commerce has received fresh interest in recent years following the end of the Cold War as well as empirical support from the democratic peace research program.[12]

Burchill describes this process in the following way:

> the demise of Soviet Communism at the beginning of the 1990s enhanced the influence of liberal theories of international relations within the academy... in the 1990s Fukuyama revived a long-held view among liberals that the spread of legitimate domestic political orders would eventually bring an end to international conflict.[13]

According to Fukuyama, 'a world made up of liberal democracies ... should have much less incentive for war, since all nations would reciprocally recognise one another's legitimacy.'[14] But what are the basic features of this liberal internationalism? MacMillan portrays it as 'an insistence upon the moral primacy of the individual and a tradition of political and philosophical interest in the conditions of individual freedom, or autonomy.'[15] He proceeds that within liberal internationalism '"liberal democratic" political systems ... are

regarded as offering a rational means of facilitating the greatest collective domain of freedom for equal individuals through being bound by the principles of the accountability of power, political representation through an independent legislature and the rule of law, and the enjoyment of human rights.'[16]

Liberal Internationalism and Democratic Peace

Liberal internationalism is primarily focused on preventing war and establishing peace. According to liberal international thought, 'the "disease" of war could be successfully treated with the twin medicines of *democracy* and *free trade*,'[17] because '(w)hen the citizens who bear the burdens of war elect their governments, wars become impossible.'[18] Free trade and commerce would then overcome the artificial barriers between individuals everywhere and unite them in one community.[19] Writing in 1848, Mill claimed that free trade was the means to bring about the end of war, 'it is commerce which is rapidly rendering war obsolete, by strengthening and multiplying the personal interests which act in natural opposition to it.'[20]

Liberal internationalists believe that there is a relationship between the domestic and foreign policies of states. In other words, 'liberalism is an "inside-out" approach to international relations, because liberals favour a world in which the endogenous determines the exogenous.'[21] Hence, they uphold the Democratic Peace Theory (DPT), which posits that *mature* democracies would not engage in war against each other. According to Doyle, 'the aggressive instincts of authoritarian leaders and totalitarian ruling parties make for war. Liberal states, founded on such individual rights as equality before the law, free speech and other civil liberties, private property, and elected representation are fundamentally against war … And so peace and democracy are two sides of the same coin.'[22] He proceeds that 'the apparent absence of war between liberal states, whether adjacent or not, for almost two hundred years may therefore have significance. Similar claims cannot be made for feudal, "fascist," communist, authoritarian or totalitarian forms of rule.'[23]

Doyle further claims that,

> pacification of foreign relations between liberal states is said to be a direct product of their shared legitimate

> political orders based on democratic principles and institutions. The reciprocal recognition of these common principles – a commitment to the rule of law, individual rights and equality before the law, and representative government based on popular consent – means that liberal democracies evince little interest in conflict with each other and have no grounds on which to contest each other's legitimacy: they have constructed a "separate peace."[24]

However, adherents of DPT do not claim that democracies do not wage war at all; they accept that democracies are even somewhat war-prone. However, theirs are wars against non-democracies.[25] Accordingly, 'in their relations with non-liberal states, liberal states have not escaped from the insecurity caused by anarchy [...] the very constitutional restraint, international respect for individual rights, and shared commercial interests that establish grounds for peace among liberal states establish grounds for additional conflict in relations between liberal and non-liberal societies.'[26]

Thus, 'liberals believe that democratic society, in which civil liberties are protected and market relations prevail, can have an international analogue in the form of a peaceful global order. The domestic free market has its counterpart in the open, globalised world economy. [...] the legal protection of civil rights within liberal democracies is extended to the promotion of human rights across the world.'[27] Liberal internationalism is essentially a project to transform international relations so they may conform to models of peace, freedom, and prosperity allegedly enjoyed within constitutional liberal democracies.[28] It should be noted, that liberal internationalism is fundamentally reformist rather than revolutionary. It seeks not to transform the basic structure of the state system, but rather to moderate those elements that realists have identified as the fundamental causes of war.[29]

It is, however, worth mentioning that realists have dubbed liberal internationalist thinking as naïve, and argue that DHRP in foreign policy contradicts national interests. For realists DHRP is associated with the wider issue of morality in international affairs, or ethical foreign policy, approaches that realists regard as detracting from a states' ability to achieve its most coveted aspiration, continued material survival. Before proceeding to the bulk of this work however, it is important to present the realist critique of liberal

internationalism and its attitude towards morality in international affairs.

The Great Debate Redux and the Realist Critique

According to Beitz, 'the realists' scepticism about the possibility of international moral norms has attained the status of a professional orthodoxy in both academic and policy circles, accepted by people with strong moral commitments about other matters of public policy.'[30] The realist vision of morality thereby calls on decision-makers to promote and protect the interest and lives of their fellow citizens, rather than seeking the realisation of some obscure, abstract notions of universal morality.[31] In other words, realists support the promotion of democracy as long as it serves for advancing national interests of the country in question. According to Morgenthau, 'realism maintains that universal moral principles cannot be applied to the actions of states in their abstract universal formulation, but that they must be filtered through the concrete circumstances of time and place ... There can be no political morality without prudence; that is, without consideration of the political consequences of seemingly moral action.'[32] He proceeds by suggesting that 'the principle of the defence of human rights cannot be consistently applied in foreign policy because it can and must come in conflict with other interests that may be more important than the defines of human rights in a particular circumstance.'[33] In a similar vein Kennan claims that 'interventions of this nature (those undertaken under the banner of democracy, human rights, majority rule, and so onto criticise the internal practices of states) can be formally defensible only in the practices against which they are directed are serious injurious to our interests, rather than our sensibilities.'[34] Realists would add that 'conditions of profound insecurity for states do not permit ethical and humane considerations to override their primary national considerations.'[35]

Firstly then, for realists there is scant connection between the domestic and foreign policies of states. Instead, realists argue that it is not the domestic regime or the structure of government that pushes states into war, but rather it is the structure of international relations that determines their behaviour. Furthermore, national interests are defined in terms of power, implying that each state

is engaged in a perpetual quest for power to ensure its survival in the international system. Therefore, foreign policy in pursuit of national interests must exclude human rights, save as a rhetorical devise to mobilise citizens in pursuit of national interests. For realists, human rights promotion is dangerous as it can endanger relations with allies which are important to maintain the balance of power; the only means in the realist world to preserve peace. Finally, there is no place for human rights promotion or moral policy in a world where security dilemmas drive states' behaviour. According to Heins and Chandler, the realist critique of ethical foreign policies can be set out succinctly in four different points:

1. Ethical foreign policies are bound to be ineffective and quixotic. They ignore the reality of politics without being harmful or beneficial to anybody;
2. Ethical foreign policies weaken the state and are harmful to national interests. They ignore both the reality of politics and the consequences of this ignorance;
3. Ethical foreign policies are a part of a smart ideological manoeuvre. They benefit national interests by pretending to transcend it and by making everybody believe in this transcendence;
4. Ethical foreign policies are a part of the problem they pretend to solve as they produce immoral behaviours and consequences.[36]

As noted, realists do not completely disregard DHRP from foreign policy however they suggest that foreign policy pursue such objectives only as long they serves the advancement of more material national interests. It implies that they retain an instrumental approach to DHRP.

Like realism, liberalism is a rational theory; it is driven by the "logic of consequences." As such, liberal internationalism advocates DHRP because they serve the interests of the promoters. According to Forsythe,

> key developments that were to lead to the international recognition of human rights occurred when Franklin D. Roosevelt and others drew the conclusion that human rights were connected to international peace and security ... human rights as such became a formal part of international relations when important states believed that

> universal human rights affected their own self-interests. The human rights language that was written into the United Nations Charter had less to do with a western moral crusade to do good for others, than with the expediential concerns of particularly the United States.[37]

The UN Charter's Article 55 is a telling example of such an interpretation. It reads: '*With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations*, based on respect for the principle of equal rights and self determination of peoples, the United Nations shall promote ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.'[38] The wording of this Article clearly reflects the concept of the "logic of consequences."

Now that the theoretical foundations have been depicted, attention can be paid to answering the main question of this work, namely; why has the US prioritised DHRP in its foreign policy?

The Wilsonian Tradition in US Foreign Policy

According to Russell-Mead, four traditions comprise the core of US foreign policy decision-making: Hamiltonian, Jeffersonian, Jacksonian and Wilsonian traditions.[39] Hamiltonians favour a global order of trade and economic relations where the US is the strongest (hegemonic) state, able to militarily prevent any other state, or blocs, enhance their power base to the point of undermining US vital interests – aka, Hamiltonians prefer the aggressive pursuit of US economic interests. In contrast, Jeffersonians are isolationists; and fundamentally disagree with Hamiltonian views. Instead, they tend to focus on strengthening democracy and capitalism domestically and seek to enhance internal cohesion rather than international adventurism or leadership. Jacksonians are highly suspicious of international law and organisations which they regard as restraining. The idea is not to 'bother with people abroad, unless they bother you. But if they attack you, then do everything you can.'[40] Finally, Wilsonians are described as maintaining 'belief in the UN and international law.' They suggest that 'the United States should be pushing our values around the world and turning other countries into democracies whether they like it or not. And the US should

also work multilaterally in institutions … We should put human rights ahead of trade …'[41]

Wilsonianism

Kennedy asserted that every American president since Wilson has embraced the core precepts of Wilsonianism.[42] Even Kissinger, the archetype-realist, concedes that 'Wilson's principles have remained the bedrock of American foreign policy thinking.'[43]

In *American Power* – a survey of American foreign policy and its chief architects since 1914 – Taft observes that the shadow cast by Woodrow Wilson affected the US's long term view of international relations.[44] Although not all American public figures have interpreted the Wilsonian legacy in the same way, a general admiration persists for Wilson's "idealism" in approaching international relations. According to Taft, William Bullitt, Chester Bowles, Henry Wallace, Herbert Hoover, John Foster Dulles, Walter Lippmann, Franklin Delano Roosvelt, and even George F. Kennan followed Wilson in believing that the US should aspire to reform world politics, and they viewed the wars the US was drawn as opportunities to promote this end.[45]

Several years ago, Stiegerwald suggested that in the Cold War's wake, Wilsonianism – shorthand for the projection of America's Liberal ideology into US grand strategy – had been rehabilitated, and had reclaimed its central role in the shaping of US grand strategy.[46] Layne argued that Wilsonianism did not need to make a come-back after the USSR's demise, because with respect to American grand strategy it had never gone away, although its role was obscured by the geopolitical aspects of the US-USSR rivalry. For Layne, '(t)he Soviet Union's collapse lifted the realpolitik veil from American grand strategy, and exposed to clear view its Liberal ideological foundation. Today, US policymakers believe, as they have since the early 20th century, that the United States can be safe only in an Open Door world – a world shaped by America's Wilsonian Liberal ideology.'[47]

Wilson had a grand liberal vision of world order, but ironically, did not compose a developed view of world affairs or an ambitious foreign policy agenda during his presidency in 1913.[48] Nonetheless, Wilson became the founding father of the liberal tradition of US

foreign policy. He did so initially in speeches during the period of American neutrality, and later in his justification of the war with Germany. It was in a speech before a joint session of Congress in spring 1917 that Wilson declared that the war against Germany was necessary so the world could be 'made safe for democracy.'[49]

But what are premises upon which Wilsonianism is based?

Firstly, it belongs to US cultural tradition. Forsythe, for instance, argues that

> to a great extent a state's foreign policy on human rights is bound up with its version of nationalism, which is to say with a nation's collective self-image, which is to say with its informal ideology … In the case of the United States, to understand the interpretation of human rights in foreign policy it is crucial to understand that some in the elite and most in the mass public view the USA as a beacon of freedom in the world.[50]

Americans and their leaders generally share the notion that the US is set apart from others.[51] US foreign policy elites have traditionally been afflicted by a pervasive sense of US vulnerability, which is, as Williams observed, a by-product of American exceptionalism; that is, the belief that, because of its domestic political system and ideology, the US is a singular nation.[52] Indeed, it is commonplace to observe that, 'the nation was explicitly founded on particular sets of values, these made the United States view itself as different from the nations of the Old World from which it originated.'[53] Because it is set apart, the reasoning continues, the US has special responsibilities and obligations to others.[54]

From the early settlers in New England to the powerful Goldwater – Reagan – George W. Bush wing of the Republic Party, important contemporary political circles have seen the US not as an ordinary nation but as a great experiment in personal liberty which has had implications for the entire planet.[55] According to Forsythe, 'American exceptionalism, the belief in the exceptional freedom and goodness of the American people, is the core of the dominant American political culture.'[56]

Secondly, the belief that the US can only be secure in a world of ideologically like-minded states acts as the motor behind Wilsonian thinking. As diplomatic historian LaFeber observes, 'America's mission' of extending democracy worldwide is not altruistic. Rather, 'it

grew out of the belief that American liberties could not long exist at home unless the world was made safe for democracy.'[57]

Thirdly, liberalism's intolerance of competing ideologies, and the concomitant belief that merely by existing, non-democratic states threaten America's security and the safety of Liberalism at home. In one of his speeches Wilson remarked that a 'steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. It must be a league of honour, a partnership of opinion ... Only free peoples can hold their purpose and their honour steady to a common end and prefer the interests of mankind to any narrow interest of their own.'[58]

Fourthly, the confidence that America's values are good for the US as well as for the rest of the world, and that, in self-defence, Washington has the right to impose them on others. Wilsonian Liberalism self-consciously rests on the conviction that America is a model for the world, and that its values and institutions are superior to everyone else's. 'There are American principles, American policies,' Wilson announced in January 1918. 'We stand for no others. They are the principles of mankind and must prevail.'[59] Thus, "nationalism" or in other words, belief in American "exceptionalism," cultural superiority and DPT form the core of Wilsonianism.

Although commonly seen as idealistic, in context, Wilsonian diplomacy was a "realistic" response to political crises.[60] By the end of 1917, the West needed an answer to the Bolshevik's New Diplomacy because, as one historian argued, the First World War had produced a situation where 'millions of bayonets were in search of an idea (ideology).'[61] To be sure, Wilsonianism was, at least for a moment, also the form that the first, self-conscious assertion of American power in Europe took.[62]

After Wilson's spectacular failure to create world order through the League of Nations after World War I, liberal internationalism – based on his Fourteen Points address – was largely discredited.[63] The Bolshevik Revolution (1917), Mussolini's seizure of power in Rome (1922), the Great Depression (1929), and Hitler's ascquisition of power in Berlin (1933), combined with the US Senate's refusal to allow the US to join the League of Nations rendered Wilson's policies as impractical.[64]

As a result many concluded that the liberal doctrine had failed. However, according to Ikenberry, 'in shadows it remained a strong presence in the practical work of American officials, especially as they sought in the first few years after World War II to reconstruct Europe and open postwar world economy.'[65] FDR's "Four Freedoms" (freedom of speech, of religion, from want, and from fear), and the birth of the UN, serve as examples of that presence. Roosevelt, and Truman after him, was convinced that attention to a broad range of human rights in international relations was needed to forestall a repeat of the kind of aggression witnessed in the 1930s from Japan, Germany, and Italy. From this view, the UN was required not only to coordinate traditional interstate diplomacy, but to adopt social and economic programmes to deal with the national conditions that led to dictatorships and military governments and eventually, to world wars.[66] Nevertheless, as Roosevelt feared the loss of discretion in public policy decision-making, human rights were vaguely endorsed in the UN Charter which 'came to be the first treaty in world history to recognise universal human rights.'[67] However, the 'UN Charter allowed the Security Council to take binding decisions on security questions, but not on social questions. The Charter also contained a prohibition on UN interference in national domestic affairs.'[68]

Democracy & Human Rights in USFP

The realities of the Cold War soon overpowered the thinking of US officials however and following the 1947 doctrine of containment – with its rousing urgency and clarity of purpose – pushed liberal internationalism back into the shadows.[69] Throughout the Cold War US foreign policy was associated with heavy *realpolitik*. Officials in the White House were preoccupied with the rivalry against the USSR and all efforts were directed to this end. During those years, non-democracies could easily become US allies, provided they made their choices in favour of the Western bloc.

