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History of Ideas on Borders

Borders, boundaries, frontiers, and borderlands are human creations that are grounded in various ethical traditions. When Allen Buchanan and Margaret Moore compared natural and international law traditions with the Jewish, Christian, Confucian, Islamic, and Liberal ethical traditions of boundaries, although they found that the ethical traditions were somewhat ambiguous in terms of how to establish borders, including settlement, purchase, inheritance, and secession, all of these traditions agree that conquest is unjustifiable. Nevertheless, the history of the Roman Empire is testimony to the fact that conquest was central to the differentiation between barbarism and civilization. Boundaries organized the Roman Empire according to a hierarchy of spaces – territories of varied dimensions and functions, which included settlements, cities, provinces, and regions. During the Middle Ages, there is some evidence that the feudal system was more concerned with the control of cities and territories, which, rather than having clear boundaries, had somewhat vague borderlands. Thanks to geographers, however, mapping technology allowed rulers to have a spatial view of their possessions; thus, what were originally borderland or border regions progressively became boundaries or frontiers. As well, the vocabularies of space began to reflect this evolution, refining meanings so as to differentiate between boundaries, borders, borderlands, and frontiers. Malcolm Anderson described how meanings varied according to place, noting, for instance, that “frontier” in the American and French traditions does not appeal to the same imagery. In French, a “frontière” is a borderland or border region. The French Alsace region is such a border region or “Région frontalière.” In American English, however, a “frontier” is a moving zone of settlement, which refers to the American imagery as described by Frederick Turner in *The Frontier in American*
History. Also, “frontière” did not appear in the French Dictionary of Geography until 1783, at a time when French geographers were attempting to establish accurate physical boundary lines.6

These early works of geographers and historians contributed to the formation of the modern political order, which required international recognition, by other states, of the boundaries of sovereign and territorially demarcated states. One notable example is the Spanish-Dutch Treaty of Westphalia of 1648, the treaty that established boundaries for the territorial possessions of England, France, Dutch-land, the German principedoms, the Muscovy, Poland, Turkey, Spain, and Sweden. The Treaty of Westphalia marked the beginning of the era of the nation state and nationalism, which historians and geographers studied and explained during the 19th and 20th centuries. Another, more recent, example is the Treaty of Paris, which reviewed the borders of most states at the end of the First World War. Margaret Macmillan, in her book Paris 1919, detailed the diplomatic negotiations and influence games that took place around the treaty-making process; again and again, she noted that the representatives of states or nations would refer to aggrandized maps that served their purposes but were not exact depictions of territories and their people.7 During both of these eras, sovereignty – defined as the exclusive right of exercise of legitimate violence within the limits of a territory – was mutually recognized by states, particularly by the great powers France, the United Kingdom, and the United States. As self-determination and sovereignty became the organizing principles, boundaries delineated modern states.

During the first half of the 20th century, as summarized by Julian Minghi, the earliest systematic studies of boundaries focused on both natural and man-made boundaries.8 Ellen Churchill Semple, for instance, compared boundaries and frontiers, arguing that natural geographic frontiers where humans cannot settle are ideal boundaries.9 Later, Thomas Holdich and William Lyde discussed the virtues of boundaries.10 They viewed boundaries as being either good or bad, depending on their intrinsic merit in fostering or limiting tensions, and possibly wars, between states.

These views also marked the beginning of a debate on the functions of boundaries. Albert Brigham argued that boundaries should provide economic equilibrium.11 Whittier Boggs suggested that boundaries have specific functions that vary in time and space; later, he asserted that

they may also interact to lessen intra-state tensions. This idea led Nicholas Spykman to suggest that the territory surrounding a boundary is probably central to understanding power relations across boundaries. Roderick Peattie and Stephen Jones further discussed those views. Roderick Peattie contended that boundaries should strengthen state power, whereas Jones suggested that international organization should alleviate boundary tensions.

The literature clearly points to the transformation of the traditional mediating role of borderland communities into that of buffer zones. European states turned their borderlands into military regions where combat was rehearsed regularly and eventually took place. Also, underground-militarized tunnels were built along boundaries; the French Maginot Line is one such example that divided France and Germany until 1939. In the early 1960s, however, the generally accepted view was that changes in boundary functions might lessen boundary tensions across borderland and border regions.

Originally, borders were used to delimit the territorial possessions of sovereign states, and the work of social scientists served the purpose of rulers who were eager to picture the boundary line demarcating their possessions. In short, borders became central to the nationalist agenda and the development of nation states. Anssi Paasi identified such boundaries as institutional constructs. At the core of such constructs is the fact that boundaries result from international agreements that are established by mutual understandings between states. These create complex, intermeshed networks of government policies and functions that interact to form international boundaries delineating sovereign spaces.

**Contemporary Views on Borders**

More recently, scholars have started to conceptualize the complexity of government activities in terms of policy networks, policy communities, and multi-level governance. The overall discussion entails the formulation of an understanding of government activities that, in the intergovernmental maze, influence public policy. In particular, this discussion has focused on two directions of intergovernmental relations: (1) horizontal relations between similar governments or

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government organizations, which have traditionally been described as governance issues, and (2) vertical relations, which have been understood as intergovernmental relations.

The multi-level governance approach evolved from the study of governmental interaction in the European Union (EU). Gary Marks was the first scholar to describe the interactions of governments in the EU context as resulting in multi-level governance. Originally, Gary Marks and Liesbet Hooghe described the European structural fund policies, that is, regional development and social policy funds, as dependent primarily on lower-level government for their successful implementation. These scholars argued that a clear understanding of the very complex networks of lower-level governments and the constellation of connections and interactions of elected and public officials is necessary to understand the implementation processes of these European policies.

Marks and Hooghe argued that multi-level governance is not only both vertical and horizontal but also of two types: (1) general-purpose governance and (2) task-specific governance. Their analysis of the EU’s traditional intergovernmental relations is the best illustration of vertical governance as a process in which multiple government levels interact to co-produce and implement policies. This view is relevant when scholars study, for instance, the EU’s social and regional policy, its legal system, or its border-security policies.

General-purpose governance, or Type 1 multi-level governance, is concerned exclusively with the interactions of agencies of general-purpose jurisdiction, such as local, county, regional, provincial/state, central/federal, and international. A multi-purpose “matryoshka” or Russian-dolls-like legal system is a good example of this. Horizontal networks, which are characteristic of task-specific governance, or Type 2 multi-level governance, are best understood with reference to the interactions of public and private and local, national, and international actors within a specific policy process. Such governance processes may lead such diverse actors to produce or implement a specific policy regulation or to deliver a specific service; a good example is security policy in Europe or North America. The task-specific jurisdiction of specialized agents – such as state, provincial, municipal, or county police, as well as Interpol, the Royal Canadian Mounted Police, or the U.S. Coast Guard, and specific private-sector security corporations – which intersect in a policy network

but have no limit as to the number of jurisdictional levels, is the best characterization of Type 2 multi-level governance.

Both types of multi-level governance contribute to our understanding of the nature of borders and borderlands. They provide analytical tools to redefine the horizontal and vertical interactions of multiple governments and public/private organizations as they implement a border/borderland policy. Empirical evidence points to varied cross-border functions and multiple policies that characterize borders or borderlands where the primary catalyst for border policy may be a central government, a province, a region, or a municipality.22

Scholarship on borders also focuses on the culture of local borderland communities. The literature often describes how these communities may either enhance the effect of dividing territory and communities when their culture, that is, their language, ethnicity, socio-economic status, and place of belonging, differs, or bridge an international boundary when they share the same culture.23

Case studies of borderland communities spanning international boundaries have suggested that nations are an important phenomenon; indeed, in both Europe and North America, they challenge the straightforward assumption of primacy-of-state ideology and domination. Michael Keating, for instance, argued that there are stateless nations, bounded by culture, as defined by race, religion, language, and socio-economic status.24 Furthermore, the idea that multinational communities live in peace within the boundaries of a state is only recent.25 In the end, the unifying power of nationalist ideologies seems to be called into question by research on multiple identities and allegiances.

Political geographers Anssi Paasi and David Newman contended that borders may be institutions but their very functions may be challenged.26 Other social scientists, historians,


anthropologists, economists, and functionalists have identified the crucial role of borderland communities as organized polities within the larger institutional architecture of their state of belonging and have underlined the importance of local culture.\textsuperscript{27} Indeed, although international borders divide stateless nations, borderland communities may remain unified by culture – ethnicity, language, and/or religion – or by the nature of local political institutions. For example, three international borders divide the Kurds, two divide the Flemish people, and one divides the Basques, the Catalans, and the Irish, yet scholars generally agree that these borderland communities also bridge these territories.\textsuperscript{28} The nature of their local political organization and culture influences a boundary, and the functioning of the border depends on their activism.

This argument is striking, particularly when scholarship on nationalist movements (e.g., the Welsh and Catalan movements), minority groups (e.g., the Germanic-Belgians), and stateless nations (such as the Basques, the Scots, and the Quebécois) is considered. Michael Keating and John McGarry, the editors of a work on Irish, Scots, Catalans, and Quebécois, asserted that the existence of institutions embodying the claims of these groups varies according to their political environment.\textsuperscript{29} Yet, Keating argued that they are affirmed and affirming.\textsuperscript{30} In all instances, these movements are either somewhat or not at all integrated into the institutional architecture of their respective national states; hence, their claims may or may not be bounded to a specific territory. Clearly, territorial belonging may play a critical role, but its existence is not in direct correlation to their identity. Keating also noted that those discreet nations seem to be found in most contemporary national states, including France and the United Kingdom, which are traditionally viewed as highly nationalistic and centralized.\textsuperscript{31} In those states, nationalism as a state ideology is directly challenged by the social reality of the pluri-national, fluid, yet affirmed identity of the communities that they govern. Hence, the French include Basques, Catalans, Provençals, Bretons, Normans, Valaisins, Alsatians, Walloons, and Flemish people, among others. Similarly, the British are a composite of English, Welsh, Scots,


\textsuperscript{29} \textit{Ibid.}, Michael Keating and John McGarry.

\textsuperscript{30} \textit{Op. cit.}, Keating, as per note 24, p. 161.

\textsuperscript{31} \textit{Ibid.}
and Irish nationals. Some of these nations are integrated territorially, such as the Corsicans, the Scots, or the English, but others are “divided” by an international boundary, the Basques, the Flemish, the Catalans, and the Irish being traditional examples.

What is clear is that the literature suggests that the unifying, symbolic, dividing, and exclusionary role of a border as a founding principle of a sovereign state is currently under pressure. What is also clear is that there is a wealth of scholarly characterizations of borders, boundaries, and borderlands, where non-central-state actors, pluri-national communities, and stateless nations perforate borders or undermine the integrity of state borders because of ethnic, religious, social, and economic identities.

The cultural influence of borderland communities, however, seems to depend on a central characteristic, namely, their political clout – understood as the local political activism and organizational capacity of a borderland community. The literature documents two broad categories of case studies of such cross-border communities, which demonstrate co-operation or tension for various reasons. There are few examples of borderland communities that have developed institutions spanning an international border, but there are many instances of contiguous borderland communities that have established linkages. There are also many examples of local cross-border tensions.

Bi-national cities – understood as urbanized borderland communities – and their regions are good examples of such tensions. The literature documents local tensions at the central-state level; local divergence of views across the border, despite the influence of higher-level governments; local

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37 Ulf Matthiesen and Hans-Joachim Burkner, “Antagonistic Structures in Border Areas: Local Milieux and
multicultural tensions and wide bi-national differences, despite shared infrastructures;\textsuperscript{38} and local tensions or no socio-political relations, despite strong economic linkages.\textsuperscript{39}

However, some research documents cases contrary to those examples. Focusing on the Canadian-American border, Susan Clarkes identified the existence of a \textit{symbolic regime}, which in the Vancouver-Seattle corridor across the Cascadian region organizes local Canadian-American regulatory relations.\textsuperscript{40} Clarkes argued that policy networks and interest-specific communities interact closely to develop similar, and often parallel, regulatory transportation or environmental policies. Other scholarly works in geography, management, public policy, and political science have confirmed those views. Signe Marie Cold-Rauvkilde, Jaidev Sing, and Robert Lee argued that globalization enhances Cascadia’s identity formation, which also influences government response to local needs.\textsuperscript{41} Donald Alper argued that cross-border policy networks are critical to the environmental regulatory regime found in Cascadia.\textsuperscript{42} His work documents environmental policy communities and transboundary networks of scientists, public and elected officials, and local civic activists to suggest that, despite a clear lack of institutions spanning the Canadian-American border in the Vancouver-Seattle region, there is evidence of shared social-scientific environmental views, which, in turn, impact the content of environmental public policy, regulations, and standards. In the same vein, Emmanuel Brunet-Jailly illustrated how local elected officials on the Dutch-German border of the Enschede-Gronau cross-border region were able to initiate the first indirectly elected parliament, representing cities, counties, and regions from both sides of the German-Dutch border.\textsuperscript{43} This partnership originated in the late 1940s when elected officials believed that co-operation across the border would benefit all. Three associations, the Dutch Regio Twente and Achterhoek and the German Kommunalgemeinshaft Rhein-Ems, were the founding partners of this transborder parliament. Despite the economic downturn of the 1970s, which affected the textile and agricultural industries of the region, in 1972 about 100 municipalities and local districts formed the Euregio to implement their first socio-cultural policies. In 1979, Prince Krauss of the Netherlands recommended establishing a parliament that would include all the borderland communities involved in the partnership; the Euregio Council, the grouping of local governments, and the Euregio Forum, the grouping of regions and large cities, formed this border-spanning parliament. Today, local and regional government


\textsuperscript{43} \textit{Op. cit.}, Brunet-Jailly, as per note 22. These cross-border institutions are the theme of this paper.
members of the Euregio indirectly elect the 80 members of this unique international cross-border institution. During the 1980s, centre-periphery tensions on both sides of the border led to an expansion of the now-traditional socio-cultural agenda to include socio-economic policies. The Euregio also initiated contacts with European Commission officials. The European Union Interreg policies emerged out of those unique relations. Germany and the Netherlands recognized the official existence of the Euregio in 1963 and 1989, respectively. Today, the Euregio parliament and its staff of 30 executives manage a multiplicity of policies for their borderland region, which groups 149 municipalities, districts (*Kreis*), and other local representative organizations (chambers of commerce, labour and business unions, and political parties). Despite language differences, it seems that, because they believe in co-operation, these borderland communities have successfully created institutions that span the border.

Hence, the scholarship on borders and borderlands documents the influence of local political clout as a central feature of current border research. It allows us to differentiate between boundaries that are clear lines of demarcations, where they unify or filter people – sometimes people with multiple identities and legitimacies – and boundaries that cut through national communities.

Both political clout and local culture are important analytical lenses. For instance, policies that delineate a territory of belonging or a cultural territory, such as border-security policies, or those that work as filters to differentiate between desirables and undesirables, such as immigration or trafficking policies, all face challenges that are inversely proportional to the levels of integration of local culture and political clout. The current literature on border-policing argues that these policies are mostly unsuccessful.\(^4^4\)

As suggested above, the local culture and local political clout of borderland communities might be fundamental lenses for a border theory. However, although both point to the critical value of local political activism and culture as important for understanding state boundaries and borders, they do not address the role of market forces, particularly in the current era of globalization. The specific exigencies of flows of individuals, goods, or currencies have yet to be understood fully, but it is clear that they have significant implications for borders and borderlands. Still, this answer is not without controversy; some economists argue that boundaries have a cost, while others argue convincingly that they are withering away due to increased amounts of global trade.

August Loesch, in *The Economics of Location*, reasoned that according to neoclassic economics, borders have a cost because they are barriers to trade and free trade, or the free flow of goods, labour, or skills. Loesch equated borders with distances, that is, the marginal transportation cost necessary to cross the border, as did Engel and Rogers.\(^4^5\) Similarly, contemporary Canadian


Eurasia Border Review Part I < Current Trends in Border Analysis >

economist John Helliwell argued that, despite some economic integration, borders continue to “matter” because they not only delineate the boundary of governments but also bound social networks and most human interactions.\textsuperscript{46}

An important argument regarding the borderless world is that globalization – understood as the global increase in transactions of goods and labour – and economic integration, particularly in North America and Western Europe, lead to the end of the nation state. Kenichi Ohmae explained that economic regions emerge out of culturally homogeneous borderland regions, contending that “put simply in terms of real flow of economic activity, nation states have already lost their roles as meaningful units of participation in the global economy.”\textsuperscript{47} In the same vein, Manuel Castells argued that “spaces of places” are replaced by “spaces of flows.”\textsuperscript{48} Later, Castells asserted: “Bypassed by global networks of wealth, power and information, the modern nation state has lost much of its sovereignty.”\textsuperscript{49} These arguments suggest that flows of goods, capital, and migrants not only limit the influence of central governments but also modify their local culture and political identity.

What is so interesting in this debate is not who is right or wrong. Rather, it is that these scholars acknowledge the influence of markets on borders and boundaries and that the debates underline the functions of markets and boundaries in shaping the division of labour between markets and politics.

Borders allow market actors to play states against states, regions against regions, cities and communities against cities and communities. Markets also exploit the economic inequalities of people and goods in space and time.\textsuperscript{50} Hence, moving people and goods to where value increases creates multi-dimensional markets across borders. Clearly, however, the international boundary that divides the Gobi Desert or the North Pole is not as economically active as the boundary separating Detroit (United States) from Windsor (Canada). This is the most economically active border gate in the world, with over 30 million people crossing yearly, because it cuts through the core of the worldwide Canadian-American auto-industrial complex. It also seems clear that borders still wall out markets and communities,\textsuperscript{51} despite the numerous examples of cross-boundary cooperation taking place at the local, state, provincial, or national levels and the organizing policies that span borderland


\textsuperscript{47} \textit{Op. cit.}, Ohmae, as per note 33, pp. 11-12.


\textsuperscript{49} \textit{Op. cit.}, Castells, as per note 33, pp. 5-6.


regions.\textsuperscript{52}

Furthermore, in the current era of increased security, the borderless world argument – the underpinning issue of globalization and economic integration\textsuperscript{53} – seems to be called into question. Hence, the study of borders, boundaries, borderlands, and frontiers needs more than the partial explanations currently available that focus on the economics of market forces, government activities, and the roles of culture and local communities to explain the relative transparency of borders. All of these studies contribute to the discussion, but none clearly identifies either a single correlation or a complex of reasons that would lead to an explanatory model for the understanding of borders. Geographers and historians tend to point to the role of local actors and their communities. Political scientists identify institution-building mechanisms as important. Finally, economists generally disagree with all other social scientists, pointing to the limiting and restrictive role that borders play in trade and in flows of goods and people. They also assert the structural influence of boundaries and the resulting market forces that identify opportunities for positions of competitive advantage.

In the end, many single explanations of boundaries, borders, borderlands, and frontiers exist, but none is really satisfying; most scholars seem to agree that there are many types of borders and each social science subfield has its own epistemology of borders. Some scholars have made rare propositions for unifying those discussions so as to identify central concepts and variables that would allow for the emergence of a theory of borders. To date, however, there is no model available that addresses, first, why some borderlands integrate economically but not politically, while others have institutions spanning an international boundary without the pressure of intense economic linkages, and, second, what role local political clout and local culture play in defining and shaping borderlands and boundaries.

\textbf{The View from the Journal of Borderlands Studies\textsuperscript{54}}

Today, the \textit{Journal of Borderlands Studies} (JBS), a periodical of the Association for Borderlands Studies (ABS) has over 200 individual subscribers, and is read in over 100 libraries around the world, and also widely distributed by the search engine Ebsco.

Until 2008, the JBS was read in 25 countries in Africa, Asia, Australia, Europe, the Middle East and North America. Until 2008, there was an overwhelming presence of North American scholarship in JBS (see table 1), with 77\% of the papers being written by North American scholars. Second are the Europeans with 19\% of the published papers.

\begin{flushright}
\textsuperscript{53} \textit{Op. cit.}, Ohmae, as per note 33.
\end{flushright}
### Table 1: Geographic Origins of Authors Based on Institutional Affiliation

<table>
<thead>
<tr>
<th>Country</th>
<th>Total Appearances</th>
<th>Adjusted Appearances</th>
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<td>Austria</td>
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<td>Denmark</td>
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<td>Finland</td>
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<td>Nigeria</td>
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<td>The Netherlands</td>
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</table>

* More than one country possible if a joint appointment.

### Table 2: The Most Frequent Institutional Contributors by Author Affiliation (N ≥ 5)

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<th>Adjusted Appearances</th>
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<td></td>
<td>Number</td>
<td>Percent</td>
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<tr>
<td>1) University of Texas – El Paso</td>
<td>55</td>
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<td>3) New Mexico State University</td>
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<td>4) San Diego State University</td>
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<tr>
<td>5) University of Texas – Pan American</td>
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<tr>
<td>6) University of San Diego</td>
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<td>2.8</td>
</tr>
<tr>
<td>7) Texas A&amp;M International University</td>
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</tr>
<tr>
<td>8) University of North Texas</td>
<td>10</td>
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</tr>
<tr>
<td>9) El Colegio de la Frontera Norte – Tijuana</td>
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<td>10) Raboud University of Nijmegen</td>
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</tr>
<tr>
<td>11) Hungarian Academy of Sciences</td>
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<tr>
<td>12) University of Texas – Austin</td>
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<td>1.4</td>
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<td>13) Colorado State University</td>
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<td>14) University of Victoria</td>
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<td>15) University of Texas – San Antonio</td>
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<tr>
<td>16) Western Washington University</td>
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<tr>
<td><strong>Sub-Total</strong></td>
<td>225</td>
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<tr>
<td>Others</td>
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<td><strong>Total</strong></td>
<td>423*</td>
<td>100.0</td>
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</tbody>
</table>

* More than one institution possible if a joint appointment.
Similarly, North American research institutions are primarily located in North America – see table 2. It is interesting to note one Canadian institution and two European universities.

Scholars who publish in JBS propose articles that are equally conceptual or empirical research projects (see table 3). Indeed, about one fourth of the papers address conceptual issues. These numbers are interesting because they show that JBS publishes conceptual and descriptive papers.

<table>
<thead>
<tr>
<th>Type of Contribution</th>
<th>Number</th>
<th>Percent</th>
</tr>
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<tbody>
<tr>
<td>Conceptual</td>
<td>64</td>
<td>23.7</td>
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<tr>
<td>Descriptive</td>
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<td>23.3</td>
</tr>
<tr>
<td>Empirical</td>
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<tr>
<td>Historical</td>
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<td>5.6</td>
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<tr>
<td>Qualitative</td>
<td>49</td>
<td>18.1</td>
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<tr>
<td>Mix</td>
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<td></td>
</tr>
<tr>
<td>Conceptual/Qualitative/Historical/Descriptive</td>
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<td>8.9</td>
</tr>
<tr>
<td>Empirical/Descriptive/Qualitative/Conceptual</td>
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<td>4.1</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>1.5</td>
</tr>
<tr>
<td>Total</td>
<td>270</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Scholars who publish in JBS are primarily from North America or Europe. Table 4 shows that few papers emerge from Africa or Asia.

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of Appearances</th>
<th>Percent of Appearances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
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<tr>
<td>Arctic</td>
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</tr>
<tr>
<td>Asia</td>
<td>5</td>
<td>1.8</td>
</tr>
<tr>
<td>Borderlands – General</td>
<td>3</td>
<td>1.1</td>
</tr>
<tr>
<td>Canada</td>
<td>18</td>
<td>6.4</td>
</tr>
<tr>
<td>Caribbean</td>
<td>2</td>
<td>0.7</td>
</tr>
<tr>
<td>Europe</td>
<td>48</td>
<td>17.0</td>
</tr>
<tr>
<td>Mexico</td>
<td>6</td>
<td>2.1</td>
</tr>
<tr>
<td>Middle East</td>
<td>3</td>
<td>1.1</td>
</tr>
<tr>
<td>North America</td>
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<td>1.4</td>
</tr>
<tr>
<td>South America</td>
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<td>1.8</td>
</tr>
<tr>
<td>United States</td>
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<tr>
<td>U.S.-Canada</td>
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<tr>
<td>U.S.-Mexico</td>
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<td>56.2</td>
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<tr>
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<td>1.8</td>
</tr>
<tr>
<td>Total</td>
<td>281*</td>
<td>100.0</td>
</tr>
</tbody>
</table>

* Representation of more than one geographic area possible.
Published papers in JBS are primarily from economics, political science, and sociology, with some other disciplines not far behind: geography, anthropology, and management.

<table>
<thead>
<tr>
<th>Table 5: Academic Discipline of Contributing Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Discipline</strong></td>
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<tr>
<td></td>
</tr>
<tr>
<td>Agricultural Economics</td>
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<tr>
<td>Anthropology</td>
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<tr>
<td>Border and Regional Studies</td>
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<tr>
<td>Business Law/Law</td>
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<tr>
<td>Engineering</td>
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<tr>
<td>Communication</td>
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<tr>
<td>Economics</td>
</tr>
<tr>
<td>Education</td>
</tr>
<tr>
<td>Environmental Health/Planning Studies</td>
</tr>
<tr>
<td>Finance</td>
</tr>
<tr>
<td>Geography</td>
</tr>
<tr>
<td>History</td>
</tr>
<tr>
<td>International Business</td>
</tr>
<tr>
<td>Journalism</td>
</tr>
<tr>
<td>Latin American/Mexican Studies</td>
</tr>
<tr>
<td>Management</td>
</tr>
<tr>
<td>Marketing</td>
</tr>
<tr>
<td>Planning and Landscape Architecture</td>
</tr>
<tr>
<td>Political Science</td>
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<tr>
<td>Psychology</td>
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<tr>
<td>Public Administration</td>
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<td>Social Work</td>
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<tr>
<td>Sociology</td>
</tr>
<tr>
<td>Urban Planning/Regional Development</td>
</tr>
<tr>
<td>Other*</td>
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<tr>
<td>Subtotal</td>
</tr>
<tr>
<td>Unspecified</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

* “Other” includes: accounting, art, business, geology, information & decisions sciences, logistics, medicine, nursing, physics, and social studies.

Conclusion

One important item that is not clearly identified in the literature on border studies concerns the development and progression of this field as an interdisciplinary scholarly field of enquiry: border studies is a growing field of study in the social sciences and humanities.

The JBS for instance is expanding yearly and doubled the number of libraries and subscription since 2007. The number of scholars attending conferences such as ABS or Border Regions in Transition (BRIT) is also expanding.
The number of conferences is also on the rise: note for instance the last BRIT meeting in Bolivia/Peru, the last ABS meeting in Albuquerque, the European - ABS meeting last fall in Norway, and new groups are forming to study borders such as the Asian Borderlands Research Network, the African Border Network, and the second China Policies on its Borders conference.55

Another aspect that is not clearly identified is the progressive development of interdisciplinary research that is seeping into border studies, and is maintaining a strong tradition of serious empirical research but is also becoming progressively more theoretical and allows for progression in the history of ideas in the study of borders and borderlands. Also, there is a clear development in comparative work focusing on border regions outside of North America and Europe. For instance, witness current special numbers of JBS focusing on South America, Africa, and Asia, which bring new case studies about rarely studied borders and borderlands to the scholarly debates.

55 See *La Frontera* 30:1 (Fall 2009).
From Post-Modern Visions to Multi-Scale Study of Bordering: Recent Trends in European Study of Borders and Border Areas

Ilkka Liikanen*

Introduction

Recent decades have witnessed a remarkable rise in academic research and political discussion on borders and border regions. In broad terms, we can distinguish at least two major traditions which have developed more or less in parallel directions and in increasing interaction with one another. There is the older American tradition of “borderlands studies” that has gained new ground and forms today an established academic institution around the scholarly organization Association of Borderlands Studies (ABS) with its regular conferences and publications, most notably the Journal of Borderlands Studies (JBS).

In this review I will concentrate on the more novel European based research tradition which has partly gained inspiration from the American scholarly discussion and partly opened new research directions, with certain influence on the broader international research community. This tradition is perhaps best known through the series of Border Regions in Transition (BRIT) conferences and the publications linked to them. Since the first gathering in Berlin in 1994, there have been ten BRIT conferences organized in Finland, the U.S., India, Estonia, Hungary, Israel, Poland, Canada and Chile. Its activities have gathered together scholars from around the world, from Europe and the Americas as well as from Asian countries. In my analysis on the recent trends in border studies I will concentrate mainly in reflecting on the publications of BRIT conferences.1

As in the U.S., also the European conference and publication activities have led to more challenging institutional forms. Members of the BRIT network have carried out several national and international research projects including large-scale projects of the European Union Framework program for research such as Lines of Exclusion as Arenas of Co-operation (EXLINEA) and Local Dimensions of a Wider European Neighbourhood (EUDIMENSIONS). In addition, new research units and Centres have been established both in the European Union and outside, e.g. Finland, the Netherlands, the UK, Canada, India, Israel and recently even Japan. A special kind of

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government-driven institutionalization of border studies has intensified above all in the post-9/11 United States. A more academic orientation in research can be recognized in Finland and – as I understand – in Japan where national graduate schools specializing in the study of borders and border regions have been established.

The present situation creates favorable circumstances for developing further cooperation among scholars from different countries and for “bringing together the worldwide community of border studies.” A fundamental precondition for cooperation and working together is knowledge and mutual understanding of the background and present aims of partners involved.

This paper offers some reflections on recent trends in European study of borders and border regions, and some personal observations of the possible new directions and challenges for border research. My analysis is divided in two parts. First, few rough conclusions of current research trends based on the books published in connection to the BRIT conferences will be summarized. In the second part, I venture to envisage some possible new directions and challenges for the study of borders, mainly starting from the idea that the vitality of border research lies much in its capacity to learn and build dialogue with neighbouring fields of research. In my mind, the significance of bringing together the worldwide community of border studies is not only in bridging our mutual cooperation but ultimately in strengthening our capacity to make contributions in broader academic discussions in human and social sciences.

**Border Studies in Transition**

The rise of border studies in Europe has since the 1990s been closely linked to and theoretically inspired by the emergence of new trends inside wider academic discussion. It is evident that the so-called linguistic turn in the social and cultural sciences has stirred and led to new ideas in European study of borders. From classical geopolitical and functionalist approaches scholars have turned towards a constructivist understanding of borders as constant definition and redefinition of identities and political space. This turn has had a profound effect on the definition of research problems in a number of disciplines. Borders and border areas are no longer being understood merely in terms of boundary lines and institutional practices. Instead, the focus has shifted to the social, political and cultural processes that construct both borders and our conception of the world. In this perspective, borders are seen as much subjects of our conceptions of “the other” and of everyday socialization, as they are products of public political processes at domestic and international levels.

Evidently, this rise of border studies has been inspired by the great political changes of the past couple of decades: European integration, the collapse of communism, the post-9/11 international scene and ultimately globalization, all of which profoundly redefine the nature of our contemporary borders. This tendency could easily be illustrated with references to such ideologically and politically loaded catchwords as “borderless world,” “end of nation-state,” “Europe of regions,” “world of flows” or “global civil society” which all emphasized the changing significance of traditional national borders – often in the broader context of globalization, or the emergence of a new post-modern age.

It is, however, necessary to underline at once that, even though this tendency can be
recognized in research discussions connected to European border studies and BRIT conferences, it is by no means the only or self-evidently dominant theme. There were other starting points where dialogue with the earlier American research tradition was among the most important. In the European context, the collapse of the “Iron Curtain,” the process of European integration and enlargement of the European Union offered concrete objects for research which contributed to the fervour, but also critical examination, of axiomatic theories of post-modern or post-national borders.

This is an evident starting point also for the book based presentations of the first 1994 Berlin BRIT conference, Borders and Border regions in Europe and North America (1997). Although the introduction of the book referred to the “global events that were rapidly changing our understanding of international relations,” more emphasis was clearly given to “practical, problem-solving perspective” and the need for comparative studies of border regions and cross-border interaction. The authors of the introduction open with a short discussion on borders in a “globalizing society” but their main focus is placed on regional development and practical problems of trans-boundary cooperation. In sum, the dominant line in the first book is still an institutional, functionalistic approach with certain spice from constructivist and pragmatic discussions of new regionalism “beyond the modernist script.”

The second BRIT conference was organized in Joensuu, Finland in 1997. The presentations were summarized in the volume Curtains of Iron and Gold. Reconstructing Borders and Scales of Interaction published in 1999. The book demonstrates a clearly more conscious strive to promote theoretical discussion on borders with articles “setting the scene” of recent discussions. Although inspired by constructivist and post-modern discussion (such as Sergei Medvedev and Pirjo Jukarainen) the general tone was more oriented to carefully scrutinizing recent scholarly development and discussing its conceptual and theoretical underpinnings (such as Josef Langer, and Anssi Paasi). Even if discussions on constructivist approaches had clearly inspired the authors of the volume, the main trend is only in limited degree building on the newly discovered theories of post-modern or post-national identities and “mental borders” but rather on the notion of the persistence of the old national and supra-national divides – and the question posed in the introduction and in many of the articles is the relationship of bordering processes on different territorial scales: regional, national, supra-national (European or global).

This multi-scale setting can be recognized in most of the later volumes of BRIT conferences as well. The publications of conferences organised in North America has in broad terms approached the question on a more practical level of examining border regions, regional development and problems of cross-border interaction. The third book Cooperation, Environment and Sustainability in Border Regions (2001) summarized the conference organised in San Diego in 1999. As the title hints emphasis of the volume lies on practical problems of development and interaction but is enriched with a clear strive to a comparative approach. Some of the articles discuss the construction of borders in terms of identity and politics but in these cases, too, the aim seems to be rather a comparative understanding of the specific contexts of supra-national, national and regional identity politics than general conclusions concerning post-modern identities. This practical but theoretically informed comparative perspective seems to be characteristic also to the latest BRIT publication, the special
issue of the *Journal of Borderland Studies*, Fall 2008, which is based on the conference organized in Victoria, Canada and, Bellingham, U.S., in January 2008.

In comparison to the North American ones, it is evident that the BRIT conferences organized in Europe, in Estonia 2001 and in Hungary 2004, have resulted in somewhat more theoretically oriented publications. *Mapping Borders Between Territories, Discourses and Practices* (2003) introduces the concepts of bordering and bounding that have been important in later research projects studying the changes on the external borders of the European Union. The introduction focuses on the processes of “de-bordering” and “re-bordering” that are seen as dynamic practices and discourses, as the editors Henk van Houtum and Eiki Berg put it. In this sense, the authors represent a distinctive constructivist approach but by emphasizing the interconnectedness of these processes they disentangle the discussion of bordering from the idea of a grand shift between modern and post-modern periods. The book ends with an article by David Newman with the task to construct a “theory of boundaries and bounding.” In his conclusion, Newman, however, comes to more practical demands of 1) recognizing the interplay of territorial scales in bordering processes, 2) identifying social and other non-spatial processes in organization and partition of territory, and 3) recognizing the multi-disciplinary nature of border studies.

The volume *EU Enlargement, Region Building and Shifting Borders of Inclusion and Exclusion* (2006) of the Hungarian BRIT conference can to a certain degree be seen as a materialization of this programme applied in the study of European integration and the enlargement of the European Union. At the same time, it has been seen to open new directions for the future. As James Sidaway stated: “It is never possible to visit the same border twice; for practices at and the wider meanings of borders are continually changing. Today deepening European integration and Europe’s new and prospective “enlargement” set fresh agendas. This collection charts these and will long be an essential reference point.”

**Potential Directions and Challenges of Neighboring Fields**

**(1) Conceptualizing integration and supra-national change**

As said, a strong trend in the European research discussion of the 1990s was the experience of profound change in the nature of borders with nation-states losing their significance and the emergence of new kind of post-national borders. Sometimes this discussion was closely linked with post-modern visions of a brave new borderless world. Scholars engaged in the study of this change of borders often promoted a self-understanding of border research as a separate discipline and strived for elaborating a grand theory of borders. In recent reviews of the development of border studies this strive has been questioned and the challenge has been rather seen as elaborating border research theoretically and conceptually in dialogue with neighbouring fields of study.2

Taking this challenge seriously underlines the need to develop border studies particularly in

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relation with disciplines specialised in the study of bordering in different territorial scales: 1) the supra-national processes of globalization and integration; 2) nation-building and nationalism; and 3) regionalization and (cross-border) region-building. In the following, I will make a brief overview of main lines of discussion in these fields and try to map directions that could promote deeper dialogue for border research.

Without doubt, the process of EU integration and enlargement has deeply affected how borders and boundaries have been perceived, both in the social sciences and in the more everyday realms of public life. People who grew up in strong welfare states know that the state gained maximum control over borders between 1950 and 1980, when its role in political, economic and social spheres was at its zenith. But, as Liam O’Dowd argues, this appears to have been a very special historical event and by no means the rule.3 State borders, at least in Europe, are now consolidating into a new relative permanence, but their traditional barrier function appears to be diminishing remarkably, thanks in great measure to European integration and enlargement. This has opened up considerable room for differentiated interpretations and research perspectives on borders.

Assessing the progress of border studies, especially since 1989, it became clear that this research field can contribute important insights into how historical understandings of territory, identity and citizenship relate to perceptions of Europe. This is an important question in the EU context, where the development of a “post-national” sense of political community is seen to be an overlying goal. It is also important to note that the study of borders has been transformed from a province of political geographers concerned with the bounding of political space to a highly differentiated research field that investigates borders as social constructions.4 Evidently, the new directions in border studies could bring an important contribution to the discussion of the nature of the process of European integration.

Still today, public discussion on European integration is often dominated by federalist Euro-histories which describe the process of integration as the advancement of peace and democracy and the fulfilment of the federalist ideas of Jean Monnet and Robert Schumann, who we are gradually learning to know as the “Founding Fathers” of the European Union.5 Aside from idealistic federalism a second popular pattern of conceptualizing the integration process can be characterized as economic functionalism or even economic determinism. Starting from the foundation of the European Coal and Steel Community in 1951, the institutional development of European integration easily encourages us to think of the process in economic terms. There are the functionalists who see the EU as the logical response to the internationalisation of the economy and the formation of the “European common market.” In addition, there are the globalization critics who see the EU as the grand agent of globalizing economy and the highest stage in the development of the faceless capitalist machine.

Alan Milward has shaken these common convictions by claiming that the origins of the

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European Union had little or nothing to do with either the functional imperatives of economic interdependence or the visions of the handful of federalist worthies. According to him, post-war integration of Western Europe was by no means a glide-path towards supra-national sovereignty, but on the contrary, it was a means of reinvigorating national power and, in fact, part of the programme of “rescuing the nation-state.” Milward states that it was in the framework of the nation-state that welfare policies were developed and the legitimacy of power re-established after the disaster of the Second World War. In the first place even the supra-national agreements and institutions were means of promoting the post-war reconstruction of the nation-state. According to Milward, the European Economic Community was essentially born from the autonomous calculations of national states that the prosperity on which their domestic legitimacy rested would be enhanced by a customs union.6

The federalist vision tends to promote a top-down approach to the nature of the change on European borders. It emphasizes institutional Europeanization which bypasses the role of domestic political actors. In its view on bordering processes the functionalist views often represent flat economic determinism, which do not leave much room for politics in general and popular politics in particular. Milward’s interpretation stresses the political and the domestic side of the integration process. By so doing, it provides a link to the discussion on the formation and future of national borders while offering at the same time a perspective for the study of the relationship of nationalism and integration not as phenomena of two epochs that follow one another, but as simultaneous processes linked to different territorial scales.

In contemporary scholarly literature on European integration, borders are perhaps most often discussed in terms of identities and the construction of mental borders. One argument is that the weakness of European Union lies most of all in the fact that the Union has not been successful in generating a common European identity. It lacks the symbols, solidarity and devotion which would strengthen Europe as a community of values and encourage people to identify themselves as Europeans. Ethnic origin and nationalism are considered to be a stronger basis for identification - and the main obstacle to deepening integration and future enlargement.7

Lately, the view of the opposition between national and European identity has been contested in at least two ways. According to the much discussed scenario of Joseph Weiler deepening integration and future enlargement of the European Union require the construction of a new kind of supra-nationalism. Supra-nationalist thinking subscribes to the idea that nations and nation-states will remain the principal bases of identification and identity construction.8 This means a rejection of the idea that European citizenship could be constructed by attempting to create a uniform European identity. According to Weiler, even in the future European citizenship will be based on the diversity of

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national identities. Instead of an alternative European identification, its main essence is to be founded on a commitment to “common European values.” Instead of symbols like flags, anthems and monuments, European citizenship will be built on common values such as human rights, the social ethos that generated the welfare state, tolerance and respect for minorities.9

Evidently, supra-nationalism seems to provide a neat solution to the problem of overcoming the contradictions between deepening European integration and the persistent legacies of national identification. It has, however, been noted that the concept of European values is more problematic than assumed in supra-nationalist thinking. European values hardly form a fixed set of ethical norms that would apply to all times and places. On the contrary, the heritage of the European spirit should rather be understood by means of conceptual history as a tradition of constant redefinition, criticism, self-criticism and discussion concerning the adoption, modification and revision of common values to the circumstances at hand.10 Or as Bo Stråth puts it: “In short, Europe as a set of values, or as a region of shared history, has no clear demarcation. There are many competing claims to constitute its historical core while the values inscribed in the concept are contested and contradictory.”11

Apparently, the idea of a European community of values does not just integrate people into a common European home; it also constructs new mental borders between us, the Europeans, and the others. This mode of thinking encourages theories in which the enlargement of the EU to Eastern Europe is conceptualised as a return to Europe or the west.12 Obviously, in this discourse belonging and identification are largely based on the exclusion of the other. Belonging to a certain civilization is understood as a given that can scarcely be changed, and consequently the boundaries of Europe are to be accepted as a pre-ordained result of a centuries-old cultural clash between fixed civilisations, Western and Eurasian.13

Considering the future of the European Union in terms of identity and values as a struggle between national, European and Eurasian identification unavoidably leads to a more or less pessimistic prognoses concerning the deepening of European integration. Similarly, the idea of Europe as a supra-nationalist community of values seems to lead to pessimistic conclusions about the preconditions for enlargement to the East. The idea of a value community easily becomes a vision of a sharp-edged Europe which looks towards its neighbours through the prism of security risks. The question can, however, be set in another way if ethnicity and nationalism are not taken simply as the remnants of pre-modern evils which stand in the way of progress in the new Europe.14

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14 Craig Calhoun, Nationalism (Buckingham: Open University Press, 1997). Chris Calhoun, Nations Matter:
(2) Nation-building, nationalism and European de- and re-bordering

The rise of nationalism in the post-Cold War Eastern Europe has been a constant source of disappointment for the missionaries of European values. Nationalistic movements have been seen to represent archaic and pre-modern “Eastern” traditions which are sharply contrasted with the ideal picture of modern Western society. This model of ideal modernization and its enemies can, however, easily be questioned by means of the notion of the common roots of national movements, modern civil society and mass politics propagated by scholars of the French Revolution. In recent years the analysis of the interconnections of nationalism and modern political culture has become a prominent new orientation in the study of European state-making and nation-building.

As early as the 1960s and 1970s the traditional view of nationalism and nation-states as natural products of history was seriously challenged by the idea that nation-states are not pre-ordained organic entities, but, on the contrary, that states were made and nations built during a specific historical period beginning in the 17th century. Illuminating studies convincingly depict the conscious role of national-minded elites in creating nations in different ethnic and geographical settings.

In the canon of border studies notions of nations and nationalism as "imagined communities" and “invented traditions” have become slogans and symbols of the new cultural approach which has championed the ideas of Ernest Gellner, Benedict Anderson and Eric Hobsbawm to the limit. In sharp contrast to their historical analyses of the social and political background of nationalism, adherents of postmodernism tend to interpret national identities as purely cultural or symbolic products which are either institutionalized from above or freely defined by individuals. In connection with the discussion of European integration this has meant that the constitution of nationality, identity or mental borders has been brutally separated, on the one hand, from their “ethnic origins” and, on the other, from the “social construction” of nationalism.

Culture, History and the Cosmopolitan Dream (New York: Routledge, 2007).


Contrary to this tendency, the British scholar John Breuilly has argued in favour of the view that nationalism should primarily be considered as politics and political modernization. To Breuilly nationalism does not only mean “civic religion” in the sense of legitimating the boundaries and power structures of a certain state. National movements also functioned as opposition forces striving to establish an alternative political community or challenge the dynastic power structures in an existing one.20

In regard to Central and Eastern Europe, the German scholar Otto Dann has maintained that the national movements in the old empires and their successor states cannot simply be understood as an authoritarian counter-tendency to Western “civic nationalism.”21 Rather than borrowing the framework of the western model of civil society, the nature of the national movements in the latecomer national states should be analysed as part of a complicated political modernization process. As the basic driving force of 19th century mass mobilization, the national movements entrenched themselves in the political arena formed between the state and civil society and played a crucial role in shaping the boundaries of the political arena.22

In regard to EU enlargement to the east, we may conclude that if nationalism is understood in terms of political modernization, the major obstacle to deepening European integration is not so much the persistent legacies of national identification and stubborn mental borders. Perhaps more important is the impartial development of EU-level political institutions preventing the formation of a functioning political space which would include rival hegemonic blocs that inspire identification with the European political community. The Finnish experience supports the notion that in regard to European integration the heritage of nationalism does not necessarily imply merely maintaining pre-ordained ethnic and cultural boundaries but, on the contrary, it can also represent a readiness to act politically in an alternative framework and to mobilize in new ways in order to challenge the prevailing power structure.23

(3) Europeanization and bounding in the regional scale

Since the turn of the new millennium, profound conceptual changes have taken place in the language of EU documents of cross-border cooperation (CBC). The new policy frames picturing “Wider Europe” and European “Neighbourhood” shifted the focus of CBC from the perspective of internal cohesion, regional development and integration of border regions (typical to first Innovation and Environment Regions of Sharing Solutions (INTERREG) programmes) towards external relations and political projects of preparing and accomplishing the enlargement of the European

Union and fostering interaction between the EU and its neighbours. Instead of, or alongside with, the language and approaches typical to regional development and regional studies the rhetoric of the new policy documents tended to make use of concepts and approaches of political science, analyses of recent changes in global economy and politics, the end of the Cold War, European integration and ultimately globalization. To some degree this turn has been linked to the recent trends in the study of borders and international relations that have questioned the traditional geopolitical notions of borders as clear-cut territorial lines and arenas of confrontation between national states.24

As part of this conceptual sea-change, the question of the role of regional actors and cross-border region-building became key themes of discussions concerning the EU borders and border regions.25 The new programme documents of cross-border cooperation outlined border-spanning activities that were targeted to lay the ground for a new type of cross-border regionalisation - even on the external borders of the European Union. The role of regional actors and civil society was strongly emphasised. In the European Neighbourhood policy document (2004), in particular, there are clear traces of a new kind of political language that tends to overcome traditional national-state perspective to borders and to promote a gradual Europeanisation of the institutional and discursive practices connected to borders.26 In the academic discussion, this tendency has at times been linked to broader visions of a historical turn towards a new age of post-national borders.27

This conceptual shift was soon reflected in national and regional level discussions about borders and policies of cross-border cooperation. In the case of Finland, this turn happened at the same time with a broader change of political perspectives, and the practices and rhetoric of cross-border cooperation over the Finnish eastern border which experienced exceptionally deep changes after the collapse of the Soviet Union. In an important sense, we may talk about the Europeanisation of cross-border cooperation especially during the period after Finland had joined the European Union in 1995. Cross-border cooperation programmes and projects that used to be coordinated as part of bilateral foreign politics of the nation-state were streamlined according to the principles defined on different levels of EU administration.