Nevertheless, over the course of the Cold War there was an attempt to elevate human rights issues in the US foreign policy agenda. This occurred in the 1970s, during the Carter administration and his initiative was a response to international developments: 'Just as the First World War had called into question Europe's Old Diplomacy, the Vietnam War called into question the Pax Americana both abroad and at home … Carter's appeal to a foreign policy of human rights and democracy, therefore, was an alternative way

of addressing the "crisis of confidence" and "covert pessimism."'[70] Indeed, Carter's human rights policy did not lack strategic thinking. 'It is well known that Carter used the Helsinki Accords to morally bludgeon the Soviet Union, while picking those countries, like authoritarian client states in Central America, "unimportant enough to be hectored about human rights."'[71] The ideological function of human rights, therefore, was to restore the moral authority of liberal institutions, by advocating and strategically supporting political and civil rights against the USSR, which promoted social and economic rights.[72] Thus, only the end of the Cold War paved the way for a human rights policy free of ideological considerations. According to Ikenberry 'in the aftermath of the Cold War, the chief elements of liberal grand strategy re-emerged in a clearer light.'[73]

Under Clinton, Wilsonianism became the centrepiece of administration policy when it was announced that 'the containment of communism' would be replaced by 'the enlargement of democracy.'[74] Clinton spoke in support of human rights: for universal rights at Vienna; for criminal prosecutions in The Hague at the International Criminal Tribunal for the Former Yugoslavia; for containment of repressive states like the Sudan, Iraq, and Iran; for sanctions on Burma/Myanmar.[75] Yet, strategic and economic interests were hardly absent in the Clinton administration's foreign policy; 'Not only did the Clinton Administration not intervene to stop genocide in Rwanda in 1994, but also that Administration de-linked trading privileges from basic civil and political rights in China.'[76]

Bush's (W) vision, as articulated in the NSS included elements of the "one-world" vision of Wilson. The NSS proclaimed that 'today, the United States enjoys a position of unparalleled military strength and great economic and political influence. In keeping with our heritage and principles, we do not use our strength to press unilateral advantage. We seek instead to create a balance of power that favours human freedom.'[77]

It seems as if he meant that the world would be united under American leadership. Zakaria noted at the time that '(i)t is a breathtaking statement, promising that American power will transform international politics itself, making the millennia-old struggle over national security obsolete. In some ways, it is the most Wilsonian statement any President has made since Wilson himself, echoing

his pledge to use American power to create "a universal dominion of rights.'"[78]

Echoes of the Wilsonian ideal could also be heard in Bush's 2005 declaration that the 'best hope for peace in our world is the expansion of freedom in all the world.'[79] At the same time, Bush identified democracy promotion as a central focus to the *war on terrorism* and national security in his second inauguration address on 20 January 2005: 'Now it is the urgent requirement of our nation's security … So it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world.'[80]

Furthermore, in January 2005, Condoleeza Rice listed three top priorities for her administration's diplomacy before the Senate Foreign Relations Committee: 'First, we will unite the community of democracies in building an international system that is based on shared values and the rule of law. Second, we will strengthen the community of democracies to fight the threats to our common security and alleviate the hopelessness that feeds terror. And third, we will spread freedom and democracy throughout the globe. That is the mission that President Bush has set for America in the world and is the great mission of American diplomacy today.'[81]

Attributing the terrorist threat looming over the United States to the failure of democracy to take root in the Middle East, President Bush committed the United States to 'a forward strategy of freedom in that region.'[82] Pursuant to that strategy, the exportation of democracy to Iraq is viewed as the spearhead of a region-wide democratic transformation. Both Bush and Rice made their belief clear that the Middle East's successful democratisation is crucial to American security. Once again, the instrumental feature ascribed to human rights was visable.

However, Bush's human rights policy was hardly free from double standards. Where Washington had strategic and security interests, it attempted to de-link human rights from cooperation. For instance, 'it has always been the case that key oil-producing states like Saudi Arabia and Kuwait were exempt from US pressure on human rights.'[83]

It should also be noted that Bush's human rights policy heavily relied on unilateralism and American exceptionalism. Rice wrote in

2000, that emphasis under Bush would be on American, not international values. Since American values were considered to be universal, one could advance good things in the world by promoting American values.[84]

As illustrated by the above, DHRP in US foreign policy is a follow-up of the Wilsonian tradition. And, in line with Wilsonian tradition, democracy promotion is one of the "instruments" in the service of US interests, be it strategic, security-related or economic. According to Gowan, 'America's "new cosmopolitanism" is an ideological consensus across the Clinton and Bush administrations beneath which actual diplomacy is wholly dedicated to the calculations of power politics.'[85] That national interests are concealed under the form of a universal ideology is clear in the hypocritical deployment of humanitarian forces in places where the US possesses interests (re: Iraqi oil, Balkan military bases), the refusal to deploy in places of marginal strategic significance (re: Rwanda) and exemptions from moral requirements for strategic allies (re: Israel, Egypt, Saudi Arabia and Pakistan).[86] Ironically, and somewhat tellingly, Rice, writing in the Washington Post (December 2005) argued that democracy promotion was in the national interest as it was 'attempting to draw neat, clean lines between our security interests and our democratic ideals does not reflect the reality of today's world.'[87]

DHRP under Obama

Obama inherited a "suffering America" from Bush, as both the domestic and foreign policy of the US were in crisis. Bush's attraction to unilateralism and American exceptionalism, reduced the profile of US foreign policy in general, and DHRP in particular. The war in Iraq was particularly important in this regard as the 'constant identification of democracy promotion with the Iraq intervention and other regime-change policies has besmirched the very concept in the eyes of many around the world.'[88]

Hence, Obama faced the difficult task of raising the profile of US foreign policy and its DHRP credentials. In his inaugural address, Obama expressed a determination to advance democracy, saying: '(t)o those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of the history, but that we will extend a hand if you are willing to unclench

your fist.'[89] However, in his first address to the UN General Assembly delivered on 23 September 2009, one can hardly find a confirmation of his adherence to democracy promotion. He broadly speaks about combating al Qaeda, proliferation of nuclear weapons, climate change, economic crisis, a global response to global challenges (etc). He described four pillars as a fundamental basis for his foreign policy: non-proliferation and disarmament; the promotion of peace and security; the preservation of the planet; and a global economy that advances opportunity for all people.[90] He clearly showed that democracy promotion is not among his priorities; 'The reason apparently is that, in Obama's mind, the spread of democracy is not a shared global interest or task. It is rather a task and struggle for each country.'[91]

Democracy & Human Rights in USFP

Only towards the end of his UN address, does Obama touch on democracy and human rights, attributing an instrumental role to them in accomplishing the abovementioned priorities: 'democracy and human rights are essential to achieving each of the goals that I've discussed today.'[92] He concluded his democracy rhetoric underlining that, 'democracy cannot be imposed on any nation from the outside. Each society must search for its own path, no path is perfect. Each country will pursue a path rooted in the culture of its people and in its past traditions. And I admit that America has too often been selective in its promotion of democracy.'[93] It seemed as if he tried to distance himself from Bush's rhetoric, thus declaring that democracy promotion has nothing to do with the promotion of American values. Furthermore, Obama took office confident that democracy promotion had alienated America's traditional allies in the Middle East and strategic countries such as Russia. So, by distancing himself from Bush's policies he sought to regain their confidence and engage them in solving global and shared problems. Nau describes what he calls the Obama Doctrine which is to say that Obama

> has a coherent worldview that highlights "shared" interests defined by interconnected material problems such as climate, energy, and non-proliferation and deemphasises "sovereign" interests that separate countries along political and moral lines. He tacks away from topics that he believes divide nations – democracy, defence, markets, and unilateral leadership – and toward topics that he believes integrate them – stability, disarmament, regulations, and diplomacy ... He is a policy pragmatist in response to

a worldview of shared community interests that transcend sovereign national interests.[94]

Generally, in his major foreign policy speeches in 2009 Obama mentioned democracy either belatedly or abstractly; 'In none of these speeches did he mention, let alone confront, the oppressive policies of a new wave of authoritarian powers stalking the world – Russia in Europe, China in Asia, Iran in the Middle East, and Venezuela in Latin America. Instead he turned to many of these new autocrats as principal partners to pursue shared global interests of disarmament, economic recovery, climate change, and non-proliferation.'[95] Indeed, earlier in France, he disowned the idea that America had a unique role whatsoever; 'I believe in American exceptionalism, just as I suspect that the Brits believe in British exceptionalism and the Greeks believe in Greek exceptionalism.'[96] For Nau, in 'the Obama doctrine there is no global struggle for freedom that parallels and limits the prospects for cooperation. Cooperation emerges from shared interests not from shared values.'[97]

Hiatt noted that, 'in Cairo, Oslo and elsewhere, he spoke powerfully about freedom, dignity and democracy. But democratic allies felt that his focus was on improving relations with authoritarian powers, while democracy activists felt there was always some priority higher than theirs: nuclear non-proliferation, counterterrorism, climate change … The administration criticised the narrowing of freedom in Russia, but cooperation on Iran was a higher priority. It chided Hosni Mubarak for choking civil society in Egypt, but the autocrat's cooperation on Israel-Palestine mattered more.'[98]

During Hilary Clinton's first diplomatic trip in early 2009 she strongly downplayed human rights concerns in China. She remarked that 'human rights issues in China can't interfere with the global economic crisis, the global climate change crisis, and the security crisis.'[99] For Rubin, '(w)hether it was avoiding an Oval Office visit by the Dalai Lama, not demanding an opportunity to promote human rights during the president's recent visit to China, or not pressing for the release of jailed dissidents there, a practical decision was made that US concerns about the economy, global warming, and non-proliferation took precedence in the relationship with China.'[100] In Central Asia, 'the administration leans toward accommodation of the regimes, simply because US operations – and US

lives – in Afghanistan outweigh any other considerations,' noted Martha Brill Olcott.[101]

Obama's International Engagement

The first NSS released under Obama in May 2010, underlines four key American interests:

1. The security of the United States, its citizens, and US allies and partners;
2. A strong, innovative, and growing US economy in an open international economic system that promotes opportunity and prosperity;
3. Respect for universal values at home and around the world; and
4. An international order advanced by US leadership that promotes peace, security, and opportunity through stronger cooperation to meet global challenges.[102]

The document proceeds by suggesting that:

> The United States supports the expansion of democracy and human rights abroad because governments that respect these values are more just, peaceful, and legitimate. We also do so because their success abroad fosters an environment that supports America's national interests … As our history shows, the United States can more effectively forge consensus to tackle shared challenges when working with governments that reflect the will and respect the rights of their people, rather than just the narrow interests of those in power.'[103]

This wording echoes Wilsonianism and DPT, however, the document rejects Bush's rhetoric claiming that the US will not seek to impose its values on others by force

> Instead, we are working to strengthen international norms on behalf of human rights, while welcoming all peaceful democratic movements. We are supporting the development of institutions within fragile democracies, integrating human rights as a part of our dialogue with repressive governments, and supporting the spread of technologies that facilitate the freedom to access information. And we recognise economic opportunity as a human right, and are

> promoting the dignity of all men and women through our support for global health, food security, and cooperatives responses to humanitarian crises.[104]

That indicates how DHRP will be carried out under Obama. The freedom to access information, namely the internet, are of great importance given the recent "social network revolutions" in the Maghreb; revolutions which demonstrated the power of modern information technologies. Moreover, the multilateral approach strives for an increasingly peaceful, secure and opportunistic international order outlined in NSS is another important point as it further highlights the difference between Obama and Bush. Under Obama the US renounces Bush's "unilateralism," and instead seeks a multilateral approach to international affairs, thus regaining the confidence of its allies.

In his second address to the UN GA, Obama again spoke about the Middle East, the economic crisis, al Qaeda, non-proliferation, climate change, and again left human rights and democracy until the very end: 'we stand up for universal values because it's the right thing to do. But we also know from experience that those who defend these values for their people have been our closest friends and allies, while those who have denied those rights – whether terrorist groups or tyrannical governments – have chosen to be our adversaries.'[105] Once again, he reiterates the basic premises of DPT.

Additionally, Obama outlined a basic means of human rights promotion:

> Civil society is the conscience of our communities and America will always extend our engagement abroad with citizens beyond the halls of government. And we will call out those who suppress ideas and serve as a voice for those who are voiceless. We will promote new tools of communication so people are empowered to connect with one another and, in repressive societies, to do so with security. We will support a free and open Internet, so individuals have the information to make up their own minds. And it is time to embrace and effectively monitor norms that advance the rights of civil society and guarantee its expansion within and across borders.[106]

This approach stresses the importance of nongovernmental organisations along with other groups in civil society as the fomenters of liberty.[107]

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Thus, both the NSS and his major foreign policy speech in 2010 outlined the freedom of internet and access to information as a primary focus of DHRP. As mentioned, this innovative approach has already proved its worth. The Maghreb revolutions, where social networks played a key role, revealed the power of Obama's approach to democracy and human rights promotion.

In his UN address he also stated that 'neither dignity nor democracy can thrive without basic security.' By declaring this he joined the so-called *security-first* school, thus further distancing himself from Bush who was an adherent of the *fast-track democratisation* school.[108]

Obama's message is that America will lead by example;

> That is the mantra of the Obama people, who argue that the cause of democracy will not be promoted by lecturing, or for that matter by invading, but by engagement and example. By engaging, the argument goes, US policy will undermine autocratic regimes by removing the Uncle Sam bogeyman and putting the American way of life of display through direct contact with the maximum number of people. Meanwhile, by focusing on common ground with prickly and unsavoury nations, constructive diplomacy in the name of non-proliferation, the Afghan struggle etc, can get done.[109]

Rademaker, a former official in the Bush (W) administration, described Obama's foreign policy as such: 'For a president coming out of the liberal wing of the Democratic Party, it's remarkable how much he has pursued a great power strategy. It's almost Kissingerian. It's not very sentimental. Issues of human rights do not loom large in his foreign policy, and issues of democracy promotion, he's been almost dismissive of.'[110]

However, as abovementioned facts testify it is hardly correct to assume that DHRP is completely absent in Obama's foreign policy, as he simply differs from his predecessor in his pragmatic approach to DHRP. He is an adherent of soft, rather than hard power. He believes in the power of the internet and information and he is keen to limit governmental control over the internet in order to guarantee

a free flow of information. Therefore, he outlined the freedom to access the internet and information as the primary targets of his foreign policy. Through this, Obama is keen to create the opportunity for people to make their own decision as to whether they want to continue with the way things are or change them. The recent Maghreb revolutions prove the power of this approach which does not yield to force and one could even argue that it is a superior approach because traditional non-democratic allies of the US cannot point to efforts of imposing American values on them. Moreover, renouncing the imposition of democracy by force, the US avoids the possibility of being blamed by its Western allies, as well. Obama made it clear on more than one occasion that the driving force behind democratisation efforts should be local people. It is them who should make decisions about which regime they want to live under. The US will only lead by example; there is no place for force in his democracy promotion efforts: that is the Obama way of DHRP.

Conclusion

DHRP are two sides of the same coin and in essence, promoting democracy entails promoting human rights and vice-versa. When the US adopted Wilsonian logic as the guide to its foreign policy, it was doing more than simply attributing a specific ideological persuasion to the state, it was marking the beginning of an enduring theme which eventually came to act as a basic formula for international peace and security. While Wilson hoisted DHRP to the US international agenda, all subsequent administrations (although to varying degrees) have utilised it in the formulation of their foreign policies. Therefore, the tradition of democracy promotion in US foreign policy must remain dubbed as Wilsonianism.

In pursuing DHRP in its foreign policy, the US must not be mistaken for an altruistic actor, it is primarily concerned about its own security, stability and prosperity and McFaul and Fukuyama are keen to note that no country in the world has benefited more from the worldwide advance of democracy than the United States.[111] However, the US should not be incriminated for rational considerations and self-interest in its efforts of pushing DHRP since the positive results it has, and will likely continue to inspire, are of incalculable importance.