In broad terms, the European Union policy documents on cross-border cooperation tend to link rather directly cross-border region-building with the spreading of supra-national European identity. Evidently, this tendency dates back to the history of INTERREG community initiative as an Interregional Cooperation Programme. Targeted to promote integration and cohesion on the internal boundaries of the EU, the first INTERREG programmes adopted concepts of regionalisation that had their origins in visions of market driven regional development that smoothly connected areas across old national barriers (e.g., the “Blue Banana”). In the second phase preceding Eastern enlargement, this thinking was combined to pre-enlargement policies aimed at lowering the institutional and

ideological barriers stemming from the communist past of candidate countries. As a result, the rhetoric of Europeanization, i.e. common European values and building a common Europe, was further emphasised in the programme.

In the formulations of the New Neighbourhood policy framework, these elements, which to a high degree rely on ideas of economically propelled smooth cross-border regionalisation and visions of cross-border region-building promoting Europeanization and European identity, are still very much present. They are, however, now coupled with totally different kinds of tasks pertaining to the EU’s external relations and in the last instance related to common security and immigration policies. It is not hard to see that especially in cooperation with Russia, finding a balance between these elements will be one of the major challenges of elaborating EU policies of cross-border cooperation.

Expectations of market driven regionalisation and the coupling of cross-border regionalisation with Europeanization is, in general, in line with the broader political goals of the EU. However, one can question if these expectations in fact serve as a sound starting point for understanding the multi-layered territorial conceptualisations of the regional actors.

Results of recent joint European research projects EXLINEA and EUDIMENSIONS tend to imply that the perceptions of local actors involved in cross-border cooperation do not bear witness to the birth or revival of a strong regional cross-border identity. On the contrary, participation in cross-border cooperation seems to be motivated on both sides primarily by reasoning connected to intra-state centre-periphery relations, nation-state bound ideas of sovereignty and citizenship and even to a variety of clashing conceptualisations of broader cultural divides. These are simultaneously present in the regional identification of the actors, and more intensive cross-border cooperation can hardly be seen as proof of new European cross-border regionalism. Rather, the new situation, in which traditional national perceptions and state-bound cross-border relations have been challenged by new supra-national and regional perspectives, should be taken as a starting point for a dialogue between the various conceptualisations of territoriality that stem from different histories, regional, national and European. In this situation there is an obvious need to recognise the interconnections, conflicts and ruptures between the different understandings of the territorial scales involved. Instead of envisioning above-given Europeanness, there is the need to study the political language of cross-border region-building in a comparative perspective and to map and understand the many European ways of combining regional, national and supra-national perspectives in the discussion on European Union policies of cross-border cooperation.

Conclusions: From Post-Modern Visions to Multiplex Territorial Scales of Bordering

In recent scholarly literature, European integration, nationalism and regionalism, the notion of a new emerging “post-national” concept of European identity and citizenship has been severely questioned. It has been pointed out that in a broader European perspective it is both theoretically and empirically problematic to conceptualize European integration as a shift from nationally motivated
identification and bordering towards a new supra-national understanding of Europe and its borders.\textsuperscript{28} In order to approach this question in more concrete terms there is an obvious need to study in specific historical contexts the extent to which borders are being defined in national terms as demarcations based on ethnicity, language and culture, and to what extent they are understood in broader supra-national/transnational terms. It would, however, be equally one-dimensional to suggest that the alternative to cosmopolitanism is the re-enforcement of national perspectives. As a starting point it is vital that the discussion of today’s Europeanness takes into consideration the simultaneity of different visions and understandings of what Europe signifies.\textsuperscript{29} The challenge, rather, is to recognize the many ways in which European, national and regional elements co-exist in the construction of borders within and between different political cultures and how the dialogue between these images continues to shape theoretical and conceptual approaches within border research.


\textsuperscript{29} Mikael Malmborg and Bo Stråth, \textit{The Meaning of Europe: Variety and Contention within and among Nations} (Oxford and New York: Berg, 2002).
The Scholar-Practitioner Interface in Boundary Studies

Martin Pratt*

In this presentation I would like to share some of the issues and trends that we have experienced at the International Boundaries Research Unit (IBRU) at Durham University, particularly working with governments around the world. I would also like to highlight some of the situations that governments are facing today that are causing concerns and to discuss the ways in which border scholars can contribute to and support governments as they seek to resolve the problems and to assist borderland communities. Fundamentally, although borders can be abstracted and discussed from a theoretical context, they are still lines that run through real physical and human landscapes, and they impact significantly on the lives of millions of people around the world.

IBRU works to minimize conflict associated with international boundaries on land and at sea around the world. That is our simple mission statement. Our work is interdisciplinary in approach and global in scope – although it is fair to say that we have more expertise in some parts of the world than others. IBRU seeks to integrate theory and practice in order to provide practical expertise in boundary making, border management, and territorial dispute resolution, and also provide academic leadership in the study of boundaries and their impact on international relations and the development of borderland regions. Therefore, IBRU is situated at the interface between the theoretical, the scholarly and the practical.

IBRU was founded in January 1989 by Gerald Blake, a political geographer with a longstanding interest in territory, the law of the sea, and boundary-making. He was rather unnerved when just a few months after IBRU’s establishment we saw the first use of the term “the borderless world” in a famous article by Kenichi Ohmae, and even more alarmed a few months later when the ultimate symbol of Cold War division, the Berlin Wall, fell. For a while it appeared that he may have created a white elephant – a research unit devoted to the study of boundaries at a time when the forces of globalization were creating new relationships, identities and patterns of movement that were rendering borders meaningless or, at least, largely redundant. This remains a powerful theme in business literature, and is often heard in political rhetoric, as well. My favourite summary of this view came from former U.S. President Bill Clinton, when he told an audience at Harvard University in 2001, “You live in an age of interdependence: borders don’t count for much or stop much – good or bad – anymore.” That is certainly a long way from Lord Curzon’s famous claim in 1907 that, “Frontiers are indeed the razor’s edge on which hang suspended the modern issues of war or peace, of life or death to nations.” Curzon’s view largely held true throughout the first half of the 20th century, and arguably throughout the Cold War as well. However, it is not a theory that many scholars

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subscribe to today. The question is where do we sit between the globalized borderless world and the world in which borders are one of the cornerstones of international relations?

In Europe – at least for the 24 states that have fully implemented the various agreements that are collectively known as the Schengen agreements – the removal of day-to-day border controls mean that for most people, most of the time, the borderless world perhaps is starting to become a reality. However, the only way in which “soft borders” can be achieved within Europe is by hardening the borders on the edge of Europe. Moreover, once we get outside Europe, we see a very different picture in many parts of the world. While globalization is clearly reducing the impact of boundaries on the movement of capital and ideas, and to a lesser (but still a significant) extent, on the movement of people and goods, territory remains one of the key building blocks of political power and legitimacy, and states still go to great lengths to secure and defend their territory. Control of territory remains important for countering external threats such as illegal immigration, cross-border crime and, especially since 2001, international terrorism. Control over territory also remains important for maximizing access to dwindling natural resources, which become ever more valuable as the global population continues to grow. Because territory remains so important, boundaries are almost always a potential source of friction between states, and governments need to develop strategies to minimise that friction. This is one of the areas in which border scholars can help.

There are numerous territorial disputes around the world. Some involve hugely complicated series of historical, geographical, cultural and economic issues, and have significant regional and even global implications. They also receive a lot of study from border scholars, and an enormous amount of policy-oriented attention. But for every Israel-Palestine conflict there are ten smaller, more obscure disputes. One example on which we have worked is a dispute between Guinea and Sierra Leone, where the two governments agree that there is a treaty defining a particular section of boundary, and they agree that the boundary follows the left bank of the Moa/Makona River. Their only disagreement is over exactly where that bank is located, and yet it has resulted in military occupation of one bank of the river, and a dispute between two states which, while it probably does not cause the world’s diplomats to lose much sleep, still has the potential to cause significant hardship.
for poor borderland populations. Moreover, as we saw ten years ago with a similar situation between Eritrea and Ethiopia, a minor incident along a contested boundary can very quickly escalate to a full-scale war. It does not take very much when territory is at stake and nationalistic fervour pours fuel on the fire of a disagreement over a seemingly insignificant strip of land. All border disputes need to be taken seriously.

Next, I would like to consider the concept of boundary-making. The term has been around for nearly 100 years – it was first used as the title of a book by Thomas Holdich in 1916 – but it was really given life by the American geographer Stephen B. Jones in his 1945 study *Boundary-Making: A Handbook for Statesmen, Treaty Editors and Boundary Commissioners*. During the Second World War, Jones was invited by the American government to prepare a practical handbook for governments anticipating a major reconfiguration of international territory at the end of the war, as there had been at the end of the First World War. Jones came up with a simple model of the boundary-making process: political allocation of territory following a conflict; the legal delimitation of a boundary in a treaty; the physical demarcation of that line on the ground; and the subsequent administration of that line. *Boundary-Making* is a classic piece of political, technical geography, and it remains the best practical guide to the creation of international boundaries anywhere. However, looking at boundaries from the perspective of today, Jones’ model is somewhat limited, and at IBRU we have been working to develop the model. Firstly, allocation of territory is rather rare today, although it still occurs from time to time at the end of conflicts where two states agree on the principles for dividing contested territory before a line is agreed. More significantly, while Jones acknowledged the importance of administering boundaries, from his perspective administration involved little more than maintaining
the infrastructure of demarcation. He paid little attention to the range of practices involved in border management – and many governments do the same today. Too many diplomats and lawyers consider boundaries to be “finished” once they have been defined in a treaty and perhaps some form of demarcation has taken place. But delimitation and demarcation are really only the beginning of the boundary-making process: it is what you do with the boundary once it has been established that determines whether it is successful or not. Border management is a complex task and there is a growing discourse on the challenge of trying to balance the seemingly incompatible goals of maximising access for desirable goods, people and ideas, while at the same time maintaining security of the state, which governments around the world agree remains essential. There is also a plethora of management issues relating to natural resources, infrastructure in borderlands, and the protection of cross-border ecosystems. Any boundary-making strategy developed today needs to take such issues into account.

**Fig.3** Boundary-making figure #1

**Fig.4** Boundary-making figure #2
Another very useful model when thinking about boundary-making is the model developed in the early 1990s by the historian of the Mexico-U.S. boundary, Oscar Martinez. Martinez identified four types of borderland, ranging from alienated borderlands, where there is usually some sort of physical barrier that is preventing interaction between neighbouring states, through co-existent borderlands, interdependent borderlands and finally integrated borderlands, which is where much of the European Union is now located. Moving from alienation to integration, borders are more open, there is greater interaction across the boundary and the breadth of the borderland expands. For many neighbouring states the ultimate goal of border management is to facilitate borderland integration. However, in some cases borderland integration may be politically or culturally impossible, and interdependence may be a more realistic goal.

Next, I would like to examine the process of determining where boundaries run when there is a dispute, and the role of geographers in this process. Many scholars are very good at fieldwork; many practitioners, surprisingly, are very poor at it. The judges of International Court of Justice, for example, have never visited the border in areas where they have been asked to define a boundary. I would argue that you cannot create an effective boundary unless you have first-hand knowledge and experience of the physical and human landscape through which the boundary runs. Work IBRU has been doing with the Palestinian Authority includes trying to establish where the lines of separation between Israeli and Jordanian-held territory in Jerusalem from 1949 to 1967 were actually located on the ground. While some evidence can still be found in the form of fragments of walls and rusty barbed-wire fencing, it is the historical memory of people who lived in the city during the Armistice period which has been most valuable in building up our understanding of the reality that will form the basis of negotiations on the status of Jerusalem and the rest of the Israel-Palestine boundary.

For Japan and for many other countries, maritime boundaries are also hugely important issues. Around the world there are more than 430 potential maritime boundaries, of which fewer than half have been even partially agreed. There are numerous overlapping claims and considerable scope for dispute. Coastal states are also currently going through a process of defining jurisdictional rights over areas of seabed more than 200 nautical miles from their coastal baselines. This is adding tens of millions of square kilometres of maritime space, which falls under coastal state jurisdiction. While these areas are not sovereign territory, they nevertheless have a significant impact on the way that the world’s oceans are managed and perceived by states.

IBRU has recently done some work on maritime boundaries in the Arctic, where the world’s media seem determined to paint a picture of future conflict – what is sometimes described as the “new Cold War.” I disagree with this interpretation, as the coastal states are so far actually managing their disagreements over sovereignty and jurisdiction in the Arctic quite effectively, and I expect that overlapping claims in that region will be resolved peacefully. But there are, of course, many other areas where there is significant conflict over maritime boundaries, perhaps most famously the South China Sea, where there are numerous sovereignty disputes over small islands and multiple overlapping jurisdictional claims that are incredibly difficult to disentangle – with valuable fishing resources and possible oil riches at stake.
Island sovereignty disputes are also a common feature of the world political map. Some disputed islands, such as the Northern Territories, are substantial in size and have settled populations; such territories have obvious value to the states which claim them. But there are also twenty or so disputes over tiny islands which are uninhabited and possibly uninhabitable, for example the dispute between Japan and Korea over Takeshima/Dokdo. Such islands are sometimes disputed largely because they have symbolic value for the claimant states, but most also have considerable potential economic value – even tiny islands can generate sovereign rights over the resources of hundreds of thousands of square kilometres of the surrounding sea and seabed. However, in some cases there is controversy over whether very small islands actually generate continental shelf and exclusive economic zones rights at all: under the United Nations Convention on the Law of the Sea (UNCLOS) “rocks which cannot sustain human habitation or economic life of their own” are only entitled to a territorial sea. China, for example, is unhappy with Japan’s claim to exclusive economic zone and continental shelf rights around the tiny features of Torishima, and tried to raise the issue at the meeting of State Parties to UNCLOS in 2009. China’s initiative did not receive much support but the island/rock debate is certain to continue and is likely to be a source of international friction for many years to come.

Then there is the issue of sea-level rise, which is going to impact on many countries, especially low-lying island states. The government of the Maldives, for example, recently held a cabinet meeting underwater to highlight the threat of the total disappearance of the Maldives islands. Other island states such as Tuvalu may not disappear, but they are nevertheless becoming uninhabitable: rising sea levels mean that salt water is contaminating the fresh water they have, and the people are forced to move away. This raises interesting legal questions: if the islands become uninhabitable, will they still generate rights over maritime space beyond the territorial sea?

Nor is it just maritime boundaries that are going to be affected by climate change. Large areas of the planet are going to be unable to support their existing populations, leading to increasing migration and competition for resources, especially water. As yet, there have not been any serious conflicts that could genuinely be said to be purely over water, but that does not mean there will never
be a “water war.” Water security is a major cause for concern for many states, and certainly the United Nations continues to worry about the implications of competition over water in borderland areas.

River boundaries are also very significant. Nearly a third of the world’s total land boundary length is riverine, and many international boundaries follow rivers for much of their course. This creates challenges for technicians in terms of the definition of boundaries, and for policymakers in terms of the management of a shared resource that is used for irrigation, fishing, transportation and sometimes energy generation. River boundaries are an understudied aspect of international boundaries, and I would encourage more scholars to take an interest in them and their policy implications.

Even when states manage to avoid conflict, many are likely to face large-scale immigration, and are going to need to develop new border management strategies to cope with this. Some will be tempted to construct fences and other physical barriers. Opinion is divided over how effective such
measures really are in terms of thwarting determined migrants. However, two things are certain. Firstly, such initiatives are incredibly expensive. One U.S. congressional report estimated that the cost of building and maintaining 700 km of fence along the U.S.-Mexico boundary (i.e. only a third of the total length of that boundary) over 25 years could be as much as 49 billion US dollars. The second fact is that fences are massively obstructive to the development of borderland regions. Indeed, the most likely outcome of sealing a boundary with a fence is, to use Oscar Martinez’ evocative term, an alienated borderland, in which the dynamism that has characterized borderlands for centuries is absolutely destroyed. Fences are the ultimate symbol of a dysfunctional borderland.

Fortunately, humans are quite good at resisting enforced alienation by states, but nevertheless we need to encourage creative thinking about how borders are perceived and managed, in order to maintain a healthy balance between access and security. This is also an area in which scholars have key roles to play.

Some of my colleagues in Durham are approaching issues of border management from a range of different perspectives. Although we are based in the geography department, five of the seven staff come from different disciplinary backgrounds. One of the things we are most proud of at IBRU is the conferences we have organised over the years. We have held twelve since 1989, and our 20th Anniversary Conference in April 2009 was attended by 200 participants from 50 countries around the world. The reason our conferences tend to be such a success is captured in the feedback we got from one of the participants from Switzerland, who highlighted the fact that it was not just the international mix or the disciplinary mix within the scholarly community that made the conference so exciting, but the interaction between scholars and practitioners. It is such interaction that will lead to the real success of the initiative at hand.
How to Deal With Border Issues: 
A Diplomat-Practitioner's Perspective

Masataka Okano*

Objective of the Paper

The subject of border issues is a complex one, involving a variety of different aspects. They can sometimes refer to disputes concerning territorial sovereignty, and they can also relate to the delimitation of territorial seas, continental shelves and exclusive economic zones. Border regions are often located in remote areas far from their capitals, benefiting from trade with the other side of the border. The management of cross-border flows of people, goods, services, capitals and information; and how to economically and socially support these local regions or isolated islands near borders may well be treated within the framework of border issues.

This paper will discuss some ways in which the practitioners of foreign policy deal with these territorial issues or maritime delimitations in light of international law. Although the paper will refrain from going into the strategies or tactics of the Japanese government over the cases in which Japan is involved, I hope that it will be useful because the views of practitioners have rarely, if ever, been presented in a comprehensive manner.

Why do We have Territorial Disputes?

a) A state has a territory within which it has territorial sovereignty. The border is the outer limit of the area where the state has its territorial sovereignty. These borders often happen to be areas where a state’s territory meets with that of another state.

b) Situations become a little more complicated on the sea. Outside the territory of a state extends the territorial sea. According to Article 3 of the UN Convention of the Law of the Sea, “Every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.” A state may exercise its territorial sovereignty over the territorial sea, but this comes with certain restrictions. For example, foreign ships are entitled to the right of innocent passage; meaning that a coastal state shall not prevent the passage of foreign vessels within its territorial sea, provided that they do not give prejudice to the state’s peace, good order or security.

Outside the territorial sea extends the exclusive economic zone and the continental

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shelf. According to Article 57 of the UN Convention of the Law of the Sea, “the exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured,” and the coastal state has sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources in the Exclusive Economic Zone (EEZ).

The continental shelf extends from the territorial baseline up to the limit of 200 nautical miles, but where a natural prolongation of the shelf exists, the coastal state may extend its outer limit beyond 200 miles in accordance with Article 76 of the United Nations Convention on the Law of the Sea (UNCLOS). In such a case, the continental shelf might extend as far as 350 miles and even beyond. The coastal state has sovereign rights over the continental shelf for the purpose of exploring and exploiting its natural resources.

When there is overlap of the territorial seas of two states, the median line will become the delimitation line unless otherwise agreed by the two states. In case of overlap of the EEZ and the continental shelf, “the delimitation shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.”

c) Using the same analogy, if two states claim their territorial sovereignties over the same area on land, a question of territorial delimitation arises. Usually we may identify the following factual elements in territorial issues:

i) First, the change in occupying forces over the territory in question. For example, an area used to be occupied by state A, but state B then came to occupy it. (In some cases the area had actually been terra nullius but state A claims that it had controlled it.)

ii) The occupying state (state B) incorporates the area into its own territory.

iii) State A continues to claim its territorial sovereignty over the area in question by denying the legality of state B’s claim.

d) Territorial issues typically arise when:

i) in an armed conflict, state B occupies an area and will not leave;

ii) an area had been transferred from state A to state B by a treaty, but state A has come to doubt the validity of the treaty;

iii) a treaty stipulates the transfer of an area from state A to state B, but state A claims that the territory in question is not part of the area that should be transferred.

In any of these cases, it is crucial for state A to maintain its claim. If state A drops its own claim on the area, there will no longer be any territorial dispute under the terms of international law.

What kinds of Formulae are Available to Settle Territorial or Maritime Delimitation Disputes?

e) Each dispute has its own character and there is no one-size-fits-all solution. However, we may sort solution models into the following four categories:
i) The first formula is to draw a border line. In this scenario, we can clearly mark the limits of the sovereignty or jurisdictions of state A and state B. The line drawn as a border often indicates how much of a concession each state has made, and this package therefore tends to be a difficult sell to each state’s respective domestic audience. Nevertheless, once the border line is drawn, the states will no longer have overlapping areas and they will be able to enjoy legal stability in the region. The International Court of Justice stated in its decision on the Temple Case, “In general, when two countries establish a frontier between them, one of the primary objects is to achieve stability and finality.” A recent example is the border delimitation between Russia and China, which was finally settled in 2004.

ii) The second formula is to cover a contentious area with a zone of an intermediary character. Within the zone, state A and state B coordinate their exercise of jurisdiction. In many cases the two states agree that the modus vivendi does not give prejudice to each respective legal position.

Good examples of this formula are the intermediary fishing zones established under the Japan-ROK fishery agreement of 1999. In the Japan-ROK fishery agreement, a large intermediary zone was established in the Sea of Japan, within which ships are under the control of their flag states and the two countries cooperate with each other on the conservation of living resources. Both states had tried to draw a single delimitation line, but were unsuccessful because of the territorial issue in the Sea of Japan. The existence of the disputed islands in the middle of the overlapping area had led to different interpretations by both countries as to where to draw the delimitation line. After difficult negotiations, the two countries agreed to establish an area for joint management in such a way as to cover the contentious area. A similar zone was set up under the Japan-China fishery agreement of 2000 due to different points of view on the principles of maritime delimitation.

In another set of examples of this formula, the Commerce and Navigation Treaty of 1855 between Japan and Russia provided that Sakhalin remained undelimited so that the peoples of the two countries could live together. New Hebrides was jointly governed by the UK and France under the terms of a 1906 treaty and jointly governed by the two authorities until it became independent as Vanuatu in 1980. Under this regime, which is often called “condominium,” British and French nationals were generally subject to their respective national administrations. Nationals of third-party states had to opt for the legal system, and thus the administration, applicable to the nationals of either of the signatories. In practice, the British and French Resident Commissioners, representing the respective High Commissioners and acting jointly, comprised the condominium government.

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1 Case concerning the Temple of Preah Vihear (Cambodia v. Thailand), Judgment, 15 June 1962, ICJ Reports 1962, p. 32.
The merit of this formula is that it is apparent that the package is a compromise between the two states, which could help the two governments assuage their domestic audiences. The management of this intermediary zone is a difficult matter of administration and should be the subject of an agreement between the two states. This formula is more feasible on the sea than on the land, where people’s activities are intense and complex. The condominium in New Hebrides was not regarded as a successful example, mainly because the decision-making process was slow and inefficient.

iii) The third formula is to lower the existing border barrier. The role of a border is to control the flow of people, goods, services, capitals and information between states. If states agree to liberalize these flows, then the border will no longer play a large role. Borders have practically been abolished inside the EU in terms of economic activities. Once you are inside the Schengen Space created by 25 European countries, you can move around freely without your passport being checked at the border control of each individual state.

Cross-strait relations between mainland China and Taiwan are not territorial issues, but several attempts have been made to reduce the barrier by eliminating restrictions on direct trade and even concluding a free trade arrangement. Around 270 weekly flights are in service between the two sides of the Strait and we can fly directly from Beijing, Shanghai and Guangzhou to Taipei today.

These two simple examples show that globalization of the economy has rendered borders almost meaningless. However, there is a limit to the role of globalization. It is indeed the case that this third formula would be effective to reduce tensions in the border area, but this method alone may not lead to a final settlement of territorial issue because police and military activities, which are the core components of public administration, still remain within each respective border.

iv) The last formula is to maintain the status quo. Those states who occupy the area in question would usually opt for this option and they often claim that there is no territorial dispute. They avoid discussion with the other party and they sometimes strengthen their occupation of the disputed area.

f) The determination of which formula might be relevant to a given situation is difficult to say. At least we can point out the following:

i) In cases where state A and state B have different ethnic, cultural and social backgrounds, drawing a single borderline may be an ideal solution to realize stability in the region.

ii) In cases where the backgrounds of the two states are similar, lowering the border might be an appropriate formula.

iii) If natural resources are the focus of contentions, covering an area with a zone may work. In this scenario, a close working relationship should exist between the two states in order to manage the area, as in the case of the Japan-China Fishery Agreement.
iv) However, in most cases, the occupying state tries to maintain the status quo. The settlement of territorial disputes will not move forward unless the occupying state recognizes the dispute. For the state claiming the return of a territory, it is crucial that the other party recognize the dispute. For example, the Soviet Union did not recognize the dispute with Japan over the Northern Territories for a long period of time during the Cold War. In this context, we should note that if the issue is brought to international arbitration or a tribunal, it is the role of that body to decide whether a dispute exists or not.

How to Solve Disputes?

What kinds of methods can we use to settle land disputes or maritime delimitation issues? Here we will just deal with land disputes, which have different characteristics from maritime delimitation.

a) The most fundamental rule of settling territorial disputes is that they should be done in accordance with international law. International law regulates relations between states, and any dispute between states should in principle be solved according to international law. Today the use of force or the threat of force to solve international disputes is outlawed except in cases where UN Security Council resolutions so authorize. Territorial disputes must be resolved peacefully.

b) Article 33 of the UN Charter provides that, “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” Whichever of these methods may be used, international law is the substantive criteria for solving a dispute. It is therefore important for a state party to present legal arguments which are more easily justified and convincing than the other state party in light of international law. I would like to review, hereafter, the basic tenets of the relevant international law.

c) In order for a state to acquire and exercise its territorial sovereignty over a piece of land, the state must have occupied it and effectively control it. There are basically two modes of acquiring territory:

i) The first mode is a derivative acquisition whereby a state cedes a territory to another State. These types of acquisitions are usually done by treaties. Subjugations and conquests which involve use of force would fall into this category but they are not lawful titles under today’s international law, as was determined by the UN Security Council when Iraq invaded Kuwait in 1991.

ii) The second mode is to occupy a terra nullius, a land which has not been controlled by any state. For a state to acquire sovereignty over such a land, it should first occupy it. Once a state occupies a land, it must exercise a continuous and peaceful display of state
authority over it. This conduct is called an act *à titre de souverain* and this requirement is called “effective control.” Elements of proof that support the effective control over the land in question are referred to as “effectivités.” If a state wishes to assure a continuous display of authority, it should show the intention and will to act as sovereign and some actual exercise or display of such authority. The degree of *effectivités* required varies according to the geographical situation, the density of population, and claims by foreign countries. A no man’s land does not require the same level of effective control as that which would be needed for a populated area. Uninhabited small islands of little economic importance would require scarce *effectivités.* This point is important when we discuss the legal status of isolated islands. The degree of continuity also varies depending on the situation, and control need not be exercised at every minute. In the famous *Island of Palmas* arbitration, the Permanent Court of Arbitration stated that state authority should not necessarily be displayed “in fact at every moment on every point of a territory.”

In the real world, it is not easy to distinguish between *a terra nullius* and a territory which was previously under the sovereignty of one state but claimed as a *terra nullius* by another state due to the scarcity of activities by the former state. In the *Eastern Greenland Case* in 1933, Norway maintained that Eastern Greenland was *terra nullius.* But the Permanent Court of International Justice stated in its judgment, “Denmark must be regarded as having displayed during this period from 1814 to 1915 her authority over the uncolonized part of the country to a degree sufficient to confer a valid title to the sovereignty.”

d) Territorial disputes arise when sovereignty claims over a land by more than one state overlap. If there exist treaties or other legal documents concerning the territory in question, their interpretation will be a key issue. For example, regarding the Northern Territory Issues, the Treaty of Commerce and Navigation in 1855, the Treaty concerning the Exchanges of Sakhalin and the Kurile Islands in 1875, the San Francisco Peace Treaty, and the Joint Declaration between Japan and the USSR in 1956 are all important materials for reference.

e) However, if neither state concerned has a treaty-based title to the disputed area, the element of *effectivités* will be considered. In this context, international tribunals will be keen on what is known as “relative title” — which of the competing claims is stronger — rather than some absolute standard of title. The criteria for the tribunals will be which side has better proof to justify its claim. If there is ever a widely shared opinion among many third-party

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3 Islands of Palmas Case (USA v. The Netherlands) Award, 4 April 1928, *Reports of International Arbitral Awards* 2, p. 829.
states on that particular subject, this may impact the arbitrators or judges of tribunals. A third party’s voice may be influential and that is exactly the reason why third-party states tend to avoid expressing their opinions on territorial issues, which they usually do not wish to get involved in.

f) The two state parties involved may agree to put aside their legal arguments and settle the issue politically. Provided the area in question belongs to either of the two countries, it is up to these two countries where to draw the line. However, the strength of each state’s position derives from their legal position, and political discussions cannot fully depart from legal arguments. Therefore, it is extremely important that state parties should secure their legal coherency until a final settlement is achieved. If you acknowledge the exercise of jurisdiction by another party whilst claiming your sovereignty, your legal position will be damaged. The following are good examples for diplomats to remember:

In the *Legal Status of Eastern Greenland Case* (1933), the PCIJ referred to a statement made by the Norwegian Foreign Minister in a conversation with his Danish counterpart. He said, “The Norwegian government would not make any difficulties in the settlement of the question.” The settlement meant that Denmark would raise no objection to Norway’s claims upon Spitsbergen and that Norway would not object to the Danish expansion of control over the whole of Greenland. The Court determined that Denmark had a valid title to Eastern Greenland.

In *The Temple of Preah Vihear Case* (1962), the International Court of Justice determined that the Temple was situated in Cambodian territory, not in Thai territory. In this case, the Mixed Delimitation Commission set up in 1904 by France and Thailand produced a map that showed the temple to be in French territory, which later became Cambodian.
territory. Not only did the Thai authorities not reject the map, they did not react to it for a long period of time. The ICJ stated that after the map had been published, “it is clear that the circumstances were such as called for some reaction, within a reasonable period, on the part of the Siamese authorities, if they wished to disagree with the map or had any serious question to raise in regard to it. They did not do so, either then or for many years, and thereby must be held to have acquiesced.”

In its decision of the Pedra Branca/ Pulau Batu Puteh case (Malaysia /Singapore) on May 23, 2008, while the International Court of Justice first recognized the original title of Malaysia to Pedra Branca Island, which is located 24 nautical miles to the east of Singapore and 7.7 nautical miles to the south of Malaysia, it concluded that sovereignty over this island belongs to Singapore. In the ruling, the Court attached central importance to the letter by the Acting State Secretary of Johor (Malaysia) dated September 21, 1953, which said, “the Johor Government [did] not claim ownership of Pedra Branca.” The Court also referred to the conduct of Singapore in giving permission for Malaysian officials to visit Pedra Branca and stated that, “[it] does give significant support to Singapore’s claim to sovereignty over Pedra Branca/ Pulau Batu Puteh.”

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7 Sovereignty over Pedra Branca/ Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore), ICJ Judgment, May 23, 2008, paras. 239, 275.
The behavior of the citizens may also have legal implications. Their behavior is not necessarily ascribed to their state, but if they repeatedly submit themselves under the other party’s jurisdiction, this will create a factual situation which is not legally advantageous to their state. Therefore, the state has an interest in controlling its own nationals’ behavior.

**What will Urge States to Bring Forward a Dispute Settlement Process?**

As mentioned above, international law plays a crucial role in settling territorial disputes, but lawyers cannot solve them on their own. Legal arguments alone are not enough for the success of a dispute settlement. What will urge states to push forward a dispute settlement process?

**a) Convergence of strategic interests toward the settlement of the dispute**

It is essential that the two states not only acknowledge the existence of a territorial issue, but also find strategic interests in settling it. To be more precise, the two states, and especially the state which occupies the territory in question, should come to a conclusion that the disadvantages deriving from leaving the dispute unsettled clearly and enormously outweigh the advantages which both parties would enjoy by settling the dispute. The occupying state (state B) would move to change the status quo only when much larger national interests are being held hostage by the territorial issue.

What are those larger national interests? They may be:

i) the need to ally with the other state to counter a third state (e.g., China and Russia in relation to the US since the 1990s, and Russia’s rapprochement toward Japan after Japan-Sino normalization in 1972);

ii) to improve its national security environment by reducing the military threat from the other state (e.g., the recent moves in border negotiations between China and India, which is reportedly making slow progress),

iii) to realize another big political agenda (e.g., becoming a UN Security Council member),

iv) to gain enormous economic benefit from the other state,

v) and to gain an international reputation as a law-abiding nation.

**b) Leaders’ ambition to solve the dispute**

It is often the case that the public opinions of either or both countries concerned will not be happy about the result of delimitation, which the leaders will present to their peoples after long and difficult negotiations. Territorial issues present enormous challenges to the political leaders in any country. Negative reactions from the public may cost leaders their political lives. Unless the leaders take political risks in taking on the issue and have the ability and will to convince their peoples that the deal will lead to the long-term national interest of their countries, it is hardly likely that the final package will come to pass. Therefore, it is essential that the leaders of the two states have strong political desire to have the issue settled during their tenure. In connection with this, it is worth noting that hard-line leaders have often been able to convince the domestic audience to accept difficult political packages with other
countries, as was the case with former US President Richard Nixon, who opened dialogue with the People’s Republic of China (although this dialogue was not related to territorial issues). On the flip side, soft-line leaders may be amenable to deals with the other country, but the settlement package may face difficulties on the domestic front. We should also be careful in analyzing the statements pronounced by the political leaders of each state. We may hear a leader of one state say, “Our bilateral relations are extremely important. I will do my utmost effort to solve the territorial issues.” This is certainly a sign of goodwill and we should not discredit it immediately. However, at issue is what kind of settlement this leader designs in his or her mind and whether he or she will be able to implement it on the domestic front. Soft language may sound forthcoming, but whether that language can be substantiated is another matter.

Also, it should be noted that political desire alone is not enough to achieve the settlement of a dispute. This is a necessary but not sufficient requirement.

c) Local residents’ strong desire to see the dispute settled
Unless the territory in question is a no man’s land or there have not been many people earning their livelihoods there, the aspirations and interests of the local residents – including those who have been expatriated – will be boosters to their government. However, if the local residents are satisfied with the status quo, their government’s demand will be taken lightly and the frontier will most likely not be moved. While the desire of the local residents alone cannot settle a territorial issue, it could hardly be settled without their strong backing. Maintaining good communications with residents and understanding their wishes correctly is a big challenge for the negotiators.

d) Which of these elements is most important?
Each territorial dispute has its own character, so oversimplification is not appropriate. In many cases, however, convergence of strategic interests is of primordial importance and without this – even with the strong guidance of political leaders or with the strong backing of local residents – it is most unlikely that the issue would go forward. We may also observe that without an appropriate strategic environment, political or diplomatic skills will not produce a positive result. It is crucial for the leaders to find the right time to move negotiations forward by gauging the strategic winds blowing between and around the two states. Even if you have good negotiation cards in your hand, they may be wasted should they be used at an inopportune time.

Some Important Rules to be Observed for Negotiation

We must bear in mind some rules when we engage in or observe a negotiation process.

a) Fostering mutual confidence between political leaders
While engaging in a deal, the leaders of the states involved play a dangerous political game which may backfire on the domestic front. Negotiations may not be concluded if the leaders are too vulnerable to their own domestic public opinions. The two leaders should share the
common goal of settling the dispute by their own hands, and work together to convince each domestic audience in spite of the severe criticism which may occur in each of the countries. Each government should not react to each and every tough statement which is pronounced in their respective domestic contexts. For this purpose, mutual confidence between the two leaders must be established.

b) **Secret negotiations**

Negotiations on the delimitation of borders should be conducted in a secret fashion. The number of participants should be limited to a bare minimum and strict control of information is indispensable. If the content of the discussion was revealed, the negotiation process would stall immediately. Secret discussion in a quiet environment is necessary, and open diplomacy does not have a role to play here. It is nevertheless becoming difficult to assure such an environment, not only because people have more exposure to information on diplomacy through global media outlets, but also because foreign policies are not immune to accountability, which is more and more often demanded by public opinion today.

c) **Taking care in setting the negotiation stage**

In the normal course of diplomatic negotiations, each state begins by presenting its first bid based on its legal position, and the two states then try to find a common ground between them. In the real world of diplomacy, it is rare that through negotiations one party manages to get 100% satisfaction and the other party loses completely. The end result tends to be somewhere in between. The rulings of international arbitrators or tribunals sometimes present their decisions so clearly that it becomes evident which state is a winner, and which state is a loser. However, many rulings are inclined toward an intermediary solution. Looking at the original positions of the two countries involved, it is likely that we can already see the range of solutions that can possibly be achieved by negotiations or a third-party decision. This means that the original negotiation position has a bearing on the course of negotiations, and negotiators should be careful about where to begin. This is one of the reasons why states are so cautious, and spend so much time to reach an agreement between the states concerned on the terms of reference which will be submitted to the International Court of Justice (a *compromis*).

d) **Legal consistency**

Negotiations on border delimitations tend to attract high-level political attention and the process is political by nature. However, the most important reference used therein is international law. Should one state take an action which is not consistent with its legal position, its negotiating position would be damaged. If you behaved in such a way as to contradict your own legal argument or if your behavior may be taken as acquiescing to the other party’s legal argument, the other state would use these points as powerful evidence to discredit your legal position in the international judicial proceedings. The damage could not be easily recognized by ordinary citizens or those who are not familiar with international law, but as long as we wish to solve these issues legally, legal consistency should be maintained.
Conclusion

This has been an overview of how practitioners of foreign policy address the issues of border delimitations. As I discussed above, although issues related to disputed territories are political by nature and the political leadership is indispensable to achieving a breakthrough, international law is always an important frame of reference in the solving of disputes. It is true that international law cannot by itself bring a dispute to a settlement. However, in today’s world where the use of force is basically excluded as an appropriate means to solve disputes between states, international law has come to play a bigger role in dispute settlements and the international community is showing more confidence in international law than ever before. International law exercises its primordial effect through the utilization of international arbitration or tribunals, which creates the merit of depoliticizing an issue by leaving it to technical experts. It is probably due to this advantageous attribute that a larger number of states refer their cases to the International Court of Justice today, which currently has fifteen cases pending before it (as of March 2010).

There are certain directives, however, that the states following this course of action must conform to in order for the international community to maintain its confidence in the process; for example, states must accept and abide by whatever judgment the court may render.

It is the role of the practitioners of foreign policy to use international law effectively and strategically in the solving of disputes, and at the same time to help political leaders and the public deepen their understanding of the usefulness and limitations of international law.
Border Politics in South Asia:  
A Case Study of India, Pakistan and Afghanistan

Mushtaq A. Kaw*

Introduction

Historically speaking, the Indian sub-continent was directly connected to Central Asia across land mass of Afghanistan in the south and Kashmir in the north. These trans-land connections were maintained across the Himalayas, Pamirs, Hindukush and the Khyber Mountains in the wake of the transcontinental trade across the “Grand Silk Route” of 2nd to 3rd century BC. By and large, these transmission channels were marked for relative peace, prosperity, human security, inter-faith and inter-cultural dialogue: thanks to scores of men who treaded great deal of hazards1 for fame, fortune and missionary pursuits. However, following the “Partition” of the Indian sub-continent, two separate political identities of India and Pakistan emerged on the South Asian map in 1947. With that, “Greater Kashmir,” which thitherto had an independent political status, fragmented into what presently constitutes India controlled Jammu and Kashmir State (J&K) and Pakistan controlled Azad Jammu Kashmir (AJK). The development was quite unpropitious for it forged an artificial Indo-Pak border line: Line of actual control (LoC) in 1949, which is maintained by huge army personnel and defence expenditure at the cost of the works of public utility and human security in both countries.

Whatever its efficacy, the said infamous act of “Partition,” meant general loss to all contending parties, for it sealed off traditional borders, rendered hitherto porous borders rigid for free mobility of men, material, ideas, and cross-cultural and ideological fertilization,2 divided families of common ethno-cultural descent, led to Indo-Pak wars in the 1960s and the 1970s and forged ill-will, mistrust and heart-burning between India and Pakistan. Instead of devoting their efforts to poverty, unemployment, illiteracy, crime and the like social problems, they engaged in building their military capabilities and enhancing their respective defence expenditures: lately India hiked it by 34% worth 1.4173 trillion Indian rupees3 and Pakistan increased its defence budget by 15% in 2009 despite her insignificant growth rate of 3.3% GDP. The situation of Afghanistan, another border state in South Asia, is no less alarming due to fundamentalism. Her own resources together with that of the U.S. and

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NATO powers are pooled together to fight the “menace” in Afghanistan and along the Pak-Afghan border.

Border politics and the closure of the traditional routes following the act of “Partition” also affected the level of the “interdependence” of the contending parties. Indo-Pak, Indo-Afghan and Pak-Afghan trade volume contracted with cumulative effect on their bilateral and trilateral trade with their respective neighbouring countries – a situation that continues to be there as regards to Indo-Central Asian trade in energy, consumer and industrial products, which constitutes just 1% of the region’s total trade.\(^4\) In absence of a direct surface link, the whole Indo-Central Asian trade\(^5\) is currently conducted by air lifts from Dubai and Delhi airports and shipments through Bandar Abbas at Chabahar in Iran.\(^6\) The same is true of the Indo-Pak bilateral trade,\(^7\) which was limited to 250.86 million U.S. dollars in 2000-01 and 2.23307 billion U.S. dollars in 2008 with the trade balance in India’s favour.\(^8\) Indo-Afghan and Pak-Afghan trade is also a story of predicament when viewed from a regional perspective. More crucial is the negligible share of energy in the region’s “Production Consumption Trade Structure”: the share of energy in Indo-Central Asian trade is far less than China though India, like China, is a growing economy, and its oil and gas companies have shares worth 3.5 billion U.S. dollars in Kazakh and Uzbek energy exploration projects.\(^9\) India’s insignificant share in energy trade was aggravated by her precipitously depleting traditional coal reserves,\(^10\) and limited capacity in nuclear (1.5%) and power production (2%). True she strives to keep balance between energy production and consumption by diversifying her energy partners, Azerbaijan,\(^11\) Bangladesh and Myanmar,\(^12\) and increasing indigenous production.\(^13\) Nevertheless, India confronts a deep energy


\(^5\) The trade items include foodstuffs, mineral products, chemicals, hides and skins, precious metals and stones. The share of energy being far less.


crisis with periodic power cuts and black outs to the great jeopardy of the masses, entrepreneurs and investors in villages, cities and towns alike. Consequently, she is constrained to bank upon the Persian Gulf states for 70% of her energy imports, and that way, ranks as Asia’s third biggest oil consumer. The latest Indo-US, Indo-French, Indo-Kazakh and Indo-Russian nuclear deals, together with India’s endeavours to seek a waiver in the 45 nations Energy Suppliers Group at Vienna (September, 2008) to trade in civil nuclear technology and fuels, should be seen in the backdrop of India’s strategy to write off an acute energy crisis. But India is not the sole energy deficient South Asian country. Pakistan and Afghanistan are also beset with an acute energy crisis; hence, recurring power cuts which deter national industrial growth, public inconvenience aside. Pakistan’s current energy demand is between 6-7%, more or less the same as that of India. It would still increase in the coming years: her gas deficits from 1.4 billion cubic feet per day in 2015 are expected to increase to 2.7 billion cubic feet per day by 2025, and her current oil requirement is expected to go up from 16 million to 100 million tonnes by 2025.

Besides inflexible borders, the Kashmir conflict forms another principle factor of political uncertainty in South Asia. As argued above, the un-natural division of Kashmir fostered an immense Indo-Pak rivalry in the region. Since both make claims on Kashmir on historical, religious and ideological grounds, they, as such, fought wars in 1965 and 1971, which the latter culminated with the separation of East and West Pakistan, followed by the “Kargil War” between them (May-July, 1999). They also locked horns over the separatist movement of the Kashmiris against India in Jammu and Kashmir. Pakistan offered logistics to the Kashmiri secessionists which India has been unceasingly contesting in all forums. The issue took a serious turn when the Kashmiris took up arms in the late 1990s against Indian forces. Alarmingly, they found support from the Pakistan-based militant organizations, such as Laskar-e Taiba and Jaish-i Muhmaddi, said to be splinter groups of the Taliban and Al Qaeda. Eventually, therefore, the Kashmiris experienced a wide variety of tribulations over the last two decades: 100,000 lost their lives, thousands were rendered destitute, orphans, homeless, sick and physically handicapped. In view of the allied currents and cross currents, Kashmir has become a flashpoint and a threat to regional peace and security according to Admiral Mike Mullen, the current Chairman of the Joint Chiefs of Staff. The U.S. Secretary of State for Public Affairs, Philip J. Crowley, also observed the great impact of the Kashmir conflict on South Asian peace and security; hence, he suggested that “…the decades old issue should be resolved between the

13 Lately in September, 2008, India’s petrochemical giant, Reliance Industries Ltd., mined huge dumps of oil and gas from the Krishna-Godavari basin in the Bay of Bengal, which is estimated to account for India’s 40% energy requirement in the coming years: Pratik Pari, “Auctions for Coal-Gas Areas by Year-end,” Mint, July 16, 2008, p.21.
two South Asian neighbours with active participation of the Kashmiri people,” and without this “there is no peace possible in the region.”\(^\text{17}\)

**Remedies**

Therefore, the trajectory of developments suggests that India, Pakistan, Afghanistan and Kashmir are closely interwoven in a network relationship, which has to be based on peace-keeping their own security, keeping in mind their shared past and mutual economic interests. However, it entails that all contending players keep their options open for dialogue based on a zero-sum principle. By doing so, they would develop confidence to resolve border disputes, which, in turn, would culminate in geographical reunification and restoration of trans-Kashmir ancient trade routes, the offshoots of the “Grand Silk Route” connecting China and Rome across the Middle East, South and Central Asia. One major route crisscrossing Kashmir across the Karakoram in the east connected India with Central Asia (modern Kyrgyzstan) through Srinagar and Ladakh in Jammu and Kashmir (India) and the Chinese part of Central Asia called the Xinjiang Uighur Autonomous Republic. The second route passed through Srinagar and Bandipora in Jammu and Kashmir (India) and reached Gilgit in AJK (Pakistan), where it took three different directions, one again crossed the Karakoram, then moved up towards Xinjiang in the east, another route traversed the Pamirs in the north, entered Murghab and reached modern Tajikistan (Gilgit Route: Map 1), and yet another route crossed over

the Pamirs to enter Wakhan Corridor in the northwest and terminates in Afghanistan-controlled Badakhshan. On reaching there, it split into two sub-routes, one down west towards Kabul, and another southwest towards the modern Central Asian states of Tajikistan, Uzbekistan and Turkmenistan and Iran along the Afghan cross border-points at Kunduz, Termiz, Mazar-i Sharif, Jalalabad, Sheberghan and Meshad respectively (Wakhan Route: Map 2). The fourth principal route originating from Srinagar in Jammu and Kashmir (India), traversed Muzaffarabad and Rawalpindi in AJK (Pakistan), moved ahead towards Peshawar or Gandhara (Pakistan), crossed over the Hindukush and Khyber Mountains, reached Kabul in Afghanistan, and then moved to the Central Asian states and Iran along the aforementioned Afghan cross border-points. (Srinagar-Muzaffarabad or Gandhara Route: Map 3). All these routes were interconnected within the same geographical space by several other micro outlets including Kargil-Iskardoo, Poonch-Rawalakot, etc. To reiterate, these transmission channels were very useful in promoting inter-faith and intercultural dialogue, providing employment to millions of people, and facilitating the sharing of knowledge, expertise and ideas among different social groups.