Churchill's dictum that 'democracy is the worst form of government, except for all those other forms that have been tried from time to time,' is certainly apt in the case of US DHRP and in pursuing self-interest in its democratisation efforts the US improves the circumstances for other countries as well. Hence, DHRP not only fits within the "logic of consequences," but also within the "logic of appropriateness." The US does need to exercise more consistency and cohesion in its democratisation efforts, as it must be mindful of its unique international position as well as its "special obligations and responsibilities" towards others.

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REMAKING US FOREIGN POLICY FOR A FRESH START WITH THE MUSLIM WORLD: LINGUISTIC AND DISCURSIVE FEATURES OF OBAMA'S CAIRO SPEECH[1]

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Abstract: *Since his inaugural speech on 20 January 2009, Barack Obama has consistently kept the eloquence of his political speech that addresses the issue of change and the need to remake America by re-introducing it to itself and the world at large. In his Cairo Speech, delivered from the most populous Arab country, and in which he addresses a new beginning with the Arab and Muslim worlds, Obama continued to use the same linguistic choices to effect a change in the foreign policy of his Administration through dialogue. This work examines the discursive features of the Cairo Speech as a pragmatic text laced with the potential to make a "historic" change: bringing America back to itself and beautifying the image of "militant empire." Linguistic constructs related to 'change' and a 'new beginning' with the Muslim and Arab worlds are embedded in a new type of political language calling for a constructive dialogue with partners in an attempt to dust off the stains which the eight-year Bush Administration has brought to US foreign policy. This work looks at the transformative language of the Cairo speech by examining the political discourse therein for frequency, duration and intensity to see how subservient they are to change as a key-metaphor filtering through the speech in question.*

Keywords: Obama, Cairo speech, political discourse; Muslim world, change, dialogue

Introduction

If language is a game played by word-smiths for various purposes, the masters of the language game in the context of dynamic politics are usually the outspoken political leaders. It often goes without saying that in a popular democracy political leaders who are

nominated for senior office, be it legislative or executive, tend to use rhetorical and poetic expressions in their election campaigns to, practically, bring more voters to their sides rather than to, theoretically, increase supporters of their publicly advertised election programmes. Presumably, the category of the population targeted in this regard comprises not only the partisans who are already mobilised to support the nominee running for election but also the undecided, with fluctuating votes, a considerable number of whom need to see a desirable change affecting their well-being, quality of life and aspirations through a specific set of implementable policies. However, when those political leaders take office and start running the state machinery, poetic language is replaced by redundant prose expressions, mostly for justifications, as pressures mount and high expectations go low and gradually transpire into air bubbles. This experience among a number of outspoken political leaders and the elusive political language they are often bent on using, when policies are played out in real life situations, may as well apply to the dialogic language used by politicians whose conflicting agendas and hidden transcripts glove their declared wishes to settle problematic issues through dialogue, no matter if the negotiating stage set for that purpose is local, regional or international.

Although an urgent need on the way of resolving long-standing conflicts between rivals or adversary parties, dialogue in politics often raises the stakes, for what is expected to be delivered through dialogue should practically go beyond that dialogue. Thus the effectiveness of dialogue as a means to an end in the context of political disputes, differences and even enmity is often contested and challenged through an academic analysis of the political discourses shaping the unilateral visions of those political leaders engaged in a dialogue where beliefs and ideologies are too hard to compromise. Is this often the case when it comes to big, existential issues that need to inform and be informed by dialogue in politics? In a stalemate situation, such as the Palestinian-Israeli conflict, could the now-suspended peace process endorsed by the UN and the Quartet be enhanced by a third party, like the US, assuming the role of a peace broker? Indications to the contrary may come from the language of the US addressing a visionary two-state solution to the Arab-Israeli conflict and at the same time reaffirming an "unshakable bond" with Israel though not with Palestine. This paradox has been

widely noted and criticised by many scholars such as Wiarda (2006), Chomsky (2006), McCormick (2005) and Pipes and Garfinkle (1991). However, Obama's Administration, seems to be sending a different message through a different political language when compared to the former Administration of President George W. Bush. The language Obama has, so far, used to address significant issues in the Middle East and the wider Muslim World invites a study of the relationship between politics and dialogue, without ignoring the amount of politicisation and polarisation a dialogue may accommodate. This is the crust of the matter.

The 'great expectations' for tangible change in US foreign policy concerning the Middle East conflict have been elicited from various speeches where Obama addresses that seemingly irreparable conflict in a way that sounds different from earlier White House political language. To that effect, Obama, after his inaugural 20 January 2009 speech, paid two state visits to the Middle East where he delivered two major speeches: in Ankara, Turkey (06 April 2009), and Cairo, Egypt (04 June 2009), respectively, to enhance dialogue with the Muslim and Arab worlds as a need for what he claimed partnership and cooperation on a variety of regional and global topics. The dialogic political language used by the President in this respect is a case in point in this article. More specifically, the article examines Obama's Cairo Speech for a foreshadowed change in his foreign policy aiming for a fresh start with the Arab and Muslim worlds, where the Palestinian cause, among other outstanding issues, comes to the fore as an indicator of that change.

In his Cairo Speech, Obama addresses a new beginning with the Muslim world. He uses a dialogic political strategy based on partnership, mutual interest and mutual respect for the sake of effecting a tangible transformation in his foreign policy. This article examines the linguistic and discursive features of the Cairo speech as a pragmatic text laced with the potential to straighten the drastic curve in US foreign policy by trying to bring America back on track and beautify its repulsive image as a militant empire.[2] This work looks at the transformative language of the Cairo speech by examining the political discourse carrying the prospects of change desired.

Rationale for Studying President Obama's Cairo Speech

The main reason for studying Obama's Cairo Speech (04 June 2009) lies in the urge the speech has generated for research in the field of dialogue in politics, when critical discourse analysis is used to look at the new type of political language coming out from the White House to reshape US foreign policy. This assumption derives its gravity from a series of Obama's earlier speeches as Senator;[3] as candidate and nominee for presidency in 2008 and, more particularly, as the newly sworn-in President.[4] Besides, the Cairo speech was preceded by the Ankara speech in which Obama addressed a wide spectrum of well-developed topics, all of which focus on the changes to US foreign policy through the mirror reflecting Turko-American relations as an exemplary model. In one part of the Ankara speech, Obama addresses American-Muslim relations in a new, unfamiliar political language:

> I know there have been difficulties these last few years. I know that the trust that binds us has been strained, and I know that strain is shared in many places where the Muslim faith is practiced. Let me say this as clearly as I can: the United States is not at war with Islam.[5]

In the same speech, Palestine, being at the heart of the Middle East conflict, fills a three-paragraph space of eloquent political language indicating a turning point in the US presidential discourse. The White House will be directly involved in the conflict as a peace broker whose goal is a lasting peace settlement between Israel and the Arab world.

> In the Middle East, we share the goal of a lasting peace between Israel and its neighbours. Let me be clear: the United States strongly supports the goal of two states, Israel and Palestine, living side by side in peace and security … And that is the goal that I will actively pursue as President.[6]

A comparative study in political discourse between Obama's administration and Bush's reveals a marked difference in the stances taken by the two presidents and the linguistic choices used to shape US foreign policy. Bush used an aggressive political language to address international issues related to his global war on terror,

a visionary two-state solution to the Palestinian-Israeli conflict and the war pains necessary for the birth of a new Middle East.[7] The same issues are also addressed by Obama but in a different political language; one which is less aggressive, less provocative and more reconciliatory and dialogic for the sake of easing the tension already built over eight years of the Bush administration.

A few more controversial reasons that have also ignited the rationale for this study, but to a varied degree, cannot simply go unnoticed in the context of effecting a change in US foreign policy. They can be soon contested on the grounds that they are meant, in the first place, to promote the image of Obama as a man of peace and dialogue when compared to Bush. One of those reasons is the Nobel Prize for Peace awarded to Obama prior to any great achievement done in the interest of world peace.[8] The second reason is related to Obamas's desire to close the Guantanamo Bay Detention Centre.[9] The third reason is based on Obama's decision, as commander-in-chief, to put an end to the highly costly wars of invasion waged against both Afghanistan (2001) and Iraq (2003) respectively by withdrawing US forces; providing that part of the world a chance to take part in a dialogue for peace, and America and its allies in the coalition forces another chance to rethink the situation and embark on alternative strategies that promote and maintain peace.[10] It is for all these reasons that the present study of Obama's Cairo Speech is approached through critical discourse analysis for a fuller understanding of dialogue in politics as an optimal tool for settling conflicts.

An Overview of the Cairo Speech as Text

The Cairo speech, as a written text, is transcribed from the televised version of the speech Obama delivered at the University of Cairo in Egypt on 04 June 2009. The speech was preceded by definitive indications that it was intended to ease the unresolved tension between the US and the Islamic world which had reached extreme levels during the Bush administration, and therefore Obama's Cairo speech is an attempt at redressing the situation.

As a wide-ranging address delivered with eloquence and skill, the speech was well received by the invited audience. It was also broadcast live by television channels and radio stations across the Middle

East and was quoted, reviewed and commented on worldwide. Although comments on the speech varied in terms of political analysis and academic research, there was a great deal of agreement that it was a ground-breaking speech in the way the Obama approached and envisioned a conflict-resolution strategy in a practical manner using both his linguistic skill and presidential powers.

It is the second major speech, after Ankara, addressing the Islamic world from outside of the US. In this speech, Obama attempts to ease the tension overwhelming relations between the US and the Arab/Muslim worlds by adjusting the focus of vision, which had previously been blurred. He re-introduces America to these two worlds whose inhabitants, for the most part, still voice anti-American sentiments due to the two wars launched against Afghanistan (2001) and Iraq (2003), the tragic consequences of the occupation thereof, and the position the US adopted in favour of Israel as an occupier of Palestinian and other Arab territories. In the context of defusing that tension, Obama addresses nine major issues, all of which are articulated with much care and oratory skill. These issues are: violence and extremism, Afghanistan, Iraq, the Palestinian-Israeli conflict, Iran's nuclear programme, democracy and governance, religious freedoms, women's rights, and economic development. Although the nine issues are inter-related, when it comes to addressing regional and international issues that need to be redressed, this article focuses on the implications of the speech, particularly the metaphor of change that is meant to reshape US foreign policy and accordingly usher in a new beginning with the Muslim world.

> I have come here to seek a new beginning between the United States and Muslims around the world; one based upon mutual interest and mutual respect; and one based upon the truth that America and Islam are not exclusive and need not be in competition (para. 5).

Such eloquent political language permeating the seventy five paragraphs making the structure of the speech is not simply an ice-breaking exercise in public speaking. Obama is trying to breakthrough, a precedent in US foreign policy based on a dialogue he initiates with the equal other to settle uneasy disputes that go back to ages of mutual unrecognised and unaccepted differences.[11] To what extent has Obama made his political message clear to his audience,

to those listeners interested in conflict-resolution mechanism, and more particularly to the peoples of the region where the conflict was created and constantly nourished through hatred?[12] Critical discourse analysis can be a useful approach to study the speech and answer this question.

Critical Discourse Analysis as an Approach to the Text

Critical Discourse Analysis (CDA) takes the text as a primary unit of analysis and goes on from there to what is beyond the text. A text, be it written or spoken, is often taken to be acted upon as its form and structure cannot be arbitrary. As such, it remains bound to a set of particular conventionalised discourses. In this regard, Obama's Cairo speech, as text, features discourses of political leadership, power differentials, conflicting ideologies, domestic, regional and international challenges – the last includes broad foreign policies and strategies. As a conventional form, then, it constrains and enables meanings on many levels between the speaker as encoder and the receiver as decoder. Linguistically speaking, discourse can be seen as a cultural tradition that comprises the linguistic self-consciousness as well as the skills and methodologies brought into play to shape the convictions of a particular audience and sustain a positive image of the public speaker. However, discourse is often slippery, fluid, elusive and hard to define.[13] CDA, on the other hand, takes a different path to send a different message.[14] It is a tool that helps a discourse analyst to illustrate how unmasking the written/spoken word can bring about a different perspective and a deeper understanding of whose interest is being served by paying attention to what, as van Dijk (1999) argues, politicians say and do. It illuminates ways in which powerful and influential political leaders construct versions of reality in favour of their own political vision and interest. Thus CDA compels us to make a move from seeing words in the abstract to seeing them as loaded with meanings in a particular context.

The analyst, using CDA to approach a public speech as a formal text, attempts to debunk the words of the public speaker, in this article the political leader, to come up with further meanings embedded in or excluded from the text.[15] A study of various lexical and

grammatical devices used in the text is an essential part of CDA, for 'texts are meaningful only because they actualise the meaning potential of the linguistic system.'[16] As a tool for exploring hidden meanings beneath and beyond the surface level of text, CDA seeks to link the micro level of the text itself with the macro level representing the power structures in society and even those in the international community. Provided with that framework of reference, the CDA analyst may not claim to essentially possess the exclusive interpretation of text.

Obama's Cairo speech, as political discourse, is effective in both register and tone, and evidenced by its ability to organise and regulate relations of power. A discourse as such might be classified as a 'regime of truth.'[17] It is this type of regime taking hold of a political system that allows for a revealing job done by CDA analysts to study what is included in and what is excluded from the speech under study.

In this formal public speech, Obama is sending an overt message to the Muslim and Arab worlds: US foreign policy is undergoing drastic change, from imperial, uni-polar hegemony to multi-lateral cooperation and partnership based on common interests and mutual respect. The message, spreading over seventy five chunks of written text, is consistently endorsed by specific key-topics at both the paragraph and the sentence levels. By choosing this mode of language skill for the purpose of persuading his willing-to-believe audience, Obama succeeds in creating a perspective or a slant to impress that audience of the new vision guiding the foreign policy of his administration intended to redress the long-standing problem undermining US-Muslim relations. Immediately after the salutary opening paragraph, replete with goodwill, Obama admits that there is a problem and proceeds to identify and resolve it.

1. We meet at a time of tension between the United States and Muslims around the world – tension rooted in historical forces that go beyond any current policy debate (para. 2).
2. Violent extremists have exploited these tensions in a small but potent minority of Muslims (para. 3).
3. I have come here to seek a new beginning between the United States and the Muslims around the world (para. 5).

Thus from the outset of the speech, Obama sets a problem-solution model which is consistently reinforced by the sequence of

the textual segments making the entirety of the text. The sequence (situation-problem-solution), which is presumed to be culturally ingrained, is governed by words signposting the text. This is skilfully done through a deliberate choice of diplomatic, yet pragmatic, linguistic structures that draw attention to the peace-carrying message, as conflict-resolution strategy, Obama is trying to convey to the Muslim world in an uneasy atmosphere of doubt engulfing the state of mind on the receiving end. Subtly built into a logical sequence to dismiss the audience's doubt, the friendly words and expressions used to convey that message boil down to confidence-building strategy through highlighting the concept of reciprocity.[18]

4. That is what I will try to do – to speak the truth as best I can, humbled by the task before us, and firm in my belief that the interests we share as human beings are far more powerful than the forces that drive us apart (para. 6).
5. Part of this conviction is rooted in my own experience. I am a Christian, but my father came from a Kenyan family that includes generations of Muslims (para. 7).
6. As a student of history, I also know civilisation's debt to Islam. It was Islam, at places like al-Azhar University, that carried the light of learning through so many centuries, paving the way for Europe's Renaissance and Enlightenment (para. 8).
7. That experience guides my conviction that partnership between America and Islam must be based on what Islam is, not what it isn't. And I consider it part of my responsibility as president of the United States to fight against negative stereotypes of Islam wherever they appear (para. 10).
8. But that same principle must apply to Muslim perceptions of America. Just as Muslims do not fit a crude stereotype, America is not the crude stereotype of a self-interested empire (para. 11).