However, their revival is conditioned by the friendly ties between India, Pakistan and Afghanistan with extraneous support from regional and global powers. They requiring reshaping their policies lest the “vested interests” exploit their unfriendly ties. Hillary Clinton, the U.S. Secretary of State, rightly urged upon India and Pakistan to amicably resolve long-pending issues including Kashmir as the security of both countries is “threatened by extremism and terrorism.”18 Without their

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friendship, it is hard to defeat the Taliban who are dominant in one-third of Afghanistan’s thirty-four provinces, “where the insurgency has grown more violent, more pervasive and more sophisticated,” said Admiral Mullen in Kabul, Afghanistan on December 15, 2009.  

But this is possible through what Johan Galtung describes as the “peaceful methodology” of “generational sustainability.” It demands the parties in conflict to grapple with the real issues and recognize mutual constraints and compulsions within peaceful constructs. According to Harold Saunders, such a “dialogue methodology” or “composite or sustained dialogue” warrants the contending parties to engage in dialogue, identify problems under dispute, appreciate mutual constraints and limitations, hash out a joint course of action for conflict resolution, and transform otherwise unfriendly relations into optimism.

Such a methodology was successfully tried by India and Pakistan with the reopening of two traditional routes, Srinagar-Muzaffarabad and Poonch-Rawalakot, on October 21, 2008: matured political leadership in the two countries, growing external pressure, common security threats, and the

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unflinching endeavours of diplomats, officials, cultural elite, media groups and social activists for “a peace process” and “a sustained dialogue.” However, the sustained pressure of the Kashmiris for the same cannot be underestimated. Though their June agitation in 2008 was a reaction to the economic blockade caused by the Jammuites (people of the other division of the Jammu and Kashmir state) to the in-coming supplies from the Indian Punjab through the Banihal road, yet it was the reiteration of their cherished demand for restoring traditional borders towards the northwest. More than half a million Kashmiris took out processions on August 11, 2008, to force their passage through the Srinagar-Muzaffarabad Route in Jammu and Kashmir symbolically to explore markets for their agricultural, horticultural, floricultural and craft products in the non-Indian markets in Pakistan, Afghanistan and Central Asia. All these factors contributed to the reopening of the Srinagar-Muzaffarabad and Poonch-Rawalakot ancient roads for restricted permit-based truck trade as the “roads do not carry enough traffic,” usually essential for regular traffic and trade. The complacency of the given confidence building measure (CBM) was such that both countries readily agreed sharing the list of nuclear installations, exchanging specific information and conducting joint investigations on terrorist incidents.

Unluckily, the Mumbai terrorist attack on November 26, 2008, further stalled the dialogue process. The spillover of the heightened tension virtually brought the two countries to the brink of war, but was averted, where after Pakistani Foreign Minister, Shah Mehmood Quershi, argued: “We want to…resume dialogue with India because we feel that if we want regional peace, then normal friendly relations between Pakistan and India will play a significant role.” The frequent meetings of the foreign secretaries of the two countries at Trieste, Italy (June, 2008), Sharm El Sheikh, Egypt (July 13-14) and elsewhere, are indicative of hope amid despair and disappointment. No doubt again, their bilateral relations are going through rough weathers notwithstanding U.S. motivation. But given the growing security threats from non-state forces in the South Asian region, both countries have no option but to resume dialogue for a resolution of all disputes for regional peace and development. The reopening of trans-Kashmir traditional routes, being one option, would go a long way in transforming their otherwise unpleasant relations into optimism. As argued above, both countries have done substantial work prior to the Mumbai attack, which led to the reopening of Srinagar-Muzaffarabad and Poonch-Rawalakot for limited trade and movement, which luckily remain

24 The blockade and the consequential march to Muzaffarabad should be seen in the backdrop of a dispute on the act of the Jammu and Kashmir to transfer 800 acres of forest land in Kashmir to the Hindu Shrine Board. It registered a sharp reaction from Kashmiri Muslims. Under public pressure, the state revoked the transfer order which instantly created a strong reaction among the Hindus in Jammu, another division of Jammu and Kashmir State. The Jammuites launched a strong agitation against it. For the first time in more than 50 years, the Jammuites and the Kashmiris locked horns with each other and took an open stand about Kashmir’s accession with India, one for and another against it. For details see the English daily *Greater Kashmir*, Srinagar, from June-August, 2008.
functional despite mistrust of the two countries of each other. As a matter of fact, both countries should anticipate more militant attacks in future. But that should not change the course of heading towards peace talks and mutual dialogue leading, *inter alia*, to reviving all traditional trade routes across Kashmir at large.

**Overall Benefits**

This would include the revival of the Gilgit and Wakhan routes for the mutual benefits of parties otherwise at variance. In fact, such an initiative would reunite the three unfriendly neighbours to counter burgeoning terrorism, marginalize tension, ensure regional and economic integration, console “restive” groups and facilitate their merger with the progressive and peaceful world communities. In addition, it would, re-engage the countries of “Asian Civilization” into a single historic-cultural whole as was felt necessary by Indian Minister of External Affairs, Natwar Singh, in the Astana Summit of the Shanghai Cooperation Organisation (SCO) in 2005. General benefits apart, the proposed initiative would provide benefits to India, Pakistan, Afghanistan and Central Asian countries. Indo-Central Asian trade level would swell manifold from the estimated 100 million U.S. dollars in 2000-01 and 230 million U.S. dollars in 2005 with Kazakhstan contributing more than 50%.  

Indo-Pak bilateral trade volume estimated at 2.23307 billion U.S. dollars in 2007-08, would also enhance especially when their cross-border trade in smuggled goods, worth 10 billion U.S. dollars, is formalized. Accordingly, the structure of Indian exports in sugar, dyes, plastic and petroleum products, machinery, tyres, chemicals, tea, cotton etc., and Pakistan’s exports in edible oils, spices, dry fruits, nuts, cotton, yarn and fabrics, organic chemicals and pulses, normally targeted at 11 billion U.S. dollars, would correspondingly widen, of course in India’s favour. While Indian exports would be 9.2 billion U.S. dollars, that of Pakistan would be 2.2 billion U.S. dollars. Understandably, Pakistan may avoid negotiating such a deal that would be in India’s favour. But for globalization and its core objective to obliterate economic disparity between the developed and developing countries, Pakistan shall have to subscribe to becoming a regular Indian trade partner in

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the regional trade structure. She is reported to have since permitted the passage of Afghan goods to India under the terms of the Afghan Transit Trade (ATT). In fact, both Pakistan and Afghanistan would be the beneficiary of the proposed initiative of reopening of the trans-Kashmir trade links along the Gilgit, Wakhan and other geographic zones. They would earn regular transit fee, with which to re-energise their fragile economies.

The restitution of traditional routes would be a sustainable “economic package” to the 6-7 million Kashmiris, and would generate an annual income of 40 U.S. million dollars, enhance their per-capita income to $745 in the next ten years and increase the GDP of the State of Jammu and Kashmir by 9.5%, and, above all, diversify her trade and transportation corridors towards the northwest: her exports in fruits, carpets, rugs, chain stitch, wall hangings, shawls, embroidery, silk and silken cloths, shawls, spices, flowers, saffron, Kashmiri cuisine (wazwaan), timber, furniture, aromatic and fruit bearing plants, would easily reach out to non-Indian markets in South and Central Asia. It would simultaneously open new markets, where they can import daily consumer goods, as and when, their original Delhi-bound Banihal road supply is threatened by man-made or God-made forces. To be precise, the sole Banihal road link has been, many a times, if not always, the source of insurmountable inconvenience due to oft-recurring land-slides and blockades following rainfall and snowfall especially during the winter. These are again complicated by ethno-regional and ethno-ideological differences. While the people of the Kashmir division in Jammu and Kashmir, mostly Muslims, agitate for separation from India, the people of the Jammu division in Jammu and Kashmir, largely Hindus, hold otherwise: they feel contented with India. More crucial is that Kashmir is a highly seismic zone, and is vulnerable to high intensity earthquakes, which inevitably mandate a number of outlets for disaster management and human security. A research study carried out at the United States Institute of Peace (USIP) in Washington D.C., rightly recommended the reopening of five cross-LoC points, the resumption of riverine transportation along the Jehlum River and the construction of railways between Sialkote and Jammu, and Rawalpindi, Muzaffarabad, Abbotabad, Uri and Srinagar for effective disaster management and the promotion of people-to-people contacts. 35

One may recall that these routes were optimized for relief during a massive earthquake in the area in 2005. Thus multiple access points across Jammu and Kashmir (India) and AJK (Pakistan) would be in conjunction with the proposed initiative of reopening all trans-Kashmir ancient roads for free trade and human mobility.

Besides general trade, the reopening would facilitate energy importation from Central Asia to energy-deficient India, Pakistan and Afghanistan. Two major trans-Afghanistan and trans-Pakistan gas pipeline projects, Turkmenistan-Afghanistan-Pakistan-India (TAPI) 36 and Iran-Pakistan-India


36 Afghanistan is preferred for her strategic location and economic reasons: she is the “closest, shortest and cheapest route to the sea and...fairly conducive for carrying an energy pipeline to Asian markets.”: Taimur Rehman: “The Great Game for Central Asian Oil,” April 5, 2003: http://www.chowk.com. It would pipe around 20 billion cubic metres of gas, over 1,400-1,700 kilometres, from the Daulatabad gas fields in Turkmenistan to Afghanistan, Pakistan and India via Herat-Kandhar-Quetta-Multan: Everett Wilson, “Turkmenistan-Afghanistan-
(IPI) 37 estimated at 2.8-3.5 billion U.S. dollars 38 and 7 billion U.S. dollars respectively, have no doubt been cleared by the World Bank and the Iranian government to cater to the swelling Asian energy demand. Importantly, the TAPI is supported by the U.S. under its oil diplomacy programme in Eurasia 39 for it would skirt rival Russian and Iranian energy transportation channels, generate jobs, marginalize U.S. dependence on the Gulf 40 and earn Afghanistan transit rentals, with which to compensate her annual expenditure of more than 300 million U.S. dollars on development works in Afghanistan. Contrarily, however, Russia and Iran strive to downplay the U.S. energy diplomacy in their own way. Despite diametrically opposite U.S.-Russia-Iran energy proposed projects, the TAPI and IPI, on maturity, would solidify intra-regional cooperation, reconnect South and Central Asian countries and strengthen their weak economies. On their account, Pakistan would annually earn a royalty of 200 million U.S. dollars and 500 million U.S. dollars respectively. 41 Afghanistan too would benefit by transit rentals proportionate to her given passage to the pipeline structure of TAPI on her soil. More so, the two projects would mitigate the deep energy crisis of the South Asian population, to which India alone contributes more than 72%. However, India’s option would be IPI because Iran finances 60% of its costs and supplies, which is not only 20% cheaper than TAPI, saving India around 2 billion U.S. dollars but also more dependable as Iran has a proven 17% gas reserves in the world. Compared to Iran, the Turkmen supply through TAPI would not be that dependable since Turkmenistan has already too many long standing buyers 42 for its gas produce. 43 Lately, China also joined a energy partnership with Turkmenistan. 44 Further, TAPI would take some more time to complete, whereas IPI has since been cleared for execution by Iranian and Pakistani governments. India would join it, sooner or later, while keeping her political differences with Pakistan at bay.


37 The IPI is proposed from Iranian Salute ports in the Persian Gulf to the Gwadar port in Karachi in Southeastern Pakistan and onwards to Indian borders over 2,775 km, to which Pakistan alone contributes 750 km “Iran-Pakistan-India Gas Pipeline Project and its Impact,” Iran-India: A Shared Vision towards Progress, p. 20.


However, Asia’s energy demand is so large that TAPI and IPI cannot alone meet it. Many more projects are necessitated for the transportation of energy from Central Asia to South Asia. These can include few pipeline projects along the above argued Gilgit, Wakhan and Srinagar-Muzaffarabad traditional routes; hence, be a part of few ambitious transportation projects conceived by some regional powers to construct new and reconnect old “Silk Roads” through highly standardized highways, railways, bridges, and telecommunication systems with support from different funding agencies. At no point, would they intercept the above discussed trans-Afghan and trans-Pak TAPI and IPI energy pipeline projects. It is a fact that the proposed trans-Gilgit, trans-Wakhan and trans-Srinagar-Muzaffarabad energy supplies would be no substitute to the Gulf supplies. But these would indisputably diminish India’s continued dependence on the Gulf. More so, they would facilitate importation of much-needed uranium supplies from Russia and Kazakhstan to India. On the eve of President Nursultan Nazarbaeve’s visit to India on January 23-24, 2009, the Indian and Kazakhstan governments cleared the trilateral agreements between Nuclear Power Cooperation of National Atomic Company Kazatomprom, Oil and Natural Gas Corporation Mittal Energy Ltd. and National Company KazMunaiGaz JSC, for nuclear civil energy cooperation and mining and shifting of uranium from Kazakhstan to India. The trans-LoC or trans-Kashmir corridors offer a natural corridor for uranium transportation from Kazakhstan, Russia and other Eurasian Uranium-rich countries to India. Concurrently, India would become a great partner to the South and Central Asian “Energy Production Consumption Trade Structure,” and so would Pakistan and Afghanistan on the en-route. Besides the three Asian counterparts, Central Asian states would explore quite virgin corridors for oil, gas, electricity and uranium transportation to South Asia. They would be sensitized to the sale of their hydrocarbons and hydropower at better terms than offered to them by the Russian, Iranian and, of late, European oil and gas companies. It is indeed this feasibility that impressed a retired Indian army officer to propose hydropower imports from Tajikistan and Kyrgyzstan and oil and gas from Turkmenistan and Uzbekistan into India across the Wakhan Corridor, notwithstanding its complex geo-physical frame. Pakistan is reported to have since negotiated a deal to import hydropower from Tajikistan through the Gilgit route within the proposed region-wide electric grid linking Russian and Kazakhstan coal-fired electric and Tajik and Kyrgyz hydropower grids with energy-starved Afghanistan, India, China, Kashmir and Pakistan. To this effect, an electric energy distribution centre, the Energy was jointly established at Tashkent in 2007 by Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan to coordinate the production and sale of energy resources

among the Eurasian and the Middle East countries. On April 13, 2008, the presidents of Turkmenistan and Afghanistan, resolved at Bucharest to upgrade their cooperation for power and energy transportation over South Asia.\footnote{The China and Eurasia Forum: Biweekly Newsletter, March 17-April 14 (Central Asia–Caucasus Institute and Silk Road Studies Programme, Sweden, 2008).} Even the SCO Business Council meeting in Siberia on September 11, 2008, resolved to set up an SCO Energy Club for equitable energy sharing between the producers and consumers. The less vulnerable trans-Kashmir corridors would be better than those conceived under the long-distanced TAPI and IPI gas pipeline projects across the most sensitive terrain of Herat, Quetta, Multan and Baluchistan.

The proposed initiative of “border reopening” would inspire all three South Asian powers toward security cooperation. Instead of a coordinated strategy, each country pursues its individual agenda to fight back the Taliban and its offsprings. Consequently, the radical forces have become more vibrant than before in the entire belt of Afghanistan and Pakistan with immense human losses and damage to the state systems and structures. Perhaps anticipating their intentions, former President Pervez Musharraf of Pakistan had launched an offensive to eliminate them and their tribal supporters\footnote{Ismail Khan, “The Game is Up for Uzbeks,” Dawn (April 16, 2007). Bahukatumbi Raman, “Anti-Uzbek Anger in South Waziristan,” International Terrorism Monitor-South Asia Analysis Group Paper No. 215, April 8, 2007: http://www.saag.org/percentCpapers22percent5Cpaper2200.html} in the North West Frontier Province (NWFP),\footnote{Kashmir Uzma, Urdu, Srinagar, June 17, 2007.} and dissuade youths from joining them in Waziristan.\footnote{The SENSIL Council representing the British Development think tank, Afghanistan Five Years Later: The Return of the Taliban, Spring/Summer 2006. http://wwwsenliscouncil.net/modules/publications/014_publication/documents/5y_chapter_01 (May 21 2006).} The level of complacency was such that U.S. political analysts like Arthur Hermann in the Wall Street Journal,\footnote{Greater Kashmir, Srinagar, June 16, 2007.} Chief of the American Central Command, Admiral William Fallon, Afghan Defence Minister, Mullah Ab. Rahim, in a press conference at Brussels in June, 2007 and Srinivas Kumar Sinha, the ex- governor of Jammu and Kashmir, during a meeting with the Russian Ambassador in Srinagar, the summer capital of Jammu and Kashmir (India), candidly acknowledged President Musharaf’s post-9/11 serious efforts against non-state forces,\footnote{Kashmir Uzma, Urdu, Srinagar, Jammu and Kashmir, June 17, 2007.} albeit it cost heavily to Pakistan especially after the “Lal Masjid Episode” in 2007.\footnote{“Pakistan: Time to Cut a Deal,” The Economist 383:8529 (2007) p. 14.} Violence became rampant on the one hand\footnote{“Briefing Pakistan: A General State of Disarray,” The Economist 383:8529 (2007) pp. 28-30.} and public pressure mounted immensely on the other, which together paved the way for the downfall of President Musharaf’s military regime by Pakistan Peoples Party headed by Prime Minister Yusuf Ali Geelani and President Asif Ali Zardari. However, the new government carried forward Musharaf’s counter-militancy agenda with proactive U.S. support especially under President Barack Obama’s new Afghan policy with deployment of additional forces. For the first time, Pakistan’s regular army is fighting the militants deep into Waziristan, Baluchistan and NWFP, and taking control of their strongholds.
Despite successes against the militants, the situation is protean in the region. The militants strike back heavily on Pakistan and NATO forces for they possess a robust network around the region, which is reinforced by their sophisticated weaponry and appeal for *jihad* among those tribal communities, who are largely illiterate, backward and innocent, and who have been always reactive to the presence of foreign forces in Afghanistan.59 Such people are infatuated with the *jihadi* zeal, and can undergo any challenge for its pursuit. They can find a space in Kashmir for being a conflict zone, largely inhabited by the Muslim fraternity. To avoid such a situation in the foreseeable future, it is desirable for India and Pakistan to settle the long-pending Kashmir issue through peaceful methodology.60 In the past, there have been some efforts to this effect. However, these being half-hearted, require to be solidified by developing mutual trust and staying as good friends lest Kashmir becomes food for the Taliban and Al Qaeda while keeping the aspiration of the restive peoples in mind. To quote Admiral Mullen: “…de-tensioning Indo-Pak border [in Kashmir] is absolutely critical to the long-term stability of the region [South Asia].”61 On the eve of Prime Minister Manmohan Singh’s Kashmir visit to inaugurate Srinagar-Jammu Railway Line, Umar Abdullah, the chief minister of the Jammu and Kashmir, supported the idea of the solution of Kashmir conflict by arguing that, “We are in favour of Indo-Pak composite dialogue and want the internal situation in Pakistan to settle for the resumption of peace process. We also want the relations between the two neighbours to improve, peaceful borders and movement of people and goods across the LoC to expand further.”62 The statement is significant for it establishes a close relationship between Kashmir, militancy, borders and regional stability. Given this, India, Pakistan and Afghanistan should prefer mutual understanding to internal feuds lest it should embolden the non-state forces to focus their activities in Kashmir, Xinjiang and the areas prone to ethno-national, ethno-geographic and ethno-economic disputes. This is probably the only viable alternative to ensure peace and stability in South Asia for generational sustainability. This would automatically lay grounds for the restoration of traditional transportation corridors across Jammu and Kashmir, AJK and Afghanistan and onwards to Central Asia.

**Conclusion**

Border politics in South Asia owes its origin to the “Partition” of the Indian sub-continent in 1947, the formation of India and Pakistan on its debris and the sequential division of “Greater Kashmir” into Jammu and Kashmir (India) and AJK (Pakistan). It was supplemented by the lack of a centralized power structure in Afghanistan, which eventually led to its occupation by the Soviets, the emergence of the Taliban, the U.S. presence in Afghanistan, unfriendly Indo-Pak ties and a separatist militant movement in Kashmir. The use of force having failed to account for these complex conflicts,

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peaceful methodology aiming at streamlining border politics, addressing long-pending disputes, identifying a joint mechanism to fight back non-state disruptive forces and intercepting their incursions in Kashmir and elsewhere, is a must for stability in India, Pakistan and Afghanistan in particular and South Asia and the world at large. The contending parties should anticipate many more militant attacks in their respective domains. But it should not derail them from the peace process and composite dialogue. Doing so would open vistas for the reopening of the otherwise sealed India-Pakistan-Afghanistan traditional borders leading to a multitude of benefits for the respective governments and their peoples. Let these routes become “dialogue routes” and a source of defeat to what is threatening the existence of the whole of South Asia. However powerful a country may be, it cannot alone eliminate deeply-entrenched “extremism” and “terrorism” in the region. It is necessary to coordinate with all the regional, sub-regional and global powers for this purpose. Only then the wrongs of the past can be rectified for posterity.
Special Status of Tribal Areas (FATA):
An Artificial Imperial Construct Bleeding Asia

Sarfraz Khan*

Introduction

Federally Administered Tribal Areas (FATA) of Pakistan is a narrow belt stretching along the Pak-Afghan border, popularly known as the Durand Line, named after Sir Mortimor Durand, who surveyed and established this borderline between Afghanistan and British India in 1890-1894. It comprises seven agencies namely: Kurram, Khyber, North Waziristan, South Waziristan, Bajaur, Mohmand, and Orakzai along with six Frontier Regions (FRs): FR-Peshawar, FR-Kohat, FR.Bannu, FR.Lakki, FR. D.I.Khan, and FR.Tank. FATA accounts for 27220 km² or 3.4% of Pakistan's land area. Either side of FATA Pashtun tribes reside in Afghanistan and Pakistan. According to the 1998 census the population of FATA was 3.138 million or 2.4% of Pakistan's total population, currently estimated approximately 3.5 million. Various Pashtun Muslim tribes inhabit FATA. A small number of religious minorities, Hindus and Sikhs, also inhabit some of the tribal agencies.

The following are the tribes residing in FATA. In Khyber Agency: Afridi (Adamkhel, Akakhel, Kamarkhel, Kamberkhel, Kukikhel, Malik Dinkhel, Sipah, Zakhakhel), Shinwari (Ali Sherkhel), Mullagori (Ahmadkhel, Ismailkhel) and Shilmani (Shamsherkhel, Haleemzai, Kam Shilmani).¹ In Kurram: Turi, Bangash, Sayed, Zaimusht, Mangal, Muqbil, Ali Sherzai, Massuzai, and Para Chamkani.² In Bajaur: Salarzai branch of the Tarkalanri tribe (Ibrahim Khel, Bram Khel (Khan Khel) and Safi.³ In Mohmand: Musakhel, Tarakzai, Safi, Uthmankhel, and Haleemzai.⁴ In Orakzai: Aurakzai and Daulatzai.⁵ In South Waziristan: Mahsud Wazir, and Dottani/ Suleman Khels.⁶ In North Waziristan: Dawar, Wazir, Saidgi and Gurbaz.⁷ In Frontier Regions: Ahmadzai, Uthmanzai, Shiranis, Ustrana, zarghunkhel, Akhorwal, Shirakai, Tor Chappar, Bostikhel, Jawaki, Hasan khel, Ashukhel, Pasani, Janakor, Tatta, Waraspun, and Dhana.

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⁴ Ibid., p. 42.


⁶ Ibid., p. 3.

⁷ Ibid., p. 3.
Khyber Agency was created in 1879, Waziristan Agency in 1885, and Kurram in 1892. North Waziristan Agency was constituted with its headquarters at Miranshah in 1910. Mohmand Agency was established in 1951, earlier this area had been under the administrative control of Political Agent Khyber. Prior to 1960, Bajaur was a semi-independent area like the State of Dir and Swat, under the political jurisdiction of Political Agent, Malakand. In 1960, Bajaur was declared a sub-division of the then Malakand Agency with an assistant political agent appointed with headquarters at Munda (Dir District) to deal with tribes and look after the political affairs. Bajaur was upgraded to the status of Agency on December 1, 1973. Orakzai Agency, previously a part of FR Kohat, was established in December 1973.

All tribal agencies have a common and contiguous border with Afghanistan, except the Orakzai Agency. The British reached borderland tribes after annexing Peshawar. Imperial powers of the time, such as the British, Russia, Germany, Persia and the Ottoman were all focusing on Afghanistan and the adjacent tribal areas in the middle of the 19\textsuperscript{th} century.

**Imperial Rivalry and the Construction of Tribal Areas by the British**

Following the conquest of the Punjab in 1848, the British came face to face with ethnic Pashtun tribes, a difficult people, well known for resisting rule of Sikhs and Christians, inhabiting the territory between Chitral and Baluchistan. The Amir of Afghanistan, the Sikhs, and the British only wanted spheres of influence in the mountainous borderland. In 1849 onwards, during advances in Hazara, Derajat and Yousufzai, the British professed that they were not interested in the area beyond the line that closely corresponds to that which exists between the settled districts and tribal territory today (current FATA). The hill tribes were free to maintain their independence or pay allegiance to Kabul, as they chose.

Initially British India lacked a coordinated and well calculated policy for its North Western borderland. Various policies, from aggressiveness to neutrality, such as “masterly inactivity” “conciliatory or peaceful intervention,” “close border policy,” “forward policy” and “modified

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13 Pursued until the end of the 19\textsuperscript{th} century, aimed to govern the plains and leave the hills as a sort of human “nature reserve.” When they became too troublesome, killing and kidnapping the dwellers in the plains, driving off their cattle, raping their women. They were subjected to punitive expeditions into a hostile tribe’s country which killed a few of the men, blew up the fortified towers, pulled down the terraces of the field extracted a fine in cash and firearms and then withdrew. This procedure was known as “Butcher and Bolt.”
forward policy” were adopted, ostensibly responding to Russia’s advances in Central Asia. Gradually, the British realized that a modified forward policy, based on the concept of peaceful penetration, gradual extension of control over the tribes may meet more appropriately their needs.

British policy in the frontier borderland comprised two phases; from 1849 to 1878 (close border policy) and 1878-1901 (forward policy). To defend against Russia the British acquired control of the Khyber, Kurram and Bolan passes, but this did not help them fully control the passes. Troops could protect the settled districts well. In the hills, however, casualties rose, expenses supply increased and the offending tribesmen remained elusive or out of reach. A column of several thousand soldiers, spending enormous resources, could at most destroy an empty fort or an abandoned village.

To keep the passes open, the British developed a complex system resembling that of the Mongols. The tribes were controlled by (1) offering subsidies, (2) playing one clan against another, (3) taking hostages to ensure good behavior. The British came into actual conflict first with the Afridis in 1854, after annexing the Peshawar Valley. They signed various agreements with various sub-tribes of Afridis: Kuki Khel, Zakha Khel, Malikdin Khel and Qambar Khel in 1857; Sepah and Kamar Khel in 1861; and Aka Khel in 1867.

The first step in forward policy was taken in 1876 in the area currently known as Balochistan. Benjamin Disraeli, Prime Minister in 1874, promoted a policy to build a strategic line of defense against Russian penetration in Central Asia. Tsarist Russia rapidly expanded their holdings in Central Asia by capturing Khiva, Bukhara and Farghana. The fall of Kabul and Kandahar was palpable, especially the way Bukhara and Samarqand gave in. Lord Robert Sandeman concluded an agreement with the Khan of Qalat, securing a lease of Quetta and its environs, together with Bolan Pass for British. A British Indian force was cantoned at Quetta. Sher Ali, the Afghan Amir, resented and feared the advance of British India’s frontier to Shal. In 1878, Sher Ali responded by inviting a Russian mission to Kabul and declining entry to a British mission through the Khyber Pass. Resultantly, the second Anglo-Afghan War ensued giving impetus to bloodshed and British forward policy in the borderland. Afghan forces were expelled from Khyber and Kurram as a consequence of Treaty of Gandamak in 1879.

In 1879, an administrative unit, known as the Khyber Agency was created, with Pierre Louis Napoleon Cavagnari as its first political officer. In 1881, an agreement to keep the Khyber Pass open for trade was signed between the British government and the Afridis. The agreement stipulated: 1) the recognition of independence of the tribe, 2) an annual subsidy to various sub-tribes and, 3) the raising of Jezalchis (later Khyber Rifles) for protection of the pass.

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14 Occupying and administering the country right up to the Durand Line (not followed, owing to lack of resources and the need for war games to test military training and capability).
17 Ibid., p.108.
19 Ibid., pp. 373-375.
The area, presently called Kurram Agency, had been a part of Afghanistan before the second Afghan War in 1878-79. The local Turi population continuously resisted and resented the Afghan domination and during the Second Afghan War, supported Lord Roberts, Commander of the Kurram Field Force. Afghan forces left Kurram following the Treaty of Gandamak leading to continuous strife amongst tribes in the absence of a central authority. The British set up a loose form of administration in Kurram following threats by Turis of submission to Afghan rule. In 1891, the British occupied Samana and built forts in Kurram. In 1892, the British government intervened at the request of the Turi tribe, then occupied Kurram and declared it an agency.

Perturbed at the British advances, Amir Abdurrahman agreed to accept the Durand Mission. “The boundary line was agreed upon from Chitral and Baroghil Pass up to Peshawar, and thence up to Koh-i-Malik Siyah [the trijunction of Persia, Afghanistan and Balochistan] in this way that Wakhan Kafiristan, Asmar, Mohmand of Lalpura, and one portion of Waziristan [Birmal] came under my rule, and I renounced my claims from the railway station of New Chaman, Chagai, the rest of Wazir, Biland Khel, Kurram, Afridi, Bajaur, Swat, Buner, Dir, Chilas and Chitral.” A tribal uprising, in 1897, has been considered a revolt against the British forward policy.

After 1893, it was possible to think of a tribal belt under British control between Afghanistan and the administered border of India, a belt of which the limits were defined on both sides, east and west, and well known to all concerned. In the agreement the line was not described as the boundary of India but as the frontier of the Amir’s dominions and the line beyond which neither side would exercise interference. This was because the British government did not intend to absorb the tribes into their administrative system, only to extend their own, and exclude the Amir’s authority in the territory east and south of the line.

In September 1895 the Pamir Boundary Agreement with Russia established the Russian-Afghan border in the Pamir area and completed the international boundaries of Afghanistan. The close border supporters argued that the agreement with Russia by delimiting Afghanistan had settled the position of Afghanistan as a buffer state and had reduced the chances of a clash with Russia. They also pointed out that taking over the tribal area would result in a greatly increased drain on revenue. However, between 1897-98 a compromise policy was adopted based on three points: 1) concentration of forces, 2) avoiding unnecessary interference in the tribes and 3) control over the trafficking of arms.

In 1897, during the Tochi and Malakand disturbances, a general uprising amongst Afridis of Khyber against the British has been witnessed. British forces succeeded in capturing Ali Masjid,

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20 Ibid., p.380.
22 Op. cit., Caroe, as per note 18, p.381.
23 Life of Abdurrahman 2 (1900) p.160.
27 Great Britain, Parliamentary Papers 1898, LXIII, N-WF, Command papers, 8714, pp. 11-17.
Landikotal and almost the entire Pass. In 1898, the Afridi revolt was quelled and they submitted to the British. In October 1898, a representative Darbar of Tribes of Khyber was held at Peshawar. The grand Afridi Jirga (Council) accepted terms of the government and signed an agreement restoring allowances to the tribe. In 1902, the political officer was renamed as political agent and Major General Roose Keppel became the first political agent of Khyber.

When George Curzon arrived in India, in 1899 he reintroduced the old close border policy keeping tribal territory as a “marchland.” New militias were organized in Waziristan, Kurram, and Khyber. Regular troops were withdrawn, and the security of tribal areas were given over to militia units, such as Khyber Rifles, Samana Rifles and Tochi scouts. Subsidies were increased, and the development of communication and transportation systems provided work to the tribes. The political agents were given almost complete responsibility to rule their agencies and reported directly to the Agent to the Governor General. Curzon’s modified close border policy reduced expenditure on military activity in the tribal area, ushering in a period of relative peace.

In 1919, during the Third Afghan War, a tribal uprising began. Simultaneously the new Bolshevik Russian menace also surfaced. A large contingent of troops was sent to the tribal areas in 1919-29, followed by the construction of road system linking Wana, Razmak and Miranshah. Permanent garrisons were established in Razmak, Miranshah and Wana and the militia system was reorganized.

The modified forward policy also known as Razmak Policy, in theory, was limited to Waziristan only. Large cantonments were established at Wana and Razmak, troops re-entered entire tribal areas, flexing British muscles beyond the administrative border extended throughout the tribal areas. In 1921, a railroad linking Peshawar and Fort Jamrud was pushed up to Landikotal. In 1922, the Razmak Policy was approved by the North West Frontier Enquiry Committee and it became known as “peaceful penetration,” “control from within” and remained effective until the end. This new forward policy gave assurance that it does not aim at military conquests but shall bring hill tribes the benefits of civilization and economic improvement. However, very little changed, the prevailing climate of force and suppression continued. A few services were offered in health and education. The primitive living conditions of the tribes remained unchanged.

In 1922, the British summarized a century of their policy on the frontier, “the ultimate aim of our whole frontier policy is the security of India. The immediate object of our North West Frontier policy is to control the trans-frontier tribes as to secure life and property in our frontier districts.” In the name of the security of India (now read Pakistan) and settled districts (now read NWFP) or defense against Russia (now read “War against Terror”), seeds of discord, hatred against neighbours

28 Parliamentary Papers, 1901, XLIX, N-WF, Cd. 496, p. 72.
31 NWFP Administration Report, 1928, p. 270.
and militant versions of Islam were sown. All these led to interference, war and civil strife in Afghanistan and its neighbours.

The British signed agreements with each tribe independently. They recognized tribal areas as special areas where the tribes would be allowed to live their life according to their customs and traditions. British rule was extended to government property, main roads and a hundred yards on either side of it. An office of the Political Agent was created in every agency with full administrative and judicial powers. The system of administration in the tribal areas based itself on the principle of collective tribal territorial responsibility, ostensibly enshrined in the customs and usages prevailing in the tribal areas. Under this system, if a crime originates anywhere, the section of the tribe on whose soil the crime is committed is held accountable and answerable to the government. This was the cornerstone of political administration. It meant that the whole tribe or khel was held responsible for the wrong doing of its members.

Colonel John Coke, the officer in charge of the Kohat Pass Afridis, first enunciated the notion of “collective responsibility.” He prescribed the procedure in case of trouble thus: “to close the Pass at once, seize all the Afridis to be found in the Peshawar and Kohat districts, put the men in jail, sell their cattle, stop all Pass allowances held by the Afridis, and, when the matter is settled, cause all losses to be made good, not from their confiscated allowances, but from the allowances made from the time they may commence.”  

Herbert Edwardes perfected the technique of collective responsibility, after becoming the commissioner of the Peshawar Division in October 1853. Edwardes barred the offending tribes from the Peshawar market, thereby making the community suffer for its complicity in crime, or unwillingness to exert itself for its punishment and prevention. He first exercised against Kukikhel Afridi in whose area a British messenger intercepted and robbed him of quinine bottles. It proved to be a useful tool for the British and various successive rulers (including Pakistan) to control the tribes.

Despite subsidies, blockades and subversion the tribal areas remained intractable. From 1849-1878 there were 40 expeditions into the hills. These expeditions followed what William Barton called the “burn and scuttle” policy. Since the troops were seldom able to come to grips with the tribesmen in open battle, fields were burned, houses destroyed, fruit trees cut down, and in a few classic cases the ground was ploughed with salt. In view of the British it served to deter tribes from disregarding British regulations but in tribal eyes, the expeditions in most cases simply increased the weight of badal (revenge) to be exacted from the British.

(1) Creation of Pakistan

The Indian Independence Act, Clause 7, Paragraph c, provides: “There lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any powers

\[\text{34 Government of India, Central Asia, Part I, p. 6.}\]
\[\text{36 Op. cit., Spain, as per note 16, p. 56.}\]
\[\text{37 Ibid., p.115.}\]
having authority in the tribal areas, and obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority, or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance, or otherwise.”

On the eve of independence in March 1947 some Afridi Maliks called on Olaf Caroe at the Government House Peshawar saying, “We won’t deal with the Congress Party. We won’t deal with the Muslim League. We may deal with a government representing both sides. We own the Khyber Pass and will bargain on that basis.” In April Malik Abdul Latif Khan, Malikdeen Khel Afridi threatened Lord Mountbatten during his visit to NWFP, to negotiate with Afghanistan unless future relations were adjusted to his satisfaction.

It is stated that tribal jirgas made agreements with George Cunningham and accepted Pakistan as their new suzerain on the same terms as had existed with the British. Prime Minister, Liaqat Ali Khan, visited tribal areas in mid-January 1948 requesting on January 15, a jirga at Landikotal for withdrawal of tribesmen from Kashmir. It is widely believed that Muhammad Ali Jinnah graced an all tribal jirga on April 17 in Peshawar in which 200 Mailks pledged their allegiance to Pakistan and requested that they be placed under the direct administration of the central government. The request was met on July 6, Jinnah created the Ministry of States and Frontier Regions and took charge personally of the tribal area.

Pakistan came into being on August 14, 1947 as a result of the partition of British India, comprising the provinces of East Bengal, Punjab, Sind, North West Frontier Province and State of Qalat (modern day Baluchistan). With autonomous tribes (modern day FATA) Pakistan had to reach an agreement. It is widely believed that Jinnah, the Governor General of Pakistan, gave a solemn pledge to the tribes not to interfere in the internal affairs of the tribes in exchange for joining Pakistan. Agreement with all tribes from November 15-22, 1947, was signed by the political secretary A. S. B. Shah on behalf of Jinnah, the Governor General of Pakistan. *Modus apparendi* of agreements had been that various political agents held meetings with tribal individuals, at times gatherings, and signed documents promising allegiance to and cooperation with Pakistan in return for continued allowances and benefits.

For instance, such meetings in Khyber were held on January 12-15, 1948, and May 10, 1953. Faruqui for the Pakistan government signed these documents on September 30, 1955. In Kurram from November 15 to December 21, 1947, agreements of allegiance to Pakistan and pledge to assist Pakistan were concluded and signed by Shah on June 16, 1948. The tribes realized that the withdrawal of Pakistani troops was not carried out from a position of strength as in the days of Curzon but from weakness because troops were needed on the Indian border and Kashmir.

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(2) Special status

Occupying and administering the country up to the Durand Line not only required financial resources but stationing of a large army without the benefit of annual war games much needed for the army. Compromised policy toward the North West Frontier, an administered border of British India having the blessings of civilizations, law and order, Indian Penal Code and China, while to the West up to the Durand Line area known as the tribal territory, land of the outlaw and political agents would, without attempting to administer the tribes, do what they could to wean them from their wicked ways.42

(3) Frontier Crimes Regulation (FCR)

Britain introduced a special procedure, different from ordinary legal procedures, for the trial of cases in tribal areas. Under this special procedure the deputy commissioner with the concurrence of the commissioner was authorized to order the removal of villages, restricting the erection of hamlets without the sanction of the commissioner, to detain all or any members of tribes acting in a hostile manner, and the imposition of fines on villages and communities. It also authorized him to refer civil disputes and criminal cases to the council of elders for decision. The first regulation was introduced in 1871 known as the FCR 1871, the second regulation was known as the Punjab FCR of 1887 and the final version was the FCR of 1901.

The FCR of 1901 provided for the referral of civil and criminal cases to jirgas appointed by deputy commissioners, blockade of tribes as penalties, community fines, prohibition in certain cases of the erection of new villages, the removal of established villages where necessary to maintain law and order, regulation of hujras and imprisonment to prevent crime. Though the jirga is a Pashtun institution, “the form it took under the FCR was a far cry from its natural state.”43 The members of the jirga were appointed by the Deputy Commissioner and if he did not like a decision brought in by the members of the jirga he could remand the case for further enquiry or refer it to another jirga. The decisions of the jirga were recommendatory and the actual acquittal or conviction and sentence formalized in a decree by the Deputy Commissioner.44

After the creation of Pakistan, FCR was challenged in the High Court on the ground that sections 8 and 11, which lay down a special procedure for the decision of civil and criminal cases are inconsistent with the fundamental rights guaranteed in the constitution of Pakistan, 1956. The high Court declared it to be unconstitutional.

(4) Constitutional status during Raj.

Following the Simon Commission self government was introduced in other parts of India but not in NWFP, and tribal areas. It was decided that Pashtun were neither capable of democratic self-

43 Ibid., p. 146.
44 Ibid., pp. 146-7.
government nor interested in it. After independence the same continued for tribal areas i.e., denial of right to elect their representatives for national institutions.

(5) **Constitutional and legal status of Federally Administered Tribal Areas (FATA)**

The first constitution of Pakistan in March 1956 provided for a parliamentary form of government for the rest of Pakistan but did not bring any change in the political and administrative set up of tribal areas. In the 1962 Constitution, Article 223 keeps tribal areas outside the jurisdiction of central and provincial laws due to the peculiar conditions and problems of the tribal areas. Special powers of the legislation have been given to the governor of the province in which the tribal area is situated. The governor with the approval of the president was empowered to make, repeal and amend any regulations or could amend any central and provincial law for the whole or any part of the area. In the 1973 Constitution, Article 247 maintains the same arrangement for tribal areas. The system of “basic democracy” in Ayub Khan’s era was also extended to tribal areas and representation was granted in national and provincial assemblies of Pakistan. One member each from an electoral college of basic democrats was elected to the national and provincial assembly.

Under Article 247 of the Constitution of the Islamic Republic of Pakistan the Federally Administered Tribal Areas (FATA) falls under the executive authority of the Federation. In terms of Article 247 and the linked Statutory Notification (SRO) 109 issued on June 25, 1970, the administrative powers with respect to FATA vest in the president of Pakistan who appoints the governor of the North West Frontier Province to act as his agent for the FATA to exercise executive authority in these areas, in such manner and to such extent as the president may direct from time to time. The agent to the president assisted in his functions by such officers as may be appointed for the affairs of FATA.

The right to vote for every adult male and female over the age of 21 is denied to the tribes under the President’s Order No.1 of 1975 called the “Preparation of Electoral Rolls (FATA) Order, 1975.” By this order only Maliks and Lungi holders are registered as voters by the political agent and not the people. The political agent confers the status to his favourites with the formal consent of the commissioner.

Impact on the Region and Defense of the Empire and British India

External reasons to grant and perpetuate special status include the defense of the Empire and British India. Imperial rivalry between Czarist Russia and Britain known as the “great game” gave birth to a culture of weakening regimes, conflicts, political intrigues, proxy and factional wars leading to division of various ethnic groups into different political boundaries. Three Anglo-Afghan wars were fought at the turn of the 19th and early 20th centuries destabilizing peace in the region.

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Afghanistan became independent of Britain in 1919, losing certain territories inhabited by ethnic Pukhtuns to British India, eventually becoming part of Pakistan. Ethnic Turks and Tajiks found themselves divided between Afghanistan and holdings of the Russian Empire, currently known as Uzbekistan, Turkmenistan and Tajikistan. Following the Great October Revolution, the British supported a civil war in the Russian holdings, towards north of Afghanistan, but the Russians were able to quell the rebellion and erect a formidable state known as the Soviet Union.

During the Cold War, ideological differences and mistrust increased further. Pakistan and Afghanistan found themselves in warring camps. Trade and interaction between people of the region remained minimal. Political change in one country was viewed as a gain or a loss for a camp leading to armed opposition or support of one or the other warring group.

After the April 1978 Revolution (coup) in Afghanistan, following the Soviet invasion of Afghanistan in December 1979 and during the ensuing Afghan jihad against Communism, the Afghan government and its opposition (mujahideen) were armed to the teeth by the Soviet Union and the so-called free world. Tribal areas were used as a conduit for illegal supplies of men and war material to wage jihad against Soviet infidels. A network of religious seminaries (madrasa) was created using matching petro dollars from the Middle East by the U.S., European democracies and Japan. These seminaries propagated a more militant version of Islam and provided military and ideological training to mercenaries and militants not only from Afghanistan but also volunteers and adventurers from the Muslim and Western world. Millions of Afghans became homeless, killed or maimed during the jihad and the power struggles between Mujahideen groups after the fall of the Najibullah government. A new breed of terrorists emerged in territories in and around Afghanistan. FATA became the hub of all these activities, drug and gun running became the order of the day.

Illegal practices such as: possession, carriage and use of sophisticated, heavy weapons; provision of sanctuary, arms and training of extremists, mostly hardened criminals, fugitives of law in their own states; waging an undeclared war against the Soviet/foreign infidels and their Afghan puppets (fellow Pukhtun, Muslims) were promoted that eulogized traditional Pashtun chivalry (nang)/ Muslim holy war (jihad), hospitality (melmestia) and revenge (badal).

This promoted bloodshed within tribal society and also in neighbouring Afghanistan and settled districts of Pakistan. Its effect also reached other countries fueling a civil war in Tajikistan in the 1990s, instability in Uzbekistan and increased militancy in Kashmir.

Hence, illegal trade in arms, drugs, smuggled goods and alien mercenaries became licit, the accepted norm, bringing profit, power, prestige and connection with the authorities. The tribal people, on the other hand, remained underdeveloped and deprived of their fundamental human rights.

These practices continued until the events of September 11, 2001. Following 9/11, Pakistan had to join the “War on Terror.” Non-state actors have a different agenda and the international coalition is locked in a battle with its former allies in Afghan jihad. The shifting interest and alliances has deeply impacted FATA, Pakistan and Afghanistan.

Pakistan is almost in a state of war with militants of various kinds. NATO and US forces are continuously stationed in Afghanistan. Cross-border intrusions and allegations occur continuously. Resistance to NATO and U.S. forces has put pressure on Pakistan, and recently an increase in troops
Sarfraz Khan

has been announced. There is a real danger that this conflict and ensuing instability can consume the whole of Eurasia. Increasing militancy, extremism and terrorism may lead to active war in the region.

Domestic reasons to perpetuate the special status had been: to curb Pashtun nationalism with promoting Islamist, destabilizing neighbours, corruption and embezzlement of developmental funds as well as alleged attempts at bringing down elected governments by civilian and military dictators. Nationalist ethnic Pashtun political sentiment in Pakistan had been demanding more autonomy and language as well as cultural rights allegedly having support from Afghanistan. Pakistan in the 1970s had been supporting Islamists in its northwest, FATA and Afghanistan to counterbalance Pashtun nationalism. The National Awami Party (NAP) and Pakistan Peoples Party (PPP) confrontation in the 1970s and Panjsher operation by Hikmatyar can be cited as a few examples in this regard.