By choosing the degree of formality in accordance with the normal conventions of the Western mode of persuasive writing, as revealed in the first eighteen paragraphs of his speech, Obama seems to have successfully laid down a solid get-set, or what Harre and van Langenhove (1999) call a prepositioning stage,[19] from where to proceed addressing the nine major issues plaguing relations between the US and the Muslim world. In terms of positioning analysis

theory, prepositioning is an essential part of discourse. That is, the speaker does not simply assign himself a position; he gives reasons to justify taking one.[20] In the positioning stage that follows, Obama brings personal experience, knowledge of the history of Islam and power of the presidency to substantiate his conviction about change of policy and the prospects of peace based on dialogue, cooperation and partnership with the Muslim world. In other words, positioning theory allows for a comprehensive understanding of how the parties implicated in discourse ascribe to themselves and to others certain rights and duties as they reflect on issues such as war, peace, identity, and so forth. Obama's political discourse is miles ahead of Bush's, despite the similar rhetorical expressions they use as public speakers. The difference between the two presidential discourses, according to CDA, resides in the semantic of conflict which Bush employed in abundance to assert hegemony while Obama eschews to build mutual confidence and trust.

Linguistic and Discursive Stuctures of the Speech

In his Cairo speech, Obama's political discourse capitalises on the metaphor of change as a conceptual structure for a political ideology. This metaphor arises in the very process of linguistic choices during the construction of text and talk. The linguistic choices, both grammatical and lexical, seem to sustain Obama's intention to convey a feeling that he is serious about meeting the challenge of that change. This intention is embedded in the following key words and expressions, to mention only a few: 'This cycle of suspicion and discord must end,' 'America is not and never will be at war with Islam,' 'I have come here to seek a new beginning,' 'America and Islam are not exclusive, and need not be in competition,' 'It's my responsibility to fight against negative stereotypes of Islam wherever they appear,' 'Words alone cannot meet the needs of our people,' 'we must not be prisoners of the past,' and 'We must face these tensions squarely.'

The modal auxiliary "must," which Obama uses 24 times in the speech, addresses the need on the part of all parties involved in the problem to translate that moral obligation into action. This re-echoes the meaning of sharing, partnership, and reciprocity which the speaker uses 13 times to instil a new atmosphere of confidence and

turn the page of discord and with it the impact of former foreign policy. This is also reinforced by the use of another modal auxiliary "will" (12 times) to show the speaker's determination to take action in favour of change. However, that determination to act is not based on a golden rule or a magical formula. In other words, Obama's intention to effect a tangible change in his foreign policy needs time to materialise.

9. I do recognise that change cannot happen overnight. No single speech can eradicate years of mistrust, nor can I answer in the time that I have all the complex questions that brought us to this point. But I am convinced that in order to move forward, we must say openly the things we hold in our hearts, and that too often are said only behind closed doors. There must be a sustained effort to listen to each other; to learn from each other; to respect one another; and to seek common ground (para. 6).

These linguistic and discursive structures imply a realistic approach to the problem he inherited from previous administrations. Thus, alternating between the first singular pronoun "I" and the first plural pronoun "We" is a call for dialogue in politics with the equal other to secure a "common ground" from where a joint effort, of partners to solve the problem and maintain mutual interest is likely to yield a sustainable outcome. These linguistic structures are frequently deployed throughout the text to convey an air of certainty that the change targeted is a serious issue. Thanks to the discourse relations of cohesion and coherence (expressed, for instance, through variation in conjunctive markers), the constituent parts of the text hang together in unity. Although linguistic features are not the most salient characteristics of political discourse, no text could ever have a material existence without them.[21]

The discursive practices used to tidy up Obama's address to the Muslim world renders the text dynamic. Admitting that there is a problem, seeking to redress that problem through partnership, and determining to act in that direction without faltering, Obama scores an advance over Bush which acted single-handedly. Even the frequent use of the first person singular "I" (41 times) is a clear gesture that Obama, being the head of the executive power and the commander-in-chief, is empowered by the American Constitution to take action in line with his conviction that seems to guide his

new foreign policy. Made clear throughout the text, that conviction is based on his personal experience as the son of a Christian mother and a Muslim father, his scholarly background as a student of history, and his political involvement as a former senator and law-maker in the US Congress. The power relations, underlying the overuse of "I," seem to cloth the tone of concession on the part of the President in favour of a sustainable effort with the Muslim world to combat a common enemy, violent extremists.

10. And throughout history, Islam has demonstrated through words and deeds the possibilities of religious tolerance and racial equality (para. 8).
11. I have known Islam on three continents before coming to the region where it was revealed (para. 10).
12. In Ankara, I made clear that America is not – and never will be – at war with Islam (para. 19).

Keeping an unswerving register throughout the text, Obama draws his audience's attention to the degree of certainty about his position as a willing peacemaker who comes to the region to readjust the crude image conceived of the US as an empire by re-introducing America to the Muslim and Arab worlds as a friendly partner for a fresh start. Reiterated expressions that beg certainty and reaffirmation of the unfaltering position of Obama in that US foreign policy is undergoing change are loud enough through frequency (10 times). For instance,

13. So let there be no doubt: Islam is a part of America (para. 14).
14. Of course, recognising our common humanity is only the beginning of our task (para. 15).
15. Make no mistake: we do not want to keep our troops in Afghanistan (para. 21).
16. I have made it clear to the Iraqi people that we pursue no bases and no claim on their territory or resources. Iraq's sovereignty is its own. That is why I ordered the removal of our combat brigades by next August (para. 25).
17. So let me be clear: no system of government can or should be imposed upon one nation by any other (para. 46).
18. But this much is clear: governments that protect these [democratic] rights are ultimately more stable, successful and secure (para. 48).

19. Now let me be clear: issues of women's equality are by no means simply an issue for Islam (para. 58).

Nonetheless, the President's political discourse concerning the Palestinian-Israeli conflict, which is viewed in both the Muslim and the Arab worlds as among the most demanding issue in need of a suitable political solution based on all relevant UN Security Council resolutions, invites a focused critical reading when it comes to critical discourse analysis. In this regard, Obama adopts Bush's (and previous administration's) vision of a two-state solution: Palestine and Israel living side by side in peace. If Obama introduces himself as a peace broker between the Arab Palestinians and the Israelis, his endorsement of Bush's solution cannot be seen as a major breakthrough. It took Bush eight years of trying to translate his vision into a reality but to no avail. It might take Obama the whole period of his term in office to broker a lasting peace settlement in the Middle East to actualise that vision and put an end to the occupation and humiliation the Palestinian people. Earlier peace initiatives and agreements between the Palestinian Liberation Organisation (PLO) and the state of Israel have ended in failure[22] despite the direct sponsorship of the US and the support of Europe and the international community.

Obama's Cairo Speech

Critical discourse analysis is used here to illuminate and eventually unmask the versions of reality Israel and the US construct in the service of their mutual interests, irrespective of who takes office in the White House. For Israel and the US, it is an existential matter related to Israel's legitimacy as a state for those Jewish settlers who survived the Holocaust in Europe and were enabled to navigate from Europe in successive massive convoys of immigrants to Palestine which was then under the British Mandate. What is ironic is that Europe, which persecuted its Jews,[23] colluded with them to establish a Jewish homeland in Palestine through violence and declare their independent state one day after the end of the British Mandate on 14 May 1948. That event caused the expulsion of much of the Palestinian civilians from their land and property. The creation of the state of Israel on 78% of historical Palestine has also created *al-Nakba*[24] which transformed the homeless Palestinians into refugees living in make-shift tents for temporary shelters in the remaining parts of Palestine and the neighbouring Arab countries.

Obama, trying to play the role of a fair peace broker, justifies the two-state solution to the Palestinian-Israeli conflict in a highly compassionate language. He is sending a sensational message describing the two peoples as equally victimised and persecuted, and therefore they deserve self-rule and autonomy as neighbours, each in their own state. However, he is also sending a covert message to the influential Jewish Lobby and its powerful association, AIPAC,[25] in the US.

20. America's strong bonds with Israel are well known. This bond is unbreakable. It is based upon cultural and historical ties, and the recognition that the aspirations for a Jewish homeland is rooted in a tragic history that cannot be denied (para. 29).
21. Around the world, the Jewish people were persecuted for centuries, and anti-Semitism in Europe culminated in an unprecedented Holocaust (para. 30).

Using a historical narrative to describe the European anti-Semitic sentiments and the Jewish Holocaust, Obama is in no position to justify the creation of a Jewish homeland in Palestine where Jews, Christians and Muslims lived for centuries in relative peace. There has been no historical narrative telling that the Jews were ever persecuted in Palestine, the Arab world or the Muslim world. Why should the mistakes of Europe be visited upon the Arab Palestinians? Why should the Palestinians pay for a crime they did not commit? Obama fails to tell the other side of the historical narrative. In other words, his view of the "fullness of history"[26] is deemed either incomplete or partial, if not cynical. The same tragedy would have happened to the peoples of Uganda or Argentina if the Zionist leaders had accepted the British offer: designating one of those countries as a Jewish homeland.[27] Against objective historical reality, Obama, who studied history and law, sounds self-defeating or biased, and this rules out his role as a peace maker.

When it comes to the Middle East in general and the Israeli-Palestinian conflict in particular, Obama sounds more like a biased peace broker. His words and deeds reflect this truth about US foreign policy, not only in his Cairo speech but also in earlier and later speeches. In a recent speech to the AIPAC Policy Conference held in Washington, DC (20 May 2011), Obama's rhetoric about a peaceful settlement cannot stand challenge. He might have sought to please

both parties over the issue of peace, but his words and deeds say it so flatly that he is a friend of and ally to Israel for personal and political reasons. This position, voiced before AIPAC members, would take him much farther while preparing for re-election[28] in 2012.

22. The commitment of the United States to the security of Israel is ironclad (para.6).

His cynical attitude rings morbidly as he distorts the science of archaeology.[29]

23. When I touched my hand against the Western Wall and placed my prayer between its ancient stones, I thought of all the centuries that the children of Israel had longed to return to their ancient homeland (para. 9).
24. So make no mistake, we will maintain Israel's qualitative military edge (para. 11).
25. Israel's legitimacy is not a matter for debate. That is my commitment. That is my pledge to all of you (para. 23).

On the other hand, Obama mentions the Palestinians nineteen times, in five of which he sounds rather humane as he pities their suffering under direct Israeli military occupation and their dire life in overcrowded, unhealthy refugee camps in the West Bank, Gaza Strip and the neighbouring Arab countries. However, as he equates between victim and victimizer, he calls for a mutual recognition of their rights to live side by side in peace and security in two independent states. It is ironic on the part of Obama when he guarantees the right of Israel to exist and defend its borders, which, to date, are not final for the UN. While providing Israel with sophisticated weapons for self-defence, he requests seeing a non-militarised Palestinian state, thus denying the Palestinians their right to self defence as any other nation. A change in US foreign policy in the interest of peace remains no more than lip service and some honeyed material for local and regional consumption.

26. On the other hand, it is also undeniable that the Palestinian people – Muslims and Christians – have suffered in pursuit of a homeland. For more than 60 years they have endured the pain of dislocation. Many wait in refugee camps in the West Bank, Gaza and neighbouring lands for a life of peace and security that they have never been able to lead. They endure the daily humiliations – large and small – that come with occupation. So let there be no doubt: the situation for

the Palestinian people is intolerable. America will not turn our backs on the legitimate Palestinian aspirations for dignity, opportunity, and a state of their own (para. 31).

The above-quoted material taken from the speech is a true description of the Palestinian situation under occupation and in exile. Obama recognises the legitimate aspirations and historical rights of the Palestinian people to have a state of their own and in their own homeland.[30] However, the language used to communicate his vision seems to be that of a faithful preacher, not a President whose power and authority are incomparable to any of his counterparts in the world. It sounds pitiful, compassionate and humane as if the Palestinians had been dislocated [and also dispossessed] for no reason and by an unbeknownst force. Obama's rhetoric is rather ameliorative in approaching this tragic situation. In fact, the metaphor 'in pursuit of a homeland'[31] is borrowed from Hebrew literature[32] that does not seem to apply to Palestine and the Palestinians. What the Palestinian Refugees need the international community, including the US, to do for them is only one thing: recognise their right to return to their homeland, not search for a homeland. Obama cannot be ignorant of this fact, irrespective of the new political language he uses to redress the situation. He only refers once to the Israeli occupation, but calls for a sustained dialogue between the occupier and the occupied where power relations between the two sides serve the occupation and nullify UNSC resolutions.

27. Palestinians must abandon violence. Resistance through violence and killing is wrong and does not succeed (para. 34).

Obama sounds contradictory or confused when Israeli occupation is opposed in terms of international law or Palestinian resistance. If resistance means violence, is it not ironic when he refers to a period of history when the US was occupied by Great Britain whose troops were forced out of the country because of the American people's resistance and use of violence which had led to the Declaration of Independence on 04 July 1776?

28. We were born out of revolution against an empire (para. 11).

In terms of diplomacy, Obama does not sound any more persuasive. He will (and did) oppose the Palestinian Authority filing an official request for Palestine to become a member state of UN in September 2011. The President's position in this regard, although different in style and substance from that of the former

administration, does not respond objectively to the need for a historic peaceful settlement between Israel and Palestine. Both the legitimacy and security of Israel as a state remain a constant priority factor in the political discourse of the American establishment, whether Republican or Democratic. Accordingly, the changing scene in the current US foreign policy is selective and self-interested.

Furthermore, the metaphor of change targeting the remaining issues raised in the speech does not seem less obscure when it comes to action. Indeed, Obama keeps distancing himself from being implicated in sensitive issues inherited from the Bush administration. For instance, the Iraqi war (2003-present) is, for him, a war of choice which he, as senator, rejected. Does this mean that he is trying to shirk responsibility? As rule is continuity in democratic polity, irrespective of whoever takes the Oval Office, Obama seems to have accepted responsibility when he sent 30,000 more combat troops to Iraq in 2009. If he is pulling troops out by the end of 2011, it is because Congress has endorsed his plan to cut the budget of the armed forces by $3.4 trillion (USD)[33] to meet the deficit resulting from federal debts. This is a change of necessity, not choice. Even "terrorism," which is globally condemned, is replaced with "violence and extremism." Obama is trying not to associate Islam with violence or Muslims with extremists. The quote he takes from the Holy Koran against homicide points a finger at al-Qaida's non-Muslim behaviour on 9/11. The pragmatic language he uses 'delivers the linguistic means by which rational agents do things with words.'[34]

Concerning other issues such as women's rights, democracy, religious freedom and economic developments, Obama sounds cautious. Although he praises shared human values, such as justice, tolerance and the rule of law, he is against imposing democracy as a political system on any country. He distances himself from Bush whose foreign policy was branded with a process of democratising the Middle East by preparing Iraq to play a role-model to that effect. Ironically, Afghanistan and Iraq now stand as two 'democratically elected' governments operating under US occupation. The two regimes are well known for their unspeakable corruption, sectarian and tribal divisions and merciless civil strife, evils unknown to Afghanis and Iraqis even under Taliban and Hussein. In line with this, Obama does not criticise autocratic governments with which

America has various common interests. To present his image as a non-interventionist in other countries' political systems is part of the game of nations, which he plays skilfully. Hegemony can also be maintained without direct intervention or coercion.

As for Muslim women's rights, Obama maintains the same level of caution. His reductionist view of Muslim women wearing *hejab* or head-scarf is not the whole story. He promises to empower woman and sustain gender equality by offering to develop partnership programmes with any willing 'Muslim-majority country.' Did the US do so in Turkey, Pakistan, and Bangladesh as Muslim countries? Obama would have been better set to mark real change had he pressured Israel to free those Palestinian women and children imprisoned for being viewed by the Israeli military as suspects, that is mothers, sisters or daughters of resistance fighters.