Unaccountability of the political administration has been strengthened by special status of FATA and people are denied recourse to their grievances in any court of law or representative, elected officials, and government. Special status only benefits smugglers and Maliks, the rest of the population is all wary of the system. “The whole population, except the smugglers and Maliks, is the victim of the system.” “We are oppressed by the system and wish to go somewhere else.” In the name of Pashtun customs and traditions, Islam and noninterference in tribal autonomy, a space has been created amongst Pashtun tribes in FATA which eulogize features of Pukhtunwali such as ghairat (honour), badal (revenge), melmastia (hospitality), possession and display of firearms, jihad in the name of Islam and free trade in arms and narcotics. Special status of FATA sanctions and reinforces these practices and are made legal. “Illegal (illicit) activities, ascribed to the tribes, such as forging documents, car lifting, creating fake currency notes, gun and drug running, all are happening in collusion with government functionaries and their agents are involved in it.” The special status has enabled the militants to operate freely in tribal areas and corrupt young minds in the name of religion. Local people consider political administration and agencies to be involved in militant activities in FATA. “Afghan war and war on terror has increased guns and narcotics smugglers and abuse of religion,” and “militant groups are having links with agencies,” as Major D. Zakhakhel, a former tribal law enforcing personnel, argued. Mangal Bagh and others like him are proposing the creation of secret agencies. “Armed militia of Mangal Bagh and Saif-u-Rehman provided leadership to the unemployed and the marginalized. They were able to unify and arm their followers,” and “the Afghan war has adversely affected law and order in FATA and a rise in crime after the Afghan war. Afghan and international actors are also responsible for that.” Though gun and narcotics and raising armed militias are illegal activities, under special status all these activities are given sanction and made legal, though tribes are against these practices. Blood feuds and armed conflicts are the outcome of the special status.

Adult franchise denied to tribemen was finally introduced in 1996 to elect National Assembly members. However, elections are still not held on party basis and political parties are not sanctioned to operate. Extension of the Political Parties Act to FATA is still pending in the Supreme Court of Pakistan. Though, in the past tribal members of National Assembly elected on a non-party basis had been used to bring down governments of both Benazir Bhutto and Nawaz Sharif in the 1990s. Electoral representation at the union, tehsil, agency and the FATA level is not allowed yet. The
Local Government Ordinance of 2001 still awaits introduction in FATA. There have been various civil society/professional groups advocating the introduction of adult franchise, extension of the Political Parties Act, electoral representation at all levels, including provincial assembly/separate province/agency council, institutional reforms in FC, levy and Khasadar and abolishing/amending the FCR.

Collusion of international actors, the national security establishment, tribal political administrations and their protégés, during the Afghan *jihad*, in the 1980s and 1990s, not only used, but also expanded the existing space for illegal practices in the name of tribal/religious customs and traditions. Hence, illegal trade in arms, drugs, smuggled goods and alien mercenaries became licit, the accepted norm, bringing profit, power, prestige and connections with authorities. The tribal people, on the other hand, remained underdeveloped and deprived of their fundamental human rights.

The current expanding NATO forces in Afghanistan, Pakistani army operations and the U.S. drone attacks in FATA, dwindling law and order both in Pakistan and Afghanistan coupled with bomb blasts and attacks on law enforcements and innocent people by the extremist religious zealots presents a picture of Asia bleeding at its heart.
Areas between Afghanistan and Pakistan and the Present Turmoil

A. Ghafoor Liwal*

Historical Background

Over the centuries Afghanistan has been used in the game of power politics by the Persians, the Mongols, the British, the Soviets, neighboring countries, global non-state actors and more recently the United States and its allies. But no outsider has ever conquered Afghanistan.

For Afghanistan to be at the centre of conflict is nothing new. From ancient times the Afghanistan region was believed to be the very centre of the world. The famous Indian poet Mohamad Iqbal Lahori described Afghanistan as the “heart of Asia” while Lord George Curzon, the British viceroy, called Afghanistan “the cockpit of Asia.”

The British made three attempts to conquer and hold Afghanistan, but failed. Consequently Afghanistan turned into a buffer state between Russia and Britain. Only the Afghans were capable of keeping two empires, Britain and the Soviet Union, at bay in the 19th century.

Then this country plunged into an intensified Cold War between the Soviet Union and the U.S., where after decades of confrontation between the two blocks communism was defeated with the support and dollars from the west and the blood of Afghans.

But then the world turned away from Afghanistan allowing civil war, ethnic fragmentation and polarization as a result of which it became a failed state. A power vacuum was created that was ultimately filled by the Pakistani and Saudi supported the Taliban and Al Qaeda.

While today the tribal areas that have remained partially independent have turned into a hub of terrorism where terrorists are recruited, trained and then used to destabilize the governments in the region.

Areas and Inhabitants between Afghanistan and Pakistan

Afghanistan and Pakistan share an immense border line stretching 2430 km along the southern and eastern edges of Afghanistan. This contains Afghan provinces of Badakhshsh, Nurestan, Konar, Nangarhar, Paktiya, Khost, Paktika, Zabul, Kandahar, Helmand, and Nimruz that are adjacent to the Pakistani border. The Pashtun population and many of its tribal entities straddle the border. The frontier passes through different areas having sandy deserts in the south and rugged mountains in the east. The two main border crossings in the mountains between Afghanistan and Pakistan are the Khyber Pass, between Peshawar and Jalalabad; and, further south, the Khojak Pass, between Quetta and Kandahar. The line between the two countries was determined in 1893 in a controversial

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agreement between Afghan Emir Abdur Rahman Khan and the British Government of India. However, subsequent Afghan governments as well as the present government have not accepted and are against the so-called Durand Line, so an exact and clear border is still a matter of dispute and no official restrictions hinder individuals crossing from Pakistan into Afghanistan.

The Pashtuns are the largest ethnic group in Afghanistan, the majority of the Pashtuns lives across the border in Pakistan, and in these border areas also the inhabitants are Pashtuns that live on both sides of the Durand Line sharing linguistic, cultural, and traditional similarities. From ancient times, however, the national division between Pashtuns in Afghanistan and those in Pakistan has undermined the ethno-nationalist assertion of unity among all Pashtuns. This historical experience is often rejected or downplayed by ethnic nationalists, but it has become very significant. For example, Pashtuns in Afghanistan have been in control of the government for centuries and are considered to be the dominant ethnic group. In contrast, Pashtuns in Pakistan are a minority group in a larger population and sees themselves as politically and economically disadvantaged.

**Durand Line**

Afghanistan’s frontier with British India was drawn by a British civil servant, Mortimer Durand, in 1893, while ambiguity lies on the agreement of this line as it is the most contested border between Afghanistan and Pakistan.

Imposed by British India in 1893 against the Pashtuns aspirations, the Durand Line divided the Pashtun tribes living in the area and gave the British control of regions that would later become Pakistan's North West Frontier Province (NWFP). After Pakistan’s independence from Britain in 1947, Pakistani leaders assumed that Pakistan would inherit the functions of India’s British government in guiding Afghan policy. When Afghanistan became fully independent in 1919, it accepted the line as its de facto border with British India. But soon after Pakistan’s independence, Afghanistan voted against Pakistan’s admission to the UN, arguing that Afghanistan’s treaties with British India relating to Afghan borders were no longer valid since a new country was being created where none existed at the time of these treaties.

Successive Afghan governments have never fully recognized the Durand Line as the official boundary between the two countries, and have variously laid claim to parts of Pakistan’s NWFP, Balochistan province, and FATA (Federally Administered Tribal Areas) inhabited by the Pashtuns tribes that were used as a buffer by Britain while a special system of political administration was established in order to govern the freedom-loving Pashtun tribes who resisted colonial rule. That has been a source of constant tension between Afghanistan and Pakistan.

**Nature of the Region**

The areas between Afghanistan and Pakistan have unique characteristics. These areas have been isolated from the rest of the world for centuries. It is because of this that its backwardness remains unchanged. The central government has always been weak in these regions as the nature of
the people is independent and freedom-loving.

The administrative system in tribal areas is totally different from settled areas. The entire tribal area on the other side is under the rule of a governor who acts as agent to the president for tribal affairs. Administrative affairs are conducted under the centuries-old British law called the Frontier Crimes Regulation (FCR). The political agent has unlimited power; the whole agency is under his control and the monitoring of it is under very weak hands, which is why the lives of the tribal people are often considered as the most miserable as the laws over them are often very brutal and harsh.

**Nature of the Inhabitants**

The inhabitants of this area are Pashtuns who have a long history of independence. Pashtuns by nature are conservative, culturally established, traditional and peace-loving, but they live in an area that is the gateway to India, and throughout history, they were constantly invaded by others. They had to defend themselves, but they never attacked anyone and they never surrendered to anyone either.

Pashtuns believe in peaceful ways to solve problems that are either among themselves or outsiders, like back in 1930, instead of violent ways tens of thousands of Pashtuns tried a path of nonviolent civil disobedience against the Colonial British. This movement, called the Khudai Khidmatgar, or Servants of the God, united bickering tribes for an astounding 17 years to end British colonial rule.

But today they are passing through a difficult and dangerous time, as the Afghan title has been hijacked by those who do not really represent the interests and feelings of the Pashtuns. Today the Pashtun areas have turned into a blood theatre and these areas are used by terrorists as their training camps and serve for them as safe havens, their young children are used for suicide operations to kill innocent people and fulfil the designs of others.

**Frontier Crimes Regulation (FCR) and Pakistan Policy towards these Areas**

Until now we have seen that the Pakistani state cannot deliver what its masses especially Pashtuns have been demanding from the very existence of this state. It has never adopted a productive policy through which there can be confidence building talks with the tribal leaders and people. Its military is engaged in a dangerous and very complicated game with the Taliban in which some time there is support from its side and some time fights against it. The tribal as well as other masses that have been suppressed throughout the history are in total denial.

Giving this country more aid without any accountability, however, as the U.S. is proposing, cannot be the answer. Successive Pakistani governments and specially its intelligence agency as well as military have either diverted it to their unwinnable arms race with India, pocketed the aid themselves, or even worst, sent it covertly to the very terrorist groups America is fighting against. The U.S. at last needs to accept that Pakistan, in its current form, has failed in its targets and what it was required.
It is an artificial state that consists of different regions and a multitude of tribes. Officially, Pakistan consists of one large province (Punjab) which dominates three much smaller provinces that have been suppressed historically many times. Aid should therefore bypass the central government, and be dispersed directly to the tribes and the common people. No doubt, America will face a series of protests from the Pakistani state and military. But if the Pakistani armed forces are not willing to cut off ties with the Taliban and other militant groups as well as extremists, the U.S. should not feel restrained from exploring alternative avenues.

It is wrong to say that Pashtun ethnic nationalism has backfired against the U.S., the fact is that Pashtuns are finding themselves amidst another Great Game brutally fought between the more venomous and brutal as well as large number of competitors in which they are exploited, without any benefit to them or their land and the people are used for the designs of others.

The British during its reign devised a special legal structure called the FCR. Evolving through the late nineteenth century then the regulations were finally promulgated as statutory law under Viceroy Lord Curzon in 1901 and these brutal and centuries old laws that the British used to pressurize the tribes were later adopted by the Pakistani government that are still prevalent in the FATA region.

This unique set of laws called the Frontier Crimes Regulations (FCR) enforced in the tribal areas empowers the government to arrest anyone without specifying the crime. Political activists and other humanitarian groups term the FCR as a “black law” because the accused cannot get bail, and often innocent people are taken into custody.

Successive governments in Pakistan have been promising to bring reforms in the tribal areas but to no effect.

Today human rights advocates and many other agencies as well as tribal intellectuals call for an overhaul of the law. They demand:

1) That the law should be in conformity with contemporary human rights standards;
2) Transfer of all the legislative as well as other powers to the discretion of the people of the region;
3) The system of collective punishment and territorial responsibility should be abolished;
4) Political as well as social and civic freedoms should be given to the FATA as it comes under their basic rights;
5) A well planned comprehensive program should be adopted for the disarmament and demobilization of illegal weapons in the region.

War Against the Soviet Union and Nurturing of Extremism

After the Soviet invasion of Afghanistan a strong resistance started in which the tribal networks of the region had a tribal jihad led by the tribes’ elders rather than an ideological jihad led by the Islamists. A massive resistance started against the Soviet Union, while in Peshawar there were seven parties recognized by Pakistan that received a share of aid from the U.S. pipeline through the Pakistan Inter Services Intelligence (ISI).
Prior to the war the extremism barely had a base in Afghan society, but with the money and arms from the U.S. pipeline and support from Pakistan these sorts of things gained tremendous clout. The Afghan traditional system was demolished and a new version of extremism was created by the ISI that fought each other mercilessly in which at last the traditional system was eliminated and the ground was paved for extremism, which came in the form of the Taliban.

The ISI and Pakistan’s Jammat-e-Islami set up reception committees and offices to welcome, harbor and train the arriving militants and then encourage them to join the extremist line that can be a useful tool to serve their interests. Thousands of foreign Muslim radicals came to study in the hundreds of madrassas that General Zia ul Haq’s military government had established, most of them along the Afghan border.

These Taliban who considered themselves the cleansers and purifiers of society brought a new and different type of system with them. Many of them had been born in Pakistani refugee camps, where the received an extreme version of religious education in Pakistani seminaries, they had learned fighting skills from Mujaheddin parties based in Pakistan as well as from the Pakistan Army that was constantly supporting and equipping them with imported arms. They were kept ignorant of their history, traditions, culture and country.

They gave fundamentalism a new face and a new identity that refused any compromise or political system except their own.

By funding thousands of religious madrassas to the arming of local extremist organizations, Pakistan experienced a major transformation, it engaged in successive wars in and around Afghanistan like the Cold War struggle, the post-Cold War civil conflict, and then the “War on Terror,” as a way of dealing with its basic national security threat “India.”

9/11

Within hours of the attacks of September 11, 2001, Pakistan faced a very traumatic ultimatum issued by the U.S.: discard the Taliban, leave the extremism and fundamentalism support and become a close partner in the American-led War on Terror or face the consequences.

The then Pakistani military ruler, General Parvez Musharraf, had no way but to succumb before the U.S. ultimatum and agreed to all American demands and conditions. The Taliban were discarded overnight and the U.S. was provided with every kind of assistance from bases to launching military operations against the people Pakistan once supported.

After 9/11 when the world scenario changed, immediately Pakistan’s behavior changed due to American pressures but unfortunately it could not change its interests. In the beginning Pakistan asked for a moderate Taliban government in Afghanistan that would break with Al Qaeda. Although apparently Pakistan broke relations with the Taliban it covertly began to harbor and support terrorist groups.

When the coalition forces moved into Afghanistan in October 2001, the attack mainly came from the northern part of the country. The military rationale was to sandwich Al Qaeda and the Taliban and to completely block all exits. For the strategy to work, it was imperative to close the
borders to the greatest possible extent, but these borders were left open deliberately by the military establishment that had been forced to make a U-turn in its Afghan policy. The Taliban, foreign militants as well as Al Qaeda were welcomed and sheltered in these areas by their supporters in the military establishment.

**Rising Terrorism in the Region**

Currently the areas between Afghanistan and Pakistan are plagued by terrorism and violent extremist activities, these areas have turned into a hub of terrorism where terrorists are recruited, trained and then used to weaken and destabilize the regional governments. Not only local but international terrorist groups are considered to be present in these areas. In a sense these areas have turned into the headquarters of global terrorists and Al Qaeda. America of late has concluded that the hub of all terrorist activities emanate from the FATA regions that provide safe haven and sanctuaries to the insurgents and terrorist groups that operate against Afghanistan and coalition forces.

These areas have become safe havens for militant groups bent on exporting *jihad*. Foremost among them is the Taliban. Since October 2001, thousands of Taliban fighters, their leadership Shura (religious council) plus the masterminds of Al Qaeda are thought to be hiding in these areas.

The insurgency is taking place in a corridor alongside the border between Afghanistan and Pakistan across provinces like Konar, Nangarhar, Paktia, Paktika, Zabol, Kandahar and Helmand. These guerrillas as well as extremist elements cannot operate without the benefit of sanctuaries in Pakistan. While Islamabad argues that it cannot control a border without fencing it, though fencing the border is reckless and impractical, the fact is that most attacks are carried out in southern Afghanistan by Taliban coming from the Pakistan side.

Today schools are burned in Pashtun areas; for centuries these schools were operating but in the past few years, suddenly after 9/11, some groups emerged that are supported by different foreign agencies that started the destruction and annihilation of the youth particularly students both males and females whose schools are closed and threats have been issued to them by extremist forces. Restricting students from schools is a violation of children’s human rights; this is very unfortunate that still in the 21st century many children are denied an education.

This war in the Pashtun areas is neither a tragedy nor an incident. It is a deep, wide reaching, hegemonic, evil, and well planned, foreign imposed conspiracy formulated and executed by an organized but very dangerous agencies that can be a big threat in the future to the world. It needs to be countered on an international scale.

Yet, the U.S. as well as the international community either remains ignorant, or it knows full well but chooses to act naive or uninformed. In any case, if the U.S. government as well as the international community does not take this matter seriously and it fails to drastically and completely revise its relationship with South Asian countries as well as its strategy in the War on Terror, these extremists and terrorists will continue to create political and military trouble and unrest in the region.

If Washington truly wants to save America and the world from the plight of terrorism, it must eradicate this plague at the root and settle the score with its founders and supporters. Otherwise,
this malignant cancer will spread far beyond the region and across the oceans.

With the false and foolhardy belief that the bombing and rocketing of a few mountains and valleys have finished off the terrorists, the U.S. and international community needs to implement a broad strategy that must focus on the original roots and training grounds for terrorism, beside that the eradication of poverty, unemployment, and illiteracy must be curbed as well.

The international community and international donors should come forward and consider the ideological, economic, political and geo-strategic interests of all those who are involved in this imbroglio. They should think deeply about the aspiration of the people who have been suffering from fear, terror, death and destruction for the last several years and are still suffering. The Pashtun belt that is the victim of terrorism and extremism, in the past had never faced such a dangerous, inhuman, unreligious activities; they have been living in peace with their own tribal structure and traditions for centuries and now some non-state militant organizations with an extreme version of ideology coupled with dangerous designs that are completely in contradiction with Pashtun traditions have taken grip of this belt that have given nothing except fear, terror, destruction, miseries and disappointment.

**Pashtuns are Victim of Terrorism not Terrorists**

The Pashtuns of Pakistan and Afghanistan are suffering from severe conflicts and violent brutal acts for the last three decades. As a consequence of the Soviet invasion and the Cold War, around 2.5 million Afghans, mainly Pashtuns, lost their lives and in similar numbers are still compelled to live with ruthless disabilities and many problems. After the Soviet invasion and their resistance, the clashes of warlords, then the rise and fall of the Taliban and now the War on Terror has caused the lost of thousands of lives, largely Pashtuns in Afghanistan as well as Pakistan. As a result of these conflicts and unrest the entire Pashtun belt is suffering. The FATA and Afghan bordering areas of Pakistan were termed as a “safe haven” for the terrorist and extremist forces many times. The presence of American and NATO forces in Afghanistan pushed these extremist forces back into these areas, which gradually spread over the whole province and as a result affected and damaged the social fabric of the Pashtun society.

The wrong media propaganda, global politics and its consequences on Pashtun land created the image of Pashtuns as terrorists and extremists while ignoring the long history of peace in this land. The Pashtuns are termed as the Taliban though they are fighting against them and are constantly suffering from this War on Terror.

This terrorist and extremist image of Pashtuns is basically part and parcel of the power politics that is played by the Pakistani establishment. The incident on September 11 provided a good opportunity for the Pakistani establishment and military, that was providing support to the extremists until the incident, once backed from it, using its media that portrayed Pashtuns as extremists.

Pashtuns have been killed by different groups. The Pakistani establishment has conducted certain operations, sometimes through the unmanned drones of the U.S. Also, they are targeted by Al Qaeda related groups like in Waziristan, and there was fighting between the local residents and Uzbeks that resulted in the killing of many people. Various operations have been conducted under
different names that were aimed to terrify and keep them backward. In the war on terror scores of Pashtuns have lost their lives and today this process continues.

This is very unfortunate that on one hand Pashtuns are used by different states as well as non-state actors for furthering their agendas and interests. On the other hand these Pashtuns in order to bring their own system back are fighting the Taliban, so on both sides Pashtuns are losing their lives.

The media should look at the realities. Most of the Pashtuns have been struggling and fighting extremism from the very beginning. It is tragic that the Pashtuns who themselves are victims of terrorism are portrayed as Taliban. This is damaging the anti-Taliban struggle initiated by the Pashtuns and now many actors are involved in this war. In this whole process it has been ignored that Pashtuns are neither extremists nor Taliban, but are being victimized by both sides.

**Killing of Tribal Elders and the Demolishment of Their Traditional System**

One of the main issues in the present war on terror in the tribal areas is that elders, prominent people and local leaders of the Pashtun tribes are deliberately targeted. Until now more than 500 tribal elders or maliks have been killed by commando action or by guided missiles. On the other hand, the local Taliban who are used by different agencies are also involved in this brutal act like these so-called Taliban who beheaded and killed many tribal elders by different names, while the security forces are targeting such elders and renowned personalities of the Pashtun tribes as suspected pro-Taliban miscreants. This is evident from the blasts that have occurred many times in the tribal jirgas and traditional systems in which only the elders and local tribal leaders participate for important tribal decisions. It seems so that there are deliberate attempts to target and threaten the tribal elders so that there would be no one to lead or guide the efforts for peace and reconciliation.

**Pashtuns, Pashtunwali and Islam**

Islam plays a very important role in the lives of Pashtuns. It is an important component of their identity but Pashtunwali is as influential as Islam among Pashtuns. Pashtunwali is an ethical code that is very inflexible by which all traditional Pashtuns abide; it has certain requirements like every insult should be revenged and every guest protected. For protecting his honor, his family, clan or tribe honor, a Pashtun is ready to sacrifice everything he has, his property, money even his life, for the slightest insult to him. In Pashtun there is a famous proverb, “He is not a Pashtun who does not give a blow for a pinch.”

Pashtunwali is based on the collective wisdom of its people, it does not come from one authority and is therefore open to debate and re-interpretation according to the needs of the people and changing times. In a sense it is democratic and according to the wishes of the inhabitants. The majority of the Pashtun population belongs to the Sunni Hanafi religion, and they have been living for centuries with their own traditions and customs that were very respected and peaceful. But suddenly after the 9/11 attacks groups emerged that used their land and people for inhumane, un-
Islamic and anti-Pastunwali agendas. As a result, a reign of terror, killing and beheading started in these areas where all opponents that included tribal elders, politicians, and prominent people were brutally killed. Ultimately this peace and freedom loving nation was disgraced and presented to the world as terrorists though they are themselves the victims of terrorism.

There are Different People from Different Countries Involved in Terrorism

In the aftermath of the recent upsurge in the activities of terrorists in the tribal areas in both Pakistan and Afghanistan, U.S. military commanders perceive that a large number of extremists from Iraq, the Central Asian republics, Chechnya and the Middle East, as well as the local Taliban that have come from other provinces of Pakistan that are mainly Punjab, have joined together for the purpose to step up the fight against the Afghan government, the U.S., NATO and ISAF forces.

There is a mixed force of people from different countries and different nationalities like Chechens, Uzbeks, Uighurs from Xinjiang, Arabs, terrorists from the Central Asian republics and the Punjabis that are currently fighting in the tribal areas. Although they have different agendas and beliefs they have one enemy, like Uighurs and Uzbeks support Osama Bin Ladin’s pan-Islamic ideology and advocates for an independent regional caliphate including one that should encompass Central Asia, Afghanistan and Xinjiang; having this belief or mission, however, at the same time they have not subsumed themselves with the other main groups like Al Qaeda.

These foreign terrorists that come from various countries are targeting different groups in the region and work against the governments while training the local Taliban. Uighurs are suspected of involvement in various explosions in which Chinese engineers were killed.

These groups came to this region because on the one hand the Taliban during their rule welcomed the entire foreign terrorist network to come and work for strengthening their government on the other hand Pakistan served as the safest route for foreign fighters to enter Afghanistan through its routes. Most of them come as tourists, businessmen and traders directly from Saudi Arabia, Yemen, Egypt, Kuwait, Morocco, Algeria, Chechnya, Uzbekistan, Tajikistan, Azerbaijan and even from the Western countries.