Specific Issues Excluded from the Text

Whether done consciously or unconsciously, excluded facts from the text downgrade much of the credibility of Obama as he addresses the Muslim and Arab worlds from Cairo. It is true that Obama's political discourse appears so different from that of Bush, but it is also true that he, as a political leader, uses culturally-ingrained rhetorical expressions and linguistic structures to sound persuasive, especially when the issues raised in the speech/text are serious and crucial to the global role of America at this moment in time. In political discourse analysis, especially in Anglo-American cultural context, politicians are expected to be both persuasive and informative. However, critical discourse analysis 'may not only account for this dual function but also for interfacing micro and macro phenomena, such as ideology, political organisation, lobby pressures and other relevant micro aspects involved in the production and interpretation of political discourse.'[35] What makes a text open to various interpretations is the assumption that 'ideologies reside in texts,' and that 'it is not possible to read off ideologies from texts.'[36] In the speech under study, there is frequent reference to the constitutional legacy laid down by 'our Founding Fathers,' namely Thomas Jefferson and Abraham Lincoln. Obama recalls them for their achievements in building a great nation and advancing 'the American Dream' for equal opportunities to all citizens. Their great

but 'unfinished' job must be completed by the ancestors, he being one of them.[37]

However, Obama, who says he has studied history, chooses to read from one source when he recollects some historical events as causes of the state of tension engulfing the relations between the US and the Muslim world. Recalling the 'Crusade Wars' (1096-1291) as a series of 'religious wars' between the West and the Muslim world, he wants his audience to forget all about that period, for 'if we choose to be bound by the past, we will never move forward.' But an objective reading of history indicates that the Crusade armies, although incited by the Church, were practically led by European monarchs and princes whose political ambitions over generations were worth the eight successive military campaigns waged against the Arab and Muslim worlds. The Crusades were religious wars in disguise.[38]

Obama refers to 'violent extremists as a small but potent minority of Muslims who have exploited these tensions' and caused damage to the relations between Muslims and the US. 'This had led some in my country to view Islam as inevitably hostile not only to America and western countries but also to human rights.' If he means to exclude this group, namely *al-Qaida*, from the rest of the Muslims, Obama is dealing with effects, not causes. Excluded from the text is the cause why those violent extremists assumed that adversary position against the US. The same group, now labelled and libelled extremists by Obama, used to fight the Soviet troops that invaded Afghanistan (1979–1989) with direct military support and aid from US administrations. There must be a story behind the birth of those violent extremists. As it is excluded from the text, it does harm to Obama's credibility as a man who claims he has studied history and law.

Another exclusion from the text, which is also a factor of tension, is the way Obama views the Palestinian-Israeli conflict. Israel was created by systematic collusion between Zionism and the West, on the soil of Palestine in 1948. This state was recognised by the UN General Assembly as a new member in 1949, on condition that the government of Israel cooperate with the UN to facilitate the return of all the Palestinian refugees who were forced to flee their property and homeland. Obama jumps over the central cause of the conflict and focuses on the impact of the Israeli 1967 occupation

on the Palestinian civil life in the West Bank and Gaza Strip. For him, 'Israel's legitimacy as a state is not debatable,' and that 'Palestinians must stop violence [against Israel].' That is why he (mis-) takes resistance for violence and calls on both sides to negotiate a peace treaty, where power relations serve the occupation and not the occupied. Where is the norm in brokering the issue of peace? Obama, however, laments the miserable situation of the Palestinians under Israeli occupation; deplores the Israeli siege laid to Gaza and the continuous construction of settlements in occupied Palestinian territories; and bewails the humiliation caused by the Israeli military checkpoints to the Palestinian civilians on daily basis. Yet, what is excluded is quite unspeakable. Obama seems to have silenced his sentiments about Palestinian land expropriation, demolition of their house structures, destruction of their mountain-old oil groves, renaming of Arab places and shrines in to Hebrew, detention centres, closures, curfews, military checkpoints, the construction of the snake-like Separation Wall on Palestinian soil and around Jerusalem, and the annexation of occupied East Jerusalem to the state of Israel – to mention a few. All these acts of occupation are violations of Geneva Conventions (1949). Obama's cynicism, however, multiplies when he called for the release of Gilad Shalit, an Israeli soldier captured in a battle with Hamas militants in 2006, but he never mentioned the 9,807 Palestinian detainees[39] most of whom were taken hostage from their bedrooms at the break of dawn. This also reduces the credibility of Obama as a peace broker.

One more basic issue absent from the speech/text is religious intolerance. Obama seems to refer rather easily to specific citations he quotes from the three holy books: *the Talmud*, *the Bible* and *al-Koran*. These quotations are meant to promote the message of tolerance and peace which is quite suitable to the context of situation and the linguistic choices used in the text. However, the constant reference to the three *Abrahamic* religions in the context of peace and tolerance remains a contested issue when viewed against what is going on in real life situations. Obama refers to the bloody reprisals traded between Muslim *Sunni* and *Shia* factions in Iraq, but he does not even hint to the fact that these sectarian intimidations were non-existent, as violent acts, before the invasion of Iraq in 2003. Other incidents taking place in America and Europe, against Muslim symbols, were simply dismissed or justified by Western

government officials as part of the freedom of expression.[40] Moreover, what goes on in the Palestinian occupied territories, and more especially in East Jerusalem every Friday, is a telling story about religious intolerance and discrimination exercised bluntly by the Israeli security forces on Muslims performing their prayers at the *al-Aqsa* Mosque. The Israelis decide which believers heading for Jerusalem is eligible to perform Friday prayers and who is not.[41] Skipping public scenes of intolerance is a loophole in the objectivity of Obama, and this also reduces his credibility when it comes to effecting change in his foreign policy. Good intention, wishful thinking and words alone are not conducive to peace if not coupled with the will to act.[42] Building bridges and narrowing gaps between the US and the Muslim and Arab worlds need less rhetoric and more action.

A final point, also excluded from the text, is Obama's untaken-yet decision either to waive or reform those American laws which disproportionately ban Arab and Muslim financial contributions to humanitarian charity funds. Obama speaks proudly of American Muslims performing their religious freedom, rituals and duties across the US. However, his words cannot be significant enough unless they are translated into action. Giving American Muslims 'hearts and minds' is one thing, but treating them as equal citizens, without being required to take extra steps to prove their loyalty or belonging to the country, is quite another. This selectivity which shapes a significant portion of Obama's political discourse in the text is yet again another obstacle in the way of changing his foreign policy. The following example from Turkey clarifies the President's firm but uneasy position concerning the issue of change in question. Obama responded metaphorically to a student's question, in Istanbul, concerning the pace of political change in the US as follows: 'States are like big tankers. They are not like speedboats. You cannot whip them around and go in another direction. You turn them slowly, and eventually you end up in a very different place' (April 9, 2009).

Conclusion

This article has attempted to look at the issue of change Obama's Cairo speech brought to US foreign policy. More specifically, the article examined Obama's political discourse seeking a way out from the state of tension impacting the relations between the US and the Arab and Muslim worlds. The political language the president uses in this speech to that effect is something new when compared to Bush. That is why the speech was well received by the audience attending the Cairo event as well as by so many interested observers elsewhere. However, the speech was also met with a shrug by some politicians and scholars in the US and Israel. For instance, Eidelberg, using an *ad hominem* fallacy, comments on the speech by trading a blow against the person of Obama. In his article "My Response to Obama's Cairo Speech" (2009), he describes the President as 'a master of deception who cannot distinguish truth from falsehood.'[43]

Nonetheless, the use of critical discourse analysis to guide my interpretation of the speech has been useful. Obama's oratory skill to make a fresh start with the Arab and Muslim worlds does not seem to have overlooked the pressures exerted on his administration by various lobbyists in the US and elsewhere. The metaphor of the 'heavy tankers' he used in response to the Turkish student's question about political change may summarise his presidential position as he tries to strike a compromise between the global interests of the US and the power differentials on the domestic level. The use of critical discourse analysis, as a linguistic and discursive approach to his speeches before and after his Cairo speech, tells much about the President's difficult position to bring about a desirable change that improves the global image of America without reducing its dominance and hegemony as a superpower.

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1 Most of the ideas included in this article stem from a paper I delivered at the Wurzburg International Symposium on Dialogue in Politics, organised by the International Association of Dialogue Analysis (IADA) and hosted by the Wurzburg University, Germany, 13-15 September, 2010.

2 Labelling the US a 'militant empire' goes back to President Roland Reagan who invaded Grenada in 1983, laid siege to Nicaragua to change its socialist political system, bombed the Libyan capital Tripoli, and sent troops outside the United States to combat international terrorism. The massive arms race policy Reagan endorsed led to the fall of the Berlin Wall, the end of the Cold War, and the ushering in of a New World Order on the eve of the fall of the USSR and the supremacy of the US as global hegemony.

3 See Obama's address to the Democratic National Convention, Boston, 27 July 2004.

4 See Obama's inaugural speech on January 20, 2009

5 Barack Obama (2009), "Address to the Turkish Assembly," para. 38, available at <http://hurriyet.com.tr/english/domestic/11376661.asp> (accessed 10 June 2010).

6 Ibid. para. 29.

7 See President G. W. Bush's infamous 'You are either with us or against us' while addressing the international community from the US Congress, in the wake of 9/11 attacks on World Trade Centre in New York and the Pentagon. The same language was also used by (then) Secretary of State, Condoleezza Rice, in her remarks about the Israeli July 2006 war on Lebanon, when she said, 'We are now witnessing the birth of the new Middle East.'

8 On 09 October 2009, the Norwegian Nobel Prize Committee decided to award the Nobel Peace Prize for 2009 to President Barack Obama 'for his extraordinary efforts to strengthen international diplomacy and cooperation between peoples,' attaching special importance to his vision of and work for a world without nuclear weapons. In his Acceptance of the Prize address in Oslo, Norway, on 11 December Obama humbly passed the following remark: 'And yet I would be remiss if I did not acknowledge the considerable controversy that your generous decision has generated. In part, this is because I am at the beginning, not the end, of my labours on the world stage. Compared to some of the giants of history who have received this prize … my accomplishments are slight'.

9 Since he took office and residence in the White House, 20 January 2009, the decision to close Guantanamo Bay Prison in response to Geneva Conventions has not been put in to effect.

10 Although describing the US war in Afghanistan (2001) as a war of choice, and that on Iraq (2003) as a war of necessity, Obama has not been so decisive to pull out all troops from the two countries.

11 In plain and self-explanatory language, Obama attributes those differences to the Crusades spanning two centuries (11th and 12th) of wars and bloodshed between European armies claiming Jerusalem back by war and the Muslim world recovering the holy city by war, too.

12 Reference is made to the Hebrew term *Hasamba* (Hate Literature) in form of popular detective stories addressed to school children. See also Tamar Meroz (1975), *Israel's Hate Literature for Children*, trans. from Hebrew by Israel Shahak as *The Non-Jew in the Jewish State: A Collection of Documents*, *Ha'aretz* Weekly Supplement, pp. 8-27.

13 Frances Henry and Carol Tator (2002), *Discourse of Domination*, Toronto: University of Toronto Press.

14 Ruth Wodak and Paul Chilton (eds.) (2005)*, A New Agenda in (Critical) Discourse Analysis: Theory, Methodology and Interdisciplinarity.* Amsterdam: Benjamins.

15 See McGregor, 2003.

16 Michael A. K. Halliday (2004), *An Introduction to Functional Grammar*, 3rd ed., London: Arnold, p. 658.

17 Michel Foucault (2000), "The Birth of Social Medicine," in Michel Foucault, *Essential Works III: Power*, New York: The New Press, pp. 134-156.

18 Obama's concept of reciprocity is contrasted with Bush's concept of polarisation and hegemony after 9/11, where expressions like 'We vs. They' and 'You are either with us or against us' distinguishes their political discourses.

19 Rom Harre and Luk van Langenhove (1999), *Positioning Theory: Moral Contexts of International Action.* Malden: Blackwell.

20 Fathali M. Moghaddam, R. Harre and N. Lee (eds.) (2008), *Global Conflict Resolution through Positioning Theory*, New York: Springer, p. 11.

21 Halliday, p. 132.

22 Specific reference is made to *Oslo Accords* co-signed by Israel and the PLO in 1992, putting a gradual end to the Israeli military rule of the Arab Palestinian territories occupied in the June war (1967), enabling the PLO to establish its interim Palestinian Authority there for a definite transitional period.

23 Reference is made not only to the Holocaust but also to the Russian Pogroms.

24 An Anglicized Arabic word for mass catastrophe perpetrated by the Jewish militant against unarmed Palestinian civilians, causing mass expulsion from their land and property in 1948. See also Ilan Pappe, *The Ethnic Cleansing of Palestine*, Oxford: Oneworld, 2006. The

Arab-Jewish war of that year resulted in securing only 22% of historical Palestine, and that remaining part was later to be known as Occupied Palestinian Territories comprising the West Bank, East Jerusalem and the Gaza Strip.

25 AIPAC stands for American Israel Public Affairs Committee, a powerful lobbying group whose members also include congressmen from both parties. It advocates pro-Israel policies to Congress and the Executive Branch of the United States. Obama addressed an AIPAC convention in Washington, DC, 20 May 2011, that he would reject the Palestinian attempt to gain UN Security Council recognition of Palestine as an independent state in the International Community.

26 Walter Benjamin (1969), *Illuminations*, trans. Harry Zohn, ed. Hannah Arendt, New York: Schocken Books.

27 In his Memoirs, written in German, Theodor Herzl, Founder of Zionism in Europe, wrote that he was considering accepting the British offer, taking Uganda as a Jewish homeland. That offer was only rejected by his successor in the Zionist Movement two years after his death in 1905.

28 By addressing such sentiments for Israel, Obama has started his 2012 re-election campaign.

29 Israel captured East Jerusalem during the 1967 war. Since that time (44 years), Israeli archaeologists have been excavating beneath the Muslims *Aqsa Mosque* and the *Rock Dome Sanctum* for evidence that the place was Jewish.

30 The land on which the future Palestinian state is envisioned is not specified by Obama. In his Middle East speech (18 May 2011), Obama said, for the first time, that the borders of Israel and the future Palestinian state should be based on 1967 lines. Four days later, at an AIPAC Policy Conference the President said that 1967 lines would 'account for changes that have taken place over the last 44 years [of Israeli military occupation].' Does this imply that Obama accepts the construction of illegal settlements in the Occupied Territories, including East Jerusalem? Geneva Conventions condemn any change by force due to occupation.

31 See Peleg 2005.

32 Hebrew Literature written in various European languages revolves around one theme: a wandering Jew in pursuit of a homeland. Examples from this Literature abound. See Benjamin Disraeli's *Tancred* or *The New Crusade* (1847), George Eliot's *Daniel Deronda* (1876) and Theodor Herzl's *Altenueland* or *The Old New Land* (1902), to name a few. Those narratives owe their substance and themes mostly to wisdom literature in the Hebrew Bible, Talmudic tales, the Haskala, Hibbat

Zion, and the Aggadah. See also Hannan Hever (2002), *Producing the Modern Canon,* New York: New York University Press.

33 Reference to Obama's plan to cut expenditure to meet deficit problems. The Plan was passed by the Congress on August 1, 2011, that is one day before America would be deemed by rating agencies as a failing state that could not pay back debts in due time.

34 Anita Fetzer (2002), 'Put Bluntly, You Have Something of a Credibility Problem,' in Chilton and Schaffner (eds.), pp. 173-202.

35 van Dijk, Teun A. (1999), 'Critical Discourse Analysis and Conversation Analysis,' *Discourse and Society* 10, pp. 450-459.

36 Norman Fairclough (1995), *Critical Discourse Analysis*, Boston: Addison Wesley.

37 'The American Dream', as a popular expression, sounds rather elusive. Martin Luther King, Jr., had a humble dream but he was assassinated in 1968 before being able to see his dream come true. Obama's book *Dreams from my Father* (1995) flows in the same vein. Yet Obama's case, as a success story, is worth-noting.

38 In this connection, when Bush mentioned the term 'crusade' against Islamist terror, while addressing the Congress in the wake of 9/11, the reverberation of the term across the Muslim world was negative due to the Muslim collective consciousness of the term and its relatedness to the European successive waves of invasion and occupation of the Muslim land in the Middles Ages.

39 Among those detainees are women and children. See the Israeli NGO, *Beit-Salem*, for a comprehensive report on administrative detention and arbitrary prosecution of Palestinians under occupation.

40 Reference is made to Danish and Norwegian caricatures of Prophet Mohammad. Another reference goes to the American priest, from Florida, Terry Jones, who in a public scene also burnt a copy of the holy *Koran* in his Miami church.

41 For security matters, the Israeli military police in Jerusalem only allow Palestinian men over fifty and women over thirty to enter the *Aqsa* Mosque to perform their Friday prayers.

42 Obama made a practical move when he sent George Mitchell, as a special envoy to the Middle East, to broker a peace treaty between the Palestinian Authority and Israel. Mitchell's mission, including shuttle trips failed. Mitchell's success story to broker peace between IRA and Great Britain could not be repeated in the Middle East.

43 Paul Eidelberg (2009), 'My Response to Obama's Cairo Speech,' available at: < http://www.newswithviews.com/Eidelberg/paul106.htm> (accessed 15 September 2010).

CIVIL SOCIETY AND SOCIAL CAPITAL IN THE MODERN MENA REGION: A CONCEPTUAL ANALYSIS

Akbar Valadbigi and Shahab Ghobadi

Abstract: *The unfolding unrest in the Middle East opened new debates on the relationship between social capital and civil society. This work has a threefold focus: first, it explores how the existing stock of social capital spurred on the contemporary civic activities in the search of constructing stable democracies across the Middle East; second, it examines how civic movements in this region can contribute to increasing the current deficit of social capital; and third, it analyses the implications of the deployment of social media tools in the recent uprisings. This work suggests that although the Middle Eastern states have always been subject to severe violence and supressive political systems, civil society organisations and the stock of social capital has been steadily rising.*

Keywords: social capital, civil society, democracy, uprising, social media, internetworked social movements

Introduction

It has been widely argued that civil society and social capital are on the rise in the Middle East; processes of which may yield stable democracies, an elusive but increasingly tangible goal. Over the past years, considerable scholarship has been devoted to exploring the relationship between civil society and social capital and a number of scholars have pointed to the proliferation of civil society in South America and Central/East Europe as a key ingredient for their more robust levels of social capital when compared to more politically arrested Middle Eastern or African states, where civil society has, so far, been negligible.[1] Regarding the Middle East and North Africa (MENA) some argue that the region's social capital deficit is rooted in the belief that either civil society does not exist – to any significant level – in most Middle Eastern countries, or, where it

does exist, it is too embryonic and fragile to be of consequence. The link between the rise of civil society and the development and deployment of social capital begs articulation to pave a way forward by revealing the consequences from obstructions to civil society in MENA and finding ways to overcome these.[2]

Such an investigation is certainly topical since conclusive evidence suggests that those political communities laden with social capital – defined as 'the norms and networks that enable collective action'[3] – benefit from more effective governance and more stable democracies. Social capital is a vital, yet underappreciated, asset which refers to a class of assets inherent to social relations, such as social bonding and bridging. With MENA states experiencing great transformations to their *body politik*, encouraged by new forms of social capital, manifest in modern technologies, it seems that new governance blue-prints are being drafted and these are likely to define intra- and extra-state relations for the foreseeable future. Thus, as this work sets out to determine the unfolding dynamics in MENA politics, it does so through the dual-lenses of civil society and social capital since these are, perhaps, the most fluid and pervasive conceptualisations for the triumph of political discourse over robust but decidedly archaic forms of authoritarianism.

Civil Society and its Contextualisation in MENA

The concept of civil society was popularised around the end of the 18th century and occupies space in a variety of political vocabularies, including: liberal, Hegelian, and Marxist. This diversity has resulted in the term lacking a consensus-based definition as to what it actually implies.[4] Indeed, looking back at some of the great thinkers such as Hobbes, Locke and Hegel, concensus surrounded only the distinction between the state and civil society where the state rules over a certain organised society. This is the basic framework through which those without political authority live their lives; conduct their economic transactions; maintain their family and kinship ties and religious institutions. However, with the 1989-1991 collapse of the USSR and its proxies in Central and East Europe the term "civil society," re-entred public lexicon and became an analytical concept since the experience of Soviet oppressive produced a recognition that civil society does not exist independently of political authority;

they maintain a symbiotic relationship. At present, "civil society" is deployed to illustrate how clubs and organisations (among other groups) may act as a buffer between state power and citizens' lives – it is a bridge between state authority and individuals.

In MENA, state-level coercive and financial power remains embedded in the political authority of the state, which sufficiently monopolises and mobilises state resources – which dwarf those available to the state's social, economic and political opposition – for state objectives. Hence, at present, the civil society debate waging in the region focuses on changing formal governance structures, rather than substantive changes to state-society relations, since prior to the construction of a reflective civil society, resources must be more formally and fairly distributed, imputs made to be more transperant and leadership more accountable.[5]

Since few MENA states have voluntarily allowed for such adjustments, civil society remains a largely contested concept in the region. This has not meant total political submission, only that the way in which civil society manifests itself in MENA is markedly different from other regions. In fact, there are three clear, approaches to civil society in MENA. Firstly, the Western approach which views the Arab/Islamic belief system(s) and patriarchal tribal organisation as obstructing certain "universal" values such as tolerance, civic values, and personal freedom. From this perspective, the rise of Islamic revivalist movements are seen – myopically – as resistance to modernity. The second approach, corporatism – borrowed from analyses of Latin America – is superimposed on MENA where processes occur in which the state dominates all forms of economic and civic participation. Centralisation, one-party rule, pervasive state security establishments are deeply imbedded in the state though express independence from state structures. The third approach equates civil society with Western-style formal NGOs in the private and voluntary sectors. In the policy circles concerned with democratic transition, it is routinely agreed that such NGOs foster political liberalisation and democratisation from the grass-roots level. NGOs' independence from regimes and opposition movements are the defining characteristics of MENA civil society.[6]

Sater captures this definitional impasse well when he suggests that 'there is no link between civil society and democracy: societies do not take two tablets of civil society at bedtime and wake

up the next morning undergoing democracy.' He argues against the view that civil society is 'deficient, corrupt, aggressive, and hostile,' claiming that these are 'general views of Middle Eastern civil society.'[7] Despite such rhetoric, it is clear that there is a positive link between the depth and density of civil society and individual freedoms. Therefore, to denounce civil society as not contributing to democratisation misses the point. Instead, it is clear that in MENA, and beyond, constructing a sustainable and reflective civil society encourages enhanced dialogue between different segments of society and paves the way for new discourses and, eventually, new modes of governance. However, the essential linkage between civil society and such political reform rests on the notion of social capital, which has come to occupy important intellectual spaces yet remains somewhat elusive. While such a presentation is indeed essential (and occurs below), it is necessary to provide a brief synopsis of the state of civil society in MENA so that discussion can turn to evaluating the region's sources and expressions of social capital with few obstructuions.

Civil Society in MENA

With discourses on civil society continuing to evolve – and face innumerable official (governmental) and unofficial obstacles – it is unclear how the political elite in the region define or even understand civil society. However, despite decades of social fragmentation and political abuse various elements of civil society have taken root throughout MENA which transcend cultural, national, religious and ethnic divides. It is therefore prudent to conceptually trace civil society as a means of laying the foundations for further analysis.

Throughout the 1990s, hope was galvanised regarding political reforms that would lay the cornerstone for real democratisation and economic de-monopolisation. While such optimism was visible throughout the wider MENA region, it was especially pronounced in the Arab world where political developments in Egypt, Jordan, Morocco, Kuwait, and Yemen suggested that the grip of authoritarianism was loosening. In those countries it seemed that the growth of civil society (organisations) coupled with alterations to global politics – notably the conclusion of the Cold War – and the

revolution in communications technologies, conspired to elevate discourses on human rights which bled into the very heart of the establishment(s) in those states and produced an air of change. It is not that there was wide expectation for the complete overhaul of the existing political systems in the region; rather it was acknowledged that the route to political representation was underway.

To be sure, the present regional upheaval is the direct result of the forms of civil society that had been developing, albeit haphazardly, for nearly two decades. In fact, the clear overtones of democratic reform (notably in Egypt and Tunisia) indicate the manifestation of civil society demanding greater synchronisation between the governed and governing. This partially explains the zeal many have displayed for the unfolding revolutions; the stakes are tremendous and failure is seen as not being an option, not least because of the very real fear of violent reprisals if current elites are not displaced.

This not-so-subtle fear has had an important knock-on effect in terms of constructing a basis of social solidarity within MENA states and between their respective populations. For instance, Cairo's Tahrir Square, the location where many tens of thousands of people from across Egypt's socio-poilitcal and economic landscape demonstrated day upon day until the ultimate collapse of Mubarak's regime, has come to symbolise the social revolutions throughout the region with many places being popularly renamed after Tahrir, including Tel Aviv's tent-city, the focal point of Israel's social protest movement.

Thus, it is possible to suggest that as MENA (at large) takes its first steps towards proper civil society, it is automatically producing a form of social capital which itself is propelling further moves towards the fulfilment of democratic transition. But what is social capital and how has it permeated into MENA? To answer the later part of this question, it is necessary to dwell on the former.

Social Capital and the Recent Uprisings in the MENA Region

Conceptually, "social capital" has filtered into various social sciences since the 1950's and has come to imply so many different phenomena that scholars have began to evaluate social capital for what it is not, rather than for what it is. While this may seem as an

over simplification, consider its broad charicteristics: "connections among individuals," "social networks," and the "norms of reciprocity and trustworthiness" that arise from them. In other words, social capital consists of the entire spectrum of social relations from the mundane to the epic. Yet, there has been a concrete attempt to produce some meaningful assessment of social capital and so, an auxillary term has come to capture its essence, namely "civic virtue;" a term intended to highlight the reciprocal nature of social capital implying that social relations themselves are, essentially, a network. Indeed, a society of many virtuous but isolated individuals is not necessarily rich in social capital.[8] Rather, isolation runs counter to the idea of social capital and its now inherent civic virtue.

Putnam, a leading scholar of social capital, set its benchmarks according to levels (active membership) and depth (frequency of activities) of participation in civil society, particularly voluntary organisations. Intense participation promotes and enhances social norms and trust, which are central to the production and maintenance of the collective well-being.[9] Alternatively, sparce and haphazard participation produces societies which lack agreed upon norms of exchange and widespread distrust. Indeed, Halpern insists that

> There is a considerably body of evidence showing that high social capital is associated with more effective and less corrupt government [...] communities with high social capital foster more civic citizens who are easier to govern, a ready supply of co-operative political leaders, and a fertile soil in which effective government institutions can grow.[10]

Over the past decade, the theme of social capital has has fully entered the policy parlance and debates in both transitional and more established polities alike, though has experienced a monumental proliferation in MENA over the course of the past twelve months as revolutions and uprisings sweep the region.

While Haezewindt argues that the term social capital has given researchers, planners, and decision-makers a new common language, it is clear that in MENA, and in light of upheaval, there is an "understanding gap" between existing and would be decision-makers where the former regard it as a rhetorical devise to mobilise opposition movements against the existing order, the later consider social capital as the glue which bonds various segments of society

together in the process of formulating a new, more reflective political enterprise.[11]

The struggle for consensus extends well beyond the frontiers of discourses and debates over social capital and civil society. Instead, discourses in MENA echo the rapid, and irreversible, changes on the ground. Hence, it is important to gauge what marks this latest – in a long history – round of upheaval, as unique. At a glance, MENA states are still economically and industrially sluggish, ethno-religeous tensions unremitted and state-society relations wrought with distrust. However, there is one empowering difference, one which was cautiously introduced by the region's political elite in a bid to appease growing discontent, namely the advent of cheap, user-friendly and difficult to regulate communications technologies such as computer networks, the internet and mobile telephone services.

The Power of New Media

The recent spate of civil unrest in MENA underscores the hotly debated role of technology and social media as agents constructing and reinforcing civil society, encouraging and enhancing social capital and ultimately fostering the conditions for political change. Indeed, the use of such technological instruments – notably Facebook and Twitter – has been deployed to mobilise collective protests, provide logistical support for ensuing demonstrations, and as a conduit for alternative histories of events – in opposition to "official" reportage. This, in essence, has worked to crack authoritarian monopolies on command, control and communications structures. Indeed, Chia articulates that the MENA

> revolts also mark a change in the way information is communicated and used to mobilise people. The recent wave of revolts in the Middle East is probably no different from any previous cases of civil uprisings before the advent of web-based communication technology. However, it sends a strong message of the mutual influences that technology and social communication have on one another. Web-based interaction might have started out as a technological innovation, but its functions have been

adapted and altered to support wider social and political developments.[12]

Langman (et al)[13] argues that the emergence of internetworked social movements and their participatory mobilising networks anticipated new forms of politics that merge some of the structures and strategies of previous movements, while extending the possibilities of social movements in new directions. Today, large mobilising networks must be chartered across extremely complex webs of communication, online and offline, that inform complex, dispersed, and quickly changing fields of organising, decision making, and coordination.

A growing body of literature speaks to issues of new, transnational NGOs.[14] But the more recent internetworked social movements, which are far less structured, more open and participatory, and articulated across a wide range of issues, cannot easily be understood within the existing frameworks.[15]

The radical differences between internetworked social movements and earlier movements have not been fully debated. There is no simple answer as to how and why people become involved in democratic social movements. The internet makes the question especially complex. Does the net enable recruitment, or do people already disposed to activism manage to find activist groups via the internet? Do such movements attract the alienated and marginal, or the more engaged?[16] Are activists rebels, or have they come from activist backgrounds? Movements are not only struggling for access to social power but also for 'the right to participate in the very definition of the political system, the right to define the system in which they wish to be included.'[17]

Once print media enabled the move of consciousness from the local to the emerging "national" levels of shared identities as citizens, the internet has enabled new forms of consciousness, community, and identity and new forms of connectivity at transnational levels. It is, then, crucial to understand that internetworked social movements often engage in democratic practices outside mainstream media and even outside the existing political structures.

Langman (et al) further asserts that the internet, with its widespread access and ease of use, has both democratic and anti-democratic potentials. While large numbers of people mobilise via the internet for progressive social ends, various fascist, racist, and other

anti-democratic forces are also using it. Social scientists, they assert, need a better understanding of the social nature and implications of such movements and the new, growing arts and technologies of "internetworking" and net-based "cyberactivism."[18]

Civic Activism and the Imact of Media Technology

Research suggests that social networking technologies can influence governments, bottom-up civil participation, and new social dynamics. Such has been proven accurate when weighed against the strength of the recent uprisings in MENA where social media tools have integrated online and offline identities while playing a critical role in the dramatic changes sweeping the region.

Take Facebook and Twitter as cases in point since both have had their user base grow considerably in a relatively short span of time. At present, Facebook has over 677 million users (as of April 2011) with people from the Middle East constituting the greatest number of new users. At the same time, mobile users have exceeded 250 million subscribers in MENA with new users numbered at some 80 million over the past 15 months.[19] These figures suggest that such a technological proliferation is either running concurrent with, or even leading, the social activism currently unravelling decades of political misrule.

January to April (2011) witnessed a substantial shift in favour of MENA's usage of social media for the expressed purpose of political mobilisation and civic activism from the (relative) safety of being online rather than on the street prior to a confrontation. Alternatively, social networking technologies are also being used by governments to engage with citizens and encourage their participation in government processes, to set up false meeting points to arrest opposition activists and to monitor and control information. This cyber game of political capture-the-flag is truly remarkable and thus the pitched battles which have occurred on the proverbial "Arab Street" find their orign on the "cyber street."

This phenomenon is also not entirely novel since, as noted above, many leaders in MENA tolerated, even encouraged, the proliferation of communications technologies as a means of appeasing increasingly frustrated, and youthful populations. For instance, Jordan's royal family embraced online outreach during the reign of

(late) King Hussein, who is said to have been a leading example of internet pioneering.[20] In Palestine, Prime Minister Salam Fayyad accepts emails from followers on his Facebook page,[21] while many other Arab Leaders have Facebook profiles in English but do not accept email or friend requests. When Tunisian President Ben Ali was in power, his Facebook page was replete with content and photos, but it was replaced shortly after he fled the country by a news report dated 15 January 2011 headlined: 'Zine al-Abidine Ben Ali forced to flee Tunisia as protestors claim victory.'[22] In Syria, Facebook is tolerated even at the highest levels of government: Syrian President Bashar al-Assad and his wife Asma al-Assad have individual Facebook profiles among a robust selection of Facebook fan groups.[23]

Social networking has changed expectations of freedom of expression and association to the degree that individual and collective capacities to communicate, mobilise, and gain technical knowledge are expected to lead to even greater voices, political influences, and participation over the next 10 to 20 years. These changes could be said to have accelerated in early 2011. However, blogging and social networking alone cannot be expected to bring about immediate political change. It only facilitates the long-term impact, the development of new political and civil society engagement, and individual and institutional competencies.[24]

While the battle between states and civil society wages, one thing is increasingly clear: social media (re: Facebook and Twitter), has truly assisted protests to spread to national levels and provides governments with new means of countering such protests.[25] In this struggle however, it is evident that civil society holds all the cards and those cards increasingly bear a single slogan: Democracy.

Towards Stable Democracies in the Middle East: Avenues and Obstacles

Deploying social media for the purpose of constructing and maintaining civil society which contains a bulk of social capital requires a process of legal and political codification to solidify gains and rewrite the metaphorical rule-book of social relations. This entails the birth of sustainable democratic institutions. Therefore, the revolutions in MENA ought to be regarded as democratic by objective. This democratic wave has, in turn, produced a new agenda for

discussing the role of civil society in the transition to stable democracy. In order to evaluate civil society in the Middle East the identification of the embedded social forces is mandatory.

The fractured – but recovering – nature of MENA societies is reflected in the civil institutions currently under construction. Understanding the implications of the diversity of associational patterns provides a clue to the social movements that could facilitate democracy. Here, the civic institutions whose activities focus on a more tolerant and vibrant democratic society should be encouraged. However, there is a plethora of those which hamper democracy based on religious activism and/or ethnicity and kinship (re: Lebanon, Iraq, and Syria). These two systems cannot coexist; one must be made subservient to the other. In a bid to construct working democratic systems, it is the former which must triumph while the later is abandoned to the footnotes of history.

Despite obstacles there have been some positive developments towards democratisation across MENA. Increased awareness within the relatively minute civil society in MENA, Schulz believes, has contributed to regional networking, fostering new cooperation, and creating a more vivid debate around democratic issues. Globalisation itself increases the awareness and networking between external actors and the Middle East. This, in turn, strengthens the chances to establish and consolidate a vivid and democratic regional debate. Civil society not only acts within in each country in this region, but also it has also increasingly developed transnational networks, thereby constituting a forerunner in regionalisation and democratisation in context.[26]

Conclusion

This article suggested that the recent uprisings in MENA sparked new debates over the relationship between social capital and civil society. It demonstrated how the stock of social capital is closely associated with the rise and development of civil society and sought to show that those societies which are endowed with higher levels of social capital enjoy more stable democracies, higher qualities of life and deeper levels of social solidarity. The article argued that while there is a hostile climate towards civil society in MENA, and social capital's stock is relatively low compared to other regions,

current events has raised the level of civil society from embryonic to a slightly more mature version. It was also argued that tendencies toward civil society have been present since at least the 1990s; however due to numerous factors, a successful, stable democratic culture has not yet been established. With regard to exploring the influences of social media tools, and especially the internet, in the recent wave of revolts which undermined several undemocratic regimes of the Middle East, this work argued that such media tools were used as agents for communication, mobilisation, and disseminating their message across the region.

In addition to reviewing the past and present state of civil society in the Middle East, this work investigated the symbiotic relationship between social capital and civil society. Social capital attempts to contribute to the development of civil society and transition to stable democracies. The current literature on the relationship between social capital and civil society, however, has not given justice to the bridge between the two, as further research on these areas can provide policymakers with a better understanding of how to engage their people in handling public affairs.

Recommendations

This article investigated the interactions between social capital and civil society in MENA. Although civil society has marginally risen, and the stock of social capital has enjoyed resurgence, it is not enough. Therefore the following recommendations, if taken, are meant to propel the region out of its slumber so its people may enjoy the same liberties and rights as they currently demand:

1. The removal of patrimonial relationships between the state and society can enhance prospects for modern civil societies, and as a result more stable democracies;
2. Establishing indigenous organised labour in this region can make the formation of more stable democracies more likely;
3. Empowering well-organised groups to pressure the ruling elites to open political spaces will contribute to the emergence of civil society;
4. The activities of civil society should complement the functions of the state and other shareholders towards strengthening the stock of social capital;

5. The elites of the Middle East should exhibit their commitment and emphasise on the role of civil society in restoring and reconstructing hope and confidence in the conflict-ridden communities of the region;
6. States can prevent serious negative impacts on social capital by not undertaking activities that are better left to the private sector or civil society;[27] and,
7. Developing new political and civil society engagements and making use of individual and institutional competencies to accelerate the establishment of stable democracies in the region.

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RESEARCH ARTICLES

BOOK REVIEWS

NOTES

ISLAMISM AND DEMOCRACY IN INDIA: THE TRANSFORMATION OF JAMAAT-E-ISLAMI

Book Reviews

By Irfan Ahmad, Princeton University Press, 2009,
ISBN 9780691139203

Reviewer: Scott Nicholas Romaniuk
(University of St. Andrews)

Since the 9/11 terrorist attacks against the US, academics and policy-makers alike have been pre-occupied with the Islamist trajectory in an ever-changing and increasingly-tense international security arrangement. Jamaat-e-Islami, the most influential Islamist organisation in contemporary India, is a heavily-litigious ideological element garnering attention by Indian security services as well as agencies and security watchdogs in the US. As a recent outgrowth of Jamaat-e-Islami, the Student Islamic Movement of India, or SIMI, has also been criticised for its involvement in terrorism across the Indian sub-continent. With its stated mission, the 'liberation of India' from Western materialistic cultural influence and the conversion of India's Muslim society to live in accordance with Muslim code, SIMI is assuming a course of intensive radicalisation while denouncing pluralism and calling for Jihad.

Through his incisive and critical exploration that draws on a capacious scope of ethnographic fieldwork in India's northern region, Ahmad makes the most important contribution to Muslim and Islamic studies in India since the 1970s. With incredible clarity and precision, and by combining political, sociological, anthropological, and religious perspectives, Ahmad maps the shift of Jamaat-e-Islami zealots' ideological transformation to eventual democratic participation. Through this investigation, new light is shed on India's Islamism and democracy that should otherwise be considered as a previously-neglected corridor of Indian society.

To address the theme of transformation of Indian Islamists, Ahmad presents his work in three distinct parts. Section one of this volume addresses the intricacies of performing fieldwork in the

midst of social and cultural conflict, or what the author refers to as 'times of war' (p. 30). The preliminary section also contextualises the formation of the Islamic dogma by exploring the Jamaat's ideology and practices as they underwent a period of modernisation and gentrification within India's pre-partition period. Focusing on the life of Maududi, as founder of the movement, Ahmad subsequently presents a discussion of how Western philosophy, Marxism, and a modern Islam were central pillars in Maududi's points of view. The author extends the arguments of other leading-scholars who have demonstrated the novelty of Maududi's ideological foundations, by emphasising his reading of history as a 'binary battle between Islam and *jāhiliyat* (the "other" of Islam) and the conceptualisation of the Jamaat-e-Islami as the sole bearer of Truth, Islam' (p. 50).

Defining Islam along a conflict-democracy axis in the second section of his book, Ahmad accentuates the role of education and children, in addition to how Islam prefigures in the mobilisation of India's younger demographic. A study is presented of the manner in which the Jamaat conducts operations within its school, and how it imparts its ideology to the students learning within the institution. Thus, Ahmad examines the objectives and practices of the school through its own 'foundational vision,' 'criteria and practices,' and 'ideological managements.' Section two makes a vital contribution, not least for its combination of quantitative and qualitative analyses. Given the detail-oriented investigation that is made into the ideological underpinnings and motivations behind the SIMI movement, as well as the concept of Islam in the context of India's pluralistic and democratic society, this section is a highly exemplary cut of scholarly inquiry.

Providing a sharply-descriptive, but penetrating exposé of SIMI radicalisation and incantation for Jihad in an attempt to preserve the Muslim principles of India, Section three maps the transformation of the Jamaat's ideology through to India's contemporary period. Ahmad illustrates how the Jamaat modernised from advocating the establishment of Allah's Kingdom to pushing for the reception of non-Muslim parties. Contending that Islamism is not frozen in discourse but is dynamic, it is shown that Islam is everywhere-open to democracy and secularism. Dispelling previously-established misreading about the relationship between Islamism and secularism in India, Ahmad also raises stimulating queries within these fields.

He considers what the Jamaat's protracted process of negotiations with Indian secularism and democracy theoretically entails, in addition to compelling his readers to consider the various push- and pull-factors that resulted in the transformation or "modernisation" of the Islamist discourse in India. These and other questions vital to our understanding of Islamism and democracy in India are addressed further in this literary piece.

The perspectives and arguments presented in this book surpass those previously published on the traditions and modernity of Islamism. Ahmad's examination demonstrates one of the most fundamentally important aspects of Islamic dynamism. In Ahmad's words:

> Far from being "pure" and "sovereign," I argue, Maududi's construction of Islam – conceived here as Islamism – departs from traditions. His ideology is a manifestation of what Therborn (1980:vii-viii) calls "the cacophony of sounds and sins of a big city street" rather than the symphony of a narrow lane dotted only with signs of an un-ruptured Islam. (p. 49)

Evidence that there is growth, development, and '*movement*' within the Indian Islamist movement is systemically revealed in every chapter. Indeed, the very modernity of this movement is manifest in the new value and meaning that were imparted in the old perspectives and practices of Allah. Maududi's unique conception of Islamic history, referred to by the author as 'Islamist Dialectic,' was profoundly informed by Hegelian and Marxist expressions. An equally striking characteristic of this book is evidenced through the comparative aspect and nature of the questions posited and analyses employed to answer them. In asking why Islamists become radical, Ahmad's riposte is made through an intricate and qualitative connection with the causes of radicalism in Muslim-majority societies, including the less-inclusionary states of Algeria, Egypt, and Iran.

The sources drawn-upon for this book breed a considerable degree of analytical acuity into the exploration and analyses found throughout. Its primary accounts span a corpus of India-based journals and newspapers, as well as government documents and non-governmental reports. Among the wide-scope of articles, books, and pamphlets collected and referred to for this volume are works from revered scholars in the fields of sociology, anthropology, and

religious studies. A commendable range of sources in both English and Urdu have been brought into play to form the foundation of Ahmad's markedly insightful and spirited journey down a path highly-crucial for scholars and practitioners alike in understanding the modernising nature of Islamist and Indian culture and politics.

While a constellation of volumes exist on the nature of Islamism and the contemporary world, Irfan Ahmad's examination is a successful addition by way of its intellectual precision, innovative analysis, and diplomatic disposition. The book, by its very nature exemplifies the danger in accepting singular and narrow points of view in socio-political contexts as regularity amid a sea of often over-sighted or patently-ignored alternative interpretation and understanding.

ETHICS IN FOREIGN POLICY: POSTMODERN STATES AS THE ENTREPRENEURS OF KANTIAN ETHICS

by Šárka Waisová and Ladislav Cabada, Peter Lang GmbH, 2011, ISBN 978-3-631-61255-2

Reviewer: Aneta Špeldová
(Metropolitan University Prague)

A significant characteristic of the postmodern period is the extension of roles played by middle and small states as well as non political actors, especially NGOs. With the end of the Cold War and with it a bipolar international system, such actors began to address a variety of political issues and particapated more visibly and effectively in the international arena. Addtionally, the private sector has become an inseparable part of international and domestic political expertise by providing critical inputs and developing reactive pressure on politicians; while a number of middle and smaller powers, that generally lack leverages to pursue high global political goals, opted for niche diplomacy through which they could partially influence other states as well as the IR system in general. Waisová and Cabada have shown their specific interest in the role of such postmodern states, which have altered their foreign and domestic policies by incorporating moral principles; those that have begun to act as international and global "norm entrepreneurs" primarily aspiring higher human security and respect for human rights.

Ethics in Foreign Policy: Postmodern States as the Entrepreneurs of Kantian Ethics is a book that relates to a current debate about global moral principles and values, taken from the perspective of a popular IR approach – social constructivism. Waisová and Cabada selected five states as case studies, namely: Canada, the Federal Republic of Germany, Norway, the Netherlands, and Slovenia. Despite that none of these states possesses a seat in the UN Security Council (UNSC) – which, ostensibly, maintains supreme power over international peace and security decision-making – they have proven

their capability of making the international community (i.e. UN bodies among other states) reconsider certain security issues, such as human rights, human security, the proliferation of weapons of mass destruction and other conventional weapons, disarmament and the role of women and children in conflict (etc). Accordingly, these states do not strive to radically change the IR system rapidly or in a broad, comprehensive fashion; the book rather indicates that states with 'principled foreign policy' prefer to engage in domestic and foreign activities and become an inspiration for others – they select a particular area of their interest and 'try to change the social meaning of certain facts' (p. 24). The interests of states with a principled foreign policy differ from more traditional state's self-centered way of thinking by partially overcoming ignorance towards global challenges. They seek support among other states and form ad hoc collaborations in order to effectively spread their principles and have them adopted. For example, Waisová demonstrates, through the cases of Norway and Canada, deep levels of cooperation in the attempt to prohibit certain conventional weapons. They not only propose initiatives, they also mutually support each other, like in the case of the Ottawa Treaty (Anti-Personnel Mine Ban Convention) and the Oslo Treaty (attempting to outlaw cluster bombs). Such sensitive issues are unable to be implemented within the UN since the permanent members of the UNSC are unwilling to cede their sovereign rights or even have them limited. Therefore, Canada and Norway – in a similar way to the other examined cases – often develop positions on issues that the UN is unable to deal with, and take actions independently.

Less vocal states with a relatively small territory and/or population base can also play key roles in international politics. Cabada shows reveals this with the case of Slovenia; that a post-communist Sotuh/Central European state can acquire a good reputation among other states for its morally defined foreign policy and for being able to utilise its full potential. Slovenia has accepted the role as mediator between EU and Western Balkan states. Foreign policy based on promoting peace and security in the Balkans has ensured Slovenia a positive image and an important role in Europe.

This book is ideally suited for students and researchers of international relations. Each chapter provides a brief contemporary history of the studied state, then interprets the state's principled

foreign policy, and concludes with a critical evaluation. In the latter portions, the authors provide an apt list of motives explaining why states' words and deeds differ at times: in other words, why do states tend to place material interests over their moral principles. They name for instance: commitments resulting from memberships in different organisations and alliances, bonds towards important trading partners, geopolitical positions, historically problematic and yet unsolved questions, and limited national budgets. These factors are relevant and deserve to be further explored.

Additionally, certain points of the book are particularly thought-provoking. Firstly, Kantian ethics derives from an initial good will – in this case, of states – rather than the positive results of actions. The question which naturally arises is where the border rests between good will and pure pragmatic interests with under the cover of morality? Would states develop a principled foreign policy if they did not materially benefit from it?

Secondly, the authors demonstrate that even states with less effective political leverages can act confidently within the international community. Despite lacking certain resources, which could enable them to accomplish certain foreign policy projects, alternative techniques can partially compensate for such shortcomings. A state that wants to look confident on the international field and push through policies has to clearly and firmly define its position, including its principles and when unilateral action would not suffice, the formation of like-minded coalitions has proven effective.

Third and finally, this book could be added to the list of works which critically evaluate the UN's numerous imperfections. The initiatives of the studied cases – which often occur outside of UN institutions – reveal that the UN is, at times, uncapable of providing space for real cooperation which aims to resolve local, regional and internaional problems which demand both attention and resources.

CHINA'S NEW ROLE IN AFRICA

By Ian Taylor, Boulder: Lynne Rienner Publishers, 2010,
ISBN 9781588267368

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Reviewer: Sergey Sibirtsev
(Central European University)

China's rise and its vigorous multi-dimensional engagement in Africa, commencing around 2000, has provoked much debate, though typically from a Western perspective. This has even spurred a degree of hysteria that China is emerging as a new colonising power. In his book, Taylor investigates the nature and ramifications of China's involvement in the sub-Sahara region. The book is well-structured and consists of seven chapters covering an in-depth contextualisation of the African dimension of China's foreign policy (the introductory); China's oil diplomacy in Africa; the impact of cheap Chinese goods on African economies; human rights concerns in the Sino-African relations; China's arms sales to Africa; and China's contribution to peacekeeping on the continent; followed by a concluding chapter. Each of the first six chapters ends with a small summerising section.

Taylor departs from the assumption that China presents both threats and opportunities for Africa, requiring a nuanced analysis that goes far beyond simplistic labels of "good" and "bad." Having approached China's role in Africa critically, and after putting China's politics towards Africa into the larger context of the intertwined self-interests of major world players, he argues that China is being made a scapegoat for failings that are not actually attributable to it – an idea that is constantly reinforced and runs throughout the book. In his study, Taylor aims to present a well-balanced assessment of China's engagement in Africa, shattering the commonly held demonised image of China, while acknowledging that China's policy in Africa tends to be immoral in its chase for ensuring resource security and for entering new markets – practices which are not unique to China but also inherent to Western democracies.

Taylor rightly points out that both China and the African countries share an infamous colonial past which contributes a great deal to their mutual understanding as well as to their distrust of the West. Being the self-proclaimed leader of the developing world, China is perceived as providing an alternative developmental model for African states which is viewed in a biased way by Western countries as undermining their own stance on promotion of democracy and good governance. Taylor makes a strong case that the accusations of China colonising Africa and damaging African indigenous manufacturing base are ill-founded because the principle reasons for the decline in Africa's industry are of structural character which have been witnessed long before the arrival of the Chinese. These accusations, in Taylor's view, are rooted in the Western countries' fear of the increasingly expansive Chinese economic machine which threatens their own monopoly on the continent's development. Taylor argues that China, on the contrary, is extremely conscious of its international reputation and seeks to be identified as a 'responsible great power.' He concludes that China's official policies toward Africa are, therefore, developing and maturing.

This study is based on extensive fieldwork, interviews, and archival research in China, Africa, the US and the UK to provide a comprehensive understanding of the matter. A number of case studies (e.g. Nigeria, Sudan, Zimbabwe, etc.) are deployed to illustrate the inferences drawn in the book. Taylor also extensively quotes newspaper articles. On one hand, this helps him represent diverse and even opposite views on the challenges faced by Africa as a result of China's rise, but on the other, he uses too many anonymous sources, thereby challenging the reliability of his data. It would also benefit the book if he put China's Africa policy in a broader context of China's international relations to other regions of the world so that both common and distinguishing features of China's global engagement is made clearer.

Nevertheless, this book significantly contributes to the ongoing discussion about China's role in Africa by presenting reflections on, and insights into, this widely debated issue. The book is unequivocally valuable reading for IR graduate students who are interested in the domains of China's foreign policy, economic relations and international relations in African since this book provides a fresh

perspective that focuses on the economic, social and political impact of China's engagement in Africa. Moreover, it may be useful for advanced IR research due to its comprehensive references and citations.

COSMOPOLITANISM AND INTERNATIONAL RELATIONS THEORY

By Richard Beardsworth, Polity Press, 2011,
ISBN 9780745643243

Reviewer: Michaela Davidova
(Metropolitan University Prague)

The global nature of challenges and the need for global solutions has been increasing the importance of globalisation and cosmopolitanism may be considered as a theoretical framework for understanding globalisation. The influence of cosmopolitanism is increasing with growing interdependence. That said, the main goal of this book is to grasp the gap between theoretical constructs of moral cosmopolitanism and political thought by developing a dialogue between cosmopolitanism and theories of international relations. Beardsworth regards the ideas of cosmopolitanism and liberalism as necessarily linked in some constellation or other within the contemporary fields of political thought and IR and therefore rehearses cosmopolitan concerns as a whole in the context of modern liberalism and its avatars. In order to develop an analytical framework, Beardsworth interrogates cosmopolitanism with three theories of IR most critical of liberal universalism: realism, Marxism (and its avatars), and postmodern IR thought. The author's methodology is based on a series of debates between the basic assumptions of these schools, and their critiques of contemporary cosmopolitanism(s), and consequently on a cosmopolitan response to these assumptions and critiques. This complex framework of debates argues for a sophisticated contemporary cosmopolitan disposition that assumes contemporary dilemmas among morality, legality and politics.

The book is structured into four main parts. Beardsworth begins with a historical and theoretical account of cosmopolitan dispositions. This part itself constructs four main points for later discussion: the complex status of the normative in cosmopolitanism; the distinction between strong and weak forms of cosmopolitanism; the

important differences between modalities of cosmopolitanism; and need of complementarity of different types of cosmopolitanism in the field of IR. In the three remaining parts of the book Beardsworth provides space for critique and responses of cosmopolitanism to realism, Marxism and postmodernism. An exposition of universalism on the three debates provides a sophisticated articulation of cosmopolitanism. The book argues for: a tiered multilayered analysis of cosmopolitan responsibility; a responsibility that depends on the complementarity between moral, legal and institutional position of contemporary cosmopolitanism and on constant need of political legitimacy, given the lack of world government; a responsibility that advocates a differentiated form of universalism; and one that is accompanied at the moment of political decision making political judgements.

A problematic aspect of the work could be Beardsworth's choice of contrasting theories. Especially confusing is the part devoted to Marxism, which is devoted not only to simple Marxist theory but also to post-Marxism. Such forms the basis of another confusing point; using postmodernism as a critical opponent of cosmopolitanism. Postmodernist approaches are very broad and the author mainly follows the intellectual legacies of Foucault, Agamben and Derrida, but, for example, the aforementioned post-Marxism could be also considered as a postmodernist approach.

The main advantages of this book are based on thorough research, fruitful discussion and many empirical examples. Beardsworth's way of communicating with the reader, through the entire book, is also noteworthy since its helps with the otherall flow of the text. On the other hand, even though aim of this book does not centre on political theories as such, but rather on critical aspects of universalism, some parts are too devoted to describing the contours of these theories. In order to spark debate between cosmopolitanism and its critics it is unnecessary to engage in deep analysis of such theories and this book would be more interesting for readers if Beardsworth omitted the introduction to IR theories altogether.

In sum, this book is an essential reader for students of international relations theory and those seeking a foundational text to cosmopolitanism with clear depictions of the linkage and responses to its critics.

THE PARADOX OF AMERICAN POWER: WHY THE WORLD'S ONLY SUPERPOWER CAN'T GO IT ALONE

By Joseph S. Nye, Jr. Oxford University Press, 2002,
ISBN 0195150880

Reviewer: Maja Ruzic
(Central European University)

The end of the Cold War altered the structure of the international world order. The bipolar structure that shaped the international agenda for more then fifty years was changed by the fact that only one superpower survived ushering in a unipolar age in modern international relations history. The power and primacy of the US was beyond doubt and Fukuyama was more than confident to announce 'the end of history as such.' According to Fukuyama, the end of the Cold War announced the beginning of the universalisation of Western liberal democracy as the final form of human government, which was led by the US.[1] Furthermore, French foreign minister, Hubert Vedrine, describes the US as a hyperpower; a predominant country in all categories of power.[2] However, the end of 20th and beginning of the 21st century brought new challenges to international politics. New actors and new issues were shaping the international agenda and the unipolar world had been challenged by the global "nonpolar" reality.

The beginning of the new phase in international relations has been described differently among the works of various scholars. Some scholars argued that the unipolar world is actually only a passing moment, soon to be replaced by a multipolar or nonpolar world order. Nevertheless, many debates concentrate around the question of how such an emergent international environment reflect on the leading position of the US. Nye's work represents a valuable contribution to this debate. Through five chapters Nye offers a broad overview of the new globalised world order; examines the power position of the US within this order and offers recommendations for US foreign policy in other to preserve its primacy.

According to Nye, the post-Cold War order has been infringed on by globalisation and the information revolution. Although the process of globalisation preceded the information revolution, both processes had similar consequences to the position and the power of states. The information revolution, also known as the third industrial revolution, changed the nature of governments and sovereignty. In making this point Nye is not alone. In *The Lexus and Olive Tree,* Friedman claims that the main feature of the new world order is the process of globalisation. The new globalised order is characterised by the dynamic processes as opposed to the Cold War order, which was static.[3] They further argue that globalisation and the information revolution lead to the decentralisation of power from state to non-state actors: 'The state remains sovereign, but its powers, even for the United States, are not what they once were' (p. 74). The authority of the state has been challenged both from above, by regional and global organisations, and from below, by nongovernmental organisations and private corporations. Thus, power can be located in 'many hands and in many places.'[4] As Nye further argues, globalisation and the information revolution introduced new issues to international politics, which require engagement both of state and non-state actors. Therefore, challenges such as health issues, environmental problems, economic regulation, terrorist and other criminal activities, provided an opportunity for non-state actors to develop strategies to influence public policies that were once monopolised by states. However, for Nye, this does not spell the end of sovereign state. Non-state actors participate in global governance, but the state, remains the 'real source of democratic legitimacy' and is still the centre of global power (p. 108). In other words, Nye does not ignore the rise of non-state actors in the international arena, but for him that does not interfere with the dominant position of the state.

Nevertheless, the main contribution to the analysis of global order is Nye's perspective on the power position of the US. In his analysis, Nye acknowledges and further expands on Walt's argument about US' primacy. That primacy is based upon the possession of both "hard" and "soft" power. The US continues to be the largest possessor of "hard" power, which is defined by military supremacy and economic strength. However, much of the US' power and

influence is based on the possession of "soft" power, the ability to shape the preferences of others through the inherent attractiveness of culture, ideology and institutions. Both, "soft" and "hard" powers is related and reinforce each other. For Nye they are means of providing interests that affect the behaviour of others. Nevertheless, Nye rightfully points out that 21st century power 'distributed among countries in a pattern that resembles a complex three-dimension chess game' (p. 39). The top of the chessboard is unipolar and refers to the military power where the dominant position of the US is unquestionable. However, when it comes to economic power, the unipolar position of the US gives (s)way to a multipolarity which includes Europe, Japan and China. Thus, the middle of the chessboard can be described as mulitipolar. The most difficult to describe is the realm power at bottom of the chessboard, because at this level 'power is widely dispersed, and it makes no sense to speak of unipolarity, multipolarity, or hegemony' (p. 39). This power is beyond governmental control and refers to the transnational relations focus on non-state actors from bankers to terrorists. Therefore, Nye concludes that power distribution does not lead to the decline of American power and, in fact, contributes to the US' position of primacy.

However, the core argument of the book addresses the question: how should the US use its present unprecedented power to preserve a leading position with the world order. In other words, how can the US redefe its national interests so it may preserve its position? Nye claims that the US will remain in place, and intact, only if it broadens its national interests to include more international engagement as the US can no longer pursue unilateral foreign politics without consequence. Issues such as terrorism, nuclear proliferation, environmental and health problems can not be dealt with alone, they require broad support mechanisms and partners. Therefore, multilateral engagement represents the only sustainable way of achieving US national interests.

The US should not take its "soft" and "hard" powers for granted, but should develop "smart" power, which represents a strategy that draws on both of the aforementioned forms in a prudent manner.

This work significantly contributes to post-Cold War international relations scholarship. Nye offers valuable perspectives on both power politics and global interdependence. With well developed

arguments Nye supports the multilateral engagement of the US for achieving "global goods" though not for ensuring benefits for all but as a way of ensuring the core national interests of the US.

Notes to Pages 247-249

1 Francis Fukuyama, *The End of History,* The national interest, No. 16, Summer 1989, pp. 3-18.
2 Norman Schofield, *Architects of Political Change: Constitutional Quandaries and Social Choice Theory,* New York, Cambridge University Press, 2006, pp. 43.
3 Thomas L. Friedman, *The Lexus and Olive Tree*, Farrar Straus and Giroux, New York, 1999.
4 Jessica T. Mathews, "Power Shift," *Foreign Affairs*, January/February 1997, pp. 50-66.

PERMANENT ALLIANCE? NATO AND THE TRANSATLANTIC BARGAIN FROM TRUMAN TO OBAMA

By Stanley R. Sloan, Continuum, 2010,
ISBN 9781441138057

Reviewer: Katarína Marušáková
(Metropolitan University Prague)

Sloan's book examines the fluid evolution of transatlantic relations as they respond to unfolding international environment and global challanges. The author provides unique insights into, and critical evaluations of, NATO and the work approaches the sixty-year (+) relationship between the US and Europe stretching from the Truman to the Obama administrations. In this light, Sloan describes how the transatlantic bargain has evolved over time and presents options for NATO's future role. Only by adapting to new international conditions, responding effectively to contemporary security challanges and developing more coordinated approaches to security and to the use of resources can NATO surive, as an alliance, into the 21st century. Sloan also analyses major flaws in US-European relations, pointing especially to the problems of free-riding, unequal burden-sharing and the unilateralist foreign policy approach adopted by George W. Bush.

Sloan suggests that the US requires (explicit) assurances that European states will contribute to their own security so that military and political cooperation may continue. In other words, the *status quo* of the US's security investment to, and for, Europe has to change. Europeans too are pressing for change, though their main focus has been based on increasing influence over US security decisions. In other words, while the US expects Europe to shoulder more of a security burden without allowing for greater European imputs to US decision-making, European members of NATO do not want to increase their financial and troops contributions though are attempting to deepen their role in US security decision-making.

While Sloan demonstrates excellent knowledge of NATO-related issues and focuses on both the strengths and weaknesses of the alliance, parts of the book reveal a slightly pro-American orientation. For instance, following the 2001 terrorist attacks against the US and Bush's declaration of a 'Global War on Terrorism, NATO, for the first time, activated Article 5 of the Washigton Treaty and the allies expressed their commitment to conduct military operations in Afghanistan. The US refused this help and organised an ad hoc coalition of the willing. Sloan quietly advocates the Bush administration's belief that NATO's involvement would slow the pace of operations. He demonstrates that inviting a specific group of allies to participate in military operations in Afghanistan was a more effective solution. In fact, however, this action not only posed a serious blow to NATO's credibility, it also questioned the direction it was taking into the 21st century. Also, Sloan criticises European involvement in ISAF combat operations, pointing out that NATO members' were reluctant to commit forces to the Afghanistan conflict and were responsible, in some ways, for abandoning the US at the time of its greatest post-Cold War need. This case was deployed to reveal the alliance burden-sharing issue and increasing gap between US and European contributions to the alliance.

Similarly, Sloan tacitly supports Bush's unilateral (and then in coalition) military intervention in Iraq (2003). Overthrowing the Hussein regime, as a threat to international security based on faulty WMD data, the military operations in Iraq were not mandated by the UNSC, primarily because of France's (NATO political ally) threat to veto any resolution calling for war against Iraq. Within this context, Sloan claims that the US decision to invade Iraq was legitimately based on recognisable Iraqi threats to regional and international security. This is in direct contrast to a powerful alternative line of argumentation which argues that the US was attempting to consolidate its regional position in terms of access to hydrocarbons.

Sloan defends the US's position as the only true global superpower, which is more powerful than others. He completely disregards the emergence of China as a (potential) rival power and the decline that the US is currently facing. These are important omissions since they prevent adequate contemplation on how the US needs to readjust itself to the changing international environement. Indeed, it could be that the US needs to keep its European allies

interested in it since the EU is increasingly strengthening its international clout and may, eventually, come to balance the US in international affairs. However, without proper analyses, these issues are surely only guesswork.

For Sloan, the certral question concerning NATO's future is the commitment of its member states to value and defend democracy, liberty and the rule of law against threats posed by authoritarian regimes and unstable governments. In fact, the viability of the alliance depends on all member states' recognition that such cooperation better serves their interests than no cooperation at all. This concluding point highlights the true foundation and preservation of NATO, for although the alliance is dysfunctional and may contribute to a dysfunctional international relations environment, Sloan is certainly acutely aware of the dangers, to both sides of the Euro-Atlantic region, the ends of NATO may produce. So rather than getting caught up in the hysteria of political revision, NATO must deepen their commitments to each other and seek to validate and maintain the status quo to ensure that tomorrow in no way resembles yesterday.

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