The Pakistan military is claiming to have killed more than 200 foreign militants in periodic operations since 2002. The majority of these fighters were Uzbeks, Chechens and Arabs led by Uzbekistan Islamic Movement of Uzbekistan (IMU) party leader Qari Thair Yuldashev, who survived the American bombing in the northern Afghan town of Kunduz in 2001. Senior Al Qaeda figures like Haitham al-Yamani, Abud Hamza Rabia, Muhsin Matwalli Atwah, Abdul Rahman, Abu Marwan al-Suri, the Pakistani establishment is claiming that these have been killed by them during the periodic campaigns against the militants.

Military Tactics Cannot be the Only Solution

Almost 80,000 troops have been deployed by the Pakistani government in the mountainous regions of the areas adjacent to the frontier line and various operations have been conducted in these
areas, but until now no significant improvements have been seen. Instead, terrorism has increased and militant militias have grown in the region. They are bringing more and more areas under their control and have strengthened their position. The Taliban, fundamentalists, extremists as well as their Al Qaeda ally that was thought once to be defeated in Afghanistan are regaining more strength, they have reorganized themselves and regrouped, are better equipped, tactically more sophisticated and better financed. They are more capable nowadays in creating obstacles and hindering the reconstruction and rehabilitation process in Afghanistan.

They have found safe haven among the people of the region because on one hand they are threatening and scaring the people through different tactics while on the other hand the international community as well as other organizations have also failed in providing the necessities and requirements of their lives. It is because the local population have been kept deprived there are no good political and economic reforms that could divert the attention of the people from violence and anti-Western sentiments but instead the fighting has been kept on boil, and that has been boosting anti-Western sentiments.

**How to Win the Hearts of the Pashtuns**

In this War on Terror and fighting in Pashtun areas external forces are involved whose support exists behind the drama, and it is also a fact that Pashtuns have been made key players in the international political and economic game where they have been used by different players.

No works in the education sector, low literacy ratios, scarce development funds, instability in Afghanistan and the rigid and oppressive policies of the Pakistani establishment have kept the Pashtuns backward.

The presence of international community and the U.S. should respect the history of the region, they should struggle for preventing all foreign hands in these areas, while Pakistan should be strongly told to shut down the breeding grounds for producing violent and extreme elements that they use to further their agendas.

The U.S. needs to win friends and allies in the Pashtun belt; unfortunately U.S. policies are doing the opposite. As often civilians are killed in operations as collateral damage but it backfires in resentment and results in strengthening the enemies in the region.

The history and nature of the inhabitants of the region shows that they would be willing to do things willingly if asked with respect and will backfire if ordered or threatened by force as we have witnessed during the 19th century during the British presence in this region. Missile strikes and bombing, cannot push them toward cooperation.

What the U.S. needs is to detach the inhabitants from Al Qaeda and the Taliban by positive approaches that work in favor of the inhabitants in almost all sectors. Serious and pragmatic steps should be taken in preventing killing and insecurity in these areas while development works should be done to bring them up to par with other regions.

The new U.S. administration has to define the right objectives in these areas, the predominant ethnic group that has always been alienated and oppressed by different foreign elements
should be brought back to the process in order to avoid further fatalities. For peace the U.S. and its allies need to engage Pashtuns where tribal lineage and pride runs deep in their psyche. Clearly, ignoring their tribal structure, traditions and affiliations could never bring peace and tranquility in Afghanistan.

Respecting their tribal system local Pashtun tribal chiefs should be gathered and motivated to work for shunning the path of violence and extremism, also their grievances must be addressed that is the main cause of unrest in the region. The reformation process should be boosted with a well planned comprehensive strategy and economic programs that are crucial for reinforcing reconstruction in the region.

A regional approach is needed for solving this problem that is a sort of headache for the whole world. All the regional countries especially Pakistan should be encouraged to adopt positive and constructive ways for advancing and protecting its interests. In regional forums like South Asian Association for Regional Cooperation (SAARC), to counter regional problems like terrorism that are endangering the whole region, a collective approach should be adopted that is not limited just to words but include practical steps. Also the international community should adopt a comprehensive strategy for the region, especially those that lead to the path of prosperity, peace and tolerance towards their neighbors as well as to the world.

The international community as well as the U.S. should understand the regional complexities; they should respect the traditions of Pashtuns that are prevalent in those areas over the past centuries. Their religious, cultural and political values should be respected. Serious and pragmatic steps should be taken to prevent foreign elements and agencies from getting involved in the region and using Pashtuns as a tool for their illegal and inhuman agendas and missions.

Recommendations

- Taking into consideration the overall situation, the international community should work to reversing the whole situation that has emerged.
- Dialogue and negotiations are needed with the regional people; attempts should be made to understand their cultures, traditions and values, while their cultural, traditional, social, economic and political values should be respected.
- Pragmatic and practical strategy aimed at separating the Taliban and other armed groups like Al Qaeda and other terrorist groups should be adopted.
- A robust and practical strategies should be applied for curbing terrorism especially the global terrorist networks like Al Qaeda and IMU should be eliminated.
- The sense of deprivation that is fueling anger and resentment should be tackled by a comprehensive and well planned strategy whose main focus should be constructive works in the war-plagued regions.
- The harsh and brutal policies like FCR that are prevailing in that region should be abolished and new moderate policies that are in accord with human rights should be implemented.
- Funds should be allocated for the development of the Pashtun belt. These funds should be
monitored properly and given to the deserving people. Unemployment and poverty should be addressed, since these are important causes behind resentment.

- Work is needed in education and economic as well as civic sectors so that the attention of the people could be diverted towards construction.
- Building infrastructure should be given due consideration, such as roads, schools, hospitals, dams and agriculture.
- This issue should be brought in regional forums like SAARC and solutions should be found on the regional level as this menace is increasing day by day and is bringing more areas under its control.
- The media as a whole should look at the realities as most of the Pashtuns are victims of terrorism and are fighting terrorism but wrongly labeled as “terrorists.”
Global and Regional Dimensions of China’s Policy toward the U.S.

Oleg A. Timofeev*

Ambiguous Image of China

The U.S. Pacific Command Joint Intelligence Center in its Secret Briefing Paper issued on December 4, 1996, anticipated a strategic partnership between Russia and China as a pre-condition of Moscow’s desire to balance ties to the West and Beijing’s plans to improve its international position.¹ Too many people in the U.S. still insist that Russia is not a loyal ally of China and the latter’s association with Moscow weakens Beijing’s claim to have the institutional and lexical right in reshaping the international order. The leader of the hawks in the current U.S. administration Vice President Joe Biden recently stated in his neglecting Russophobia: “They have a shrinking population base, they have a withering economy, they have a banking sector and structure that is not likely to be able to withstand the next 15 years.”²

In the recent years, Russia and the People’s Republic of China (PRC) were predominately viewed in the White House as great powers with essential market sectors in their economies and an authoritarian essence of their political regimes, which objectively obstruct the rise of American influence on the global stage. But China’s rise became one of the most significant features of the new century, which is hard to ignore. Since economic reforms and a policy of opening up began in 1978, China’s investment and export-led economy has seen a 70-fold increase, and is the fastest growing major economy in the world. It now has the world's third largest nominal GDP, reaching 30.067 trillion Renminbi (RMB) yuan (around 4.4216 trillion U.S. dollars). If purchasing power parity is taken into account, the PRC’s economy ranks second behind only the U.S. Even in the trying times of global economic crisis, China's GDP growth has remained resilient for the second quarter of 2009, supported by the government’s stimulus-fueled plan, accelerating close to 8% from 6.1% in the first three months of the year. China’s tertiary industries make up 40.1% of its total economy, an amount close to that of most developed countries. Since China entered the WTO, its foreign trade has expanded drastically. China is now the world's third largest trading power behind the U.S. and Germany and the second largest exporter. Despite the downturn in foreign demand during the second half of last year, total international trade in 2008 grew about 18%, to 2.6 trillion U.S. dollars, with a trade surplus of 295.46 billion U.S. dollars. China is among the world's most desirable destinations for foreign direct investments, attracting more than 92.4 billion U.S. dollars in 2008 alone. Although a certain part of Chinese exports comes from joint ventures (hezi qiye) and foreign companies (duzi qiye) in China, her foreign exchange reserves have reached 2 trillion U.S. dollars, make it the world's

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largest foreign currency bonds holder.

Facing the strengthening of China’s position in globalised economics, the idea of “currency politics” or “currenpolitics”\(^3\) as a predominant factor in current global affairs tends to find more analytical and political ground in China at the moment. It originates from a book by several Peoples Liberation Army (PLA) intellectuals titled *New Epoch of the Warring States*,\(^4\) published in 2003, which argued that the key reason for the U.S. attacks against Iraq was not the elimination of weapons of mass destruction or access to petroleum resources, but conservation of Washington’s dominance over world currency systems endangered by the emergence of the euro. In the authors’ opinion, the concept of “currenpolitics” will change geopolitics as the major explanatory paradigm in the theory of international relations for future wars and coalitions.

This concept has now received new political dimensions. In March 2009 Zhou Xiaochuan, governor of the People’s Bank of China, openly challenged the U.S. dollar’s dominance and suggested to think about new supra-sovereign reserve currencies in world finance.\(^5\) In other words, China as an emerging global power tends to expand its dominance from the sphere of world trade to the sphere of global finance. Zhou Xiaochuan’s statements at the same time reflects a correction of China’s own concept, which has been based on a definition of economic globalization as one of the basic trends in contemporary global politics on par with political multipolarization. Now, Zhongnanhai (the residence of PRC headquarters in Beijing) assumes that the latter might also have its economic and financial dimensions.

But macro-economic growth alone does not provide a full picture of China’s enormous success in recent years. At the same time, China faces growing disproportions between economic and social development, a sharpening of longstanding structural problems, as well as a gap between its eastern and western areas, trans-border and inland regions, cities and rural areas, and a growing gap in income distribution. Thus, China’s per capita income of about 3,300 U.S. dollars is still comparatively low and puts the PRC behind roughly one hundred countries. Overall productivity remains low, and the capacity for independent innovation still remains weak.

Under these circumstances, China’s leaders in 2004 launched a plan called Scientific Outlook on Development. The core element of the plan is summed up in the slogan “put people first.” According to statements made by China’s leader Hu Jintao at the 17\(^{th}\) National Congress of the Communist Party of China, “We must respect the principal position of the people in the country's political life, protect their rights and interests, take the path of prosperity for all and promote their all-round development, to ensure that development is for the people, by the people, and with the people sharing in its fruits.”\(^6\)

While championing the cause of raising social standards, Beijing strategists were successful

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3 Currency + politics (*biyuan zhengzhi*), a term composed by analogy with “Geopolitics.”
enough in projecting this cause outwards. In the second half of 2004 the concept of China’s “peaceful rise,” which created a lot of suspicions in the West about China as a revisionist power, was replaced by the concept of peaceful development.

“Peaceful Development” and Soft Power

Over the past three decades since Deng Xiaoping initiated open market reforms, China’s image in the world in general and in the U.S. in particular changed drastically. Today, China’s booming economy and increasingly sophisticated diplomacy are transforming economic and political relationships with other states. A foreign policy that sustains an international environment supportive of economic growth and stability in China serves the objectives of Beijing’s strategy for “peaceful development.” In this regard, the tendency of softening foreign policy rhetoric was well received not only in Third World countries, but also among many Western sinologists. One of the brightest examples is the idea of the Beijing Consensus, pushed forward in 2004 by British journalist and political scientist Joshua Ramo. The Beijing Consensus is an alternative economic development model to the Washington Consensus, especially for the economic development of Third World countries. The concept’s major guidelines involve a constant commitment to innovations and experimentations, a non-reliance on GDP growth as the lone measure of progress, and maintenance of the policy of self-determination in assuring financial sovereignty.

At the same time Chinese scholars and officials began to use actively the idea of employing its own form of soft power on the international stage. Now it represents itself as a fully accomplished idea with certain Chinese characteristics, which helps Zhongnanhai to promote and widen its influence in the world.

Modern Chinese scholars give different evaluations of the structure of China’s soft power. For instance, Men Honghua, deputy director of the Center for International Strategy at the Party School of the Central Committee of CPC, argues that soft power has five core elements: culture, ideas, development model, international institutions, and international image.7

One of the most authoritative Chinese political scientists, Yan Xuetong, dean of the School of International Relations at Tsinghua University (the alma mater of PRC President Hu Jintao and many other high-ranking representatives of the contemporary Chinese political elite), gives in his recent works perhaps the most detailed characteristic of the structure of China’s soft power. He argues that at the core of soft power is political capability. The political dimension of soft power is the most important factor in strengthening national power. If we divide the soft power structure between cultural power and political power, the political element will play the foundational role in soft power’s manifestation on the international stage. For example, the U.S. military power, economic potentiality, and cultural strength steadily rose from 2003-2006, but because the Bush administration launched its illegal war in Iraq in 2003, their domestic and international political mobilization ability, i.e. political strength, seriously dropped, and comprehensive national power sank into atrophy.

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example, as well as the previous example of the Soviet Union’s disintegration, provides Yan Xuetong with evidence that political power is operational power, while military power, economic power, and cultural power are the resource powers; without the former, the latter has little ability to play any significant role. In other words, it is not an item, but a multiplier in the formula: \( CP = (M+E+C) \cdot P \), where \( CP \) represents comprehensive national power, \( M \) – military, \( E \) – economic, \( C \) – cultural, and \( P \) – political power.\(^8\)

As for the major components of soft power itself, Yan Xuetong provides us with a two-level structure, focused in general on the political capabilities of increasing domestic support for foreign policy and for widening international participation.\(^9\)

A radically different point of view is expressed by Chinese scholar Yu Xintian. In her opinion, Yan Xuetong’s concept mirrors the long-standing mistreatment of culture in the field of international relations. First, the notion that political capability is an operational power while cultural capability is a resource one, reduces culture to history, literature, and philosophy, failing to understand that cultural values determine the attitudes and contemporary views of world affairs. Culture is practical and dynamic and may cause significant real effects. In the unilateral world prevailed by the West, many developing countries desire to learn from China’s experiences simply because Beijing does not press on them demanding to change their political institutions and ideologies, which prevents many aggressive policies from being implemented. Therefore, ideas, thoughts, and principles (i.e., the reflection of cultural values) are also elements of operational, instead of mere resource power.


Yu Xintian insists that soft power consists of three major components: thoughts and ideas advocated by the state and accepted worldwide; institutions and international regimes; strategies and policies apparently established and pursued by states with or without compliance by enterprises, non-governmental organizations or the general public.\(^{10}\)

Although soft power and hard power are usually regarded as polar extremes, they are, in fact, parallel by nature. Both analytical directions again have different views on the problem of the relationship between “soft hard power” and “hard soft power.” While Yan Xuetong insists that both hard and soft power are parts of comprehensive national power, Yu Xintian shares a vision that the construction of hard power may provide the basis for the rise of soft power, and vice versa. Therefore, the relationship between soft power and hard power is that the two may be complementary or, conversely, mutually destructive.

As for China's pursuit of soft power, many scholars state that it is emerging and rising, but still not powerful enough. On the other hand, China's construction of soft power may increase the world's understanding of China and shape prospects for its future stability and cooperation with other countries.

Chinese leaders seem to accept both evaluations of the national soft power's international dimensions. Thus, in his report on CPC 17\(^{th}\) Congress Hu Jintao pointed out: “We must… enhance culture as part of the soft power of our country to better guarantee the people's basic cultural rights and interests, enrich the cultural life in Chinese society and inspire the enthusiasm of the people for progress.”\(^{11}\) But simultaneously the concept of comprehensive national power remains one of the basic elements of China’s strategy on development.

Economic collaboration is the primary element of the U.S.-China relations. In 2008 U.S. imports from China (337 billion U.S. dollars) practically equaled the number of imports from Canada (339 billion U.S. dollars), and in 2009 considerably exceeded the latter’s (296 and 225 billion U.S. dollars respectively). Table 1 demonstrates the volume of bilateral trade in 2004-2009.

The global economy and the world system of international relations depends increasingly on China. Now a member of a majority of international economic organizations, the Chinese authorities are actively seeking to increase their influence in the international economic arena.

**Table 1. U.S. Trade with China**

<table>
<thead>
<tr>
<th>Year</th>
<th>U.S. Import (billion U.S. dollars)</th>
<th>U.S. Export (billion U.S. dollars)</th>
<th>Total (billion U.S. dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>196.68</td>
<td>34.74</td>
<td>231.43</td>
</tr>
<tr>
<td>2005</td>
<td>243.47</td>
<td>41.93</td>
<td>285.4</td>
</tr>
<tr>
<td>2006</td>
<td>287.77</td>
<td>55.19</td>
<td>342.96</td>
</tr>
<tr>
<td>2007</td>
<td>321.44</td>
<td>65.24</td>
<td>386.68</td>
</tr>
<tr>
<td>2008</td>
<td>337.79</td>
<td>71.46</td>
<td>409.25</td>
</tr>
</tbody>
</table>

Source: International Trade Administration, USA
http://ita.doc.gov/td/industry/otea/OTII/OTII-index.html


government exerts ever-greater influence in international economic matters. In response to U.S. demands, China announced a number of changes to its foreign exchange regime on July 21, 2005. This step was welcomed in the U.S.

**In the U.S. Context: Russia on China**

On the other hand, the majority of policymakers in Washington believe that America should not burden itself with simultaneous restraint of two great powers. As one leading American political analyst, Fareed Zakaria points out: “We are repeating one of the central errors of the early Cold War – putting together all our potential adversaries rather than dividing them. Mao and Stalin were both nasty. But they were nasties who disliked one another, a fact that could be exploited to the great benefit of the free world. To miss this is not strength. It's stupidity.”

The contents and style of American policy-making, as well as the tone of rhetoric, vary noticeably. The difference in the two American approaches was evident during the 200th anniversary celebrations of the establishment of diplomatic relations between Russia and the U.S. and the 30th anniversary of U.S.-China relations. While the first event held in November 2007 was marked only by a visit of the former U.S. Secretary of State Henry Kissinger to Moscow (although the U.S. organized some events via their consulates in Russia), Washington and Beijing commemorated the 30th anniversary of their diplomatic ties with a series of momentous events in the U.S. and in China. Perhaps the most significant was a commemorative seminar held in Beijing on January 12-13 that featured some of the so-called old friends of the Chinese people, i.e. former U.S. President Jimmy Carter, as well as key figures in forging relations such as former National Security Advisor and Barack Obama’s leading foreign policy advisor Zbigniew Brzezinski, Henry Kissinger, Brent Scowcroft, who served presidents Gerald Ford and George H.W. Bush as national security adviser, and all former U.S. ambassadors to China. Former U.S. President Carter delivered Barack Obama's message of his resolve to maintain sound bilateral relations. In a speech at his meeting with Hu Jintao Carter said: “I explained the purpose of this visit to President-elect Obama. He wants me to extend to you his personal greetings and his commitment to continue the mutual respect and partnership we've enjoyed over the past 30 years.”

China’s domestic and foreign policies do not provoke a sharp reaction from Washington as do the actions taken by Russia. Georgian aggression in South Ossetia is the brightest example. The crisis posed by the U.S.-backed Georgian President Mikheil Saakashvili has ruined, at least for one year, the strategic dialogue between Moscow and Washington, which turned into such a substantial degree of strategic silliness that new Russian Foreign Minister Sergei Lavrov and new U.S. Secretary of State Hillary Clinton had to press a “reset” button to repair frayed bilateral relations during their meeting in March 2009.

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Some U.S. analysts describe Russia’s foreign policy strategy during “Putin’s decade” as going back and forth between two patterns: bandwagoning with and balancing towards Washington. One of the most steadfast adherents of this concept, Thomas Ambrosio asserts that Russia is constantly oscillating between these two polarly opposite patterns. He states: “In order for balance-of-power theory to hold, there would need to be a dramatic change in the power differentials between the United States and Russia corresponding to changes in the Kremlin’s policy from bandwagoning (1992-3), to balancing (1995-2001), to bandwagoning again (2001-2002), and a seeming return to the language of balancing (2002-present).” More than that, he finds the roots of this controversy in Russia’s interior political discourse dividing its participants into atlanticists, imperialists and neo-Slavophiles.

I argue that Russia’s Eastern policy of the early 21st century was not a substitute for Western policy, but an equally important and supplementing dimension of Moscow’s international strategy. In many different areas, international relations and world politics show their influence in policymaking, and I will try to explain this influence from the following three analytical contexts.

1) Theoretical context

According to Stephen Walt, bandwagoning refers to alignment with the source of danger which originated from two motives: avoid attacks and share the spoils of victory. As another outstanding theorist of the concept, Randall L. Schweller puts it, bandwagoning comes very close to the concept of capitulation, defined as the act of surrendering or of yielding to a dominant influence.

But Russia was never dominated by the U.S. directly. From the end of the 1980s the central point in Soviet/Russian political discourse was focused on acceptance of not “pro-Western” but “all-mankind values.” In this regard, Moscow insisted on a voluntary equilibrium (or system of concert) among powers with the objective of preventing a new rivalry and repetition of the Cold War between them. First Russian President Boris Yeltsin paid his visit to China in 1992, i.e. immediately after the dissolution of the Soviet Union. More important is the fact that after 1992 Russia was involved in

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15 I wonder what meaning Ambrosio puts to this term in regards with Russia, while more traditional definitions refer to the word “Westernizers.” By essence, they on the high score turn out to be “a pro-(West) European” party insisting on developing strong interdependence axis with the Continent powers (Germany, France, Italy) vis-à-vis anti-Russian politicians in Central and Eastern Europe and their Washington patrons. The absolute unacceptability of the term mentioned can be proven by the fact that even former Ukrainian President Victor Yushchenko, who initially insisted on the concept of “Euro-Atlantic choice” (Evro-Atlantychnyi vybir) was forced by the end of his term to transform it into the concept of “European choice” (Evropeis’kyi vybir).
16 Unfortunately Ambrosio does not provide any names, so it’s intriguing for instance Anatoly Chubais’ conception of Russia as a liberal empire is atlanticist or imperialist in the author’s view.
negotiations over arms sales to China despite U.S. objections. The insignificant economic assistance Russia got from the UN economic organizations (not from the U.S. directly): the World Bank and International Monetary Fund can hardly be considered as a feature of bandwagoning for profit strategy.

2) Cognitive context

In contrast to China, which had willingly played the role of Washington’s junior partner in the 1970s and 1980s, Russia, due to psychological peculiarity of its population never exercised a reflective international strategy. Simultaneously, Ambrosio’s argument that Russia could bandwagon with the hegemonic coalition and seek admittance into the Western club can be easily defeated. Moscow would never agree to the status of junior partner of the West since Russia, due to its historical experience, is a specific but equal part of it, not less important than the U.S., the UK, Germany or France.

3) Institutional context

The weakest part of the concept of Russian foreign policy’s spiral development between balance and bandwagon is its reference to the period of 2000-2003 as an example of the latter strategy. Indeed, this period was the warmest one in terms of the personal relationship between Vladimir Putin and George W. Bush. The U.S. President even turned into lyrical mode when describing his first meeting with Russian president: “I looked the man in the eye. I found him to be very straight forward and trustworthy and we had a very good dialogue. I was able to get a sense of his soul. He's a man deeply committed to his country and the best interests of his country and I appreciate very much the frank dialogue and that's the beginning of a very constructive relationship.”

But at the same time the Eastern dimension of Russian foreign policy has been developing much more fruitfully than before. Moscow managed to establish new institutions on its southern and eastern borders, i.e. the Shanghai Cooperation Organization, Organization of Collective Security Treaty, Eurasian Economic Community. In this regard, Russian foreign strategy in 2000-2003 can be defined as multi-vector, not bandwagoning.

In 2001, the Russian sector of George W. Bush’s policies was bolstered by a certain degree of trust, while China was viewed as a “strategic competitor” or at least “not a ‘status quo’ power.” But the U.S. administration sent clear signals by the end of George W. Bush’s second term of office that the unexpectedly smooth relations with China, and the equally unexpected tensions with Russia, will become part of his political legacy.

Beginning in 2005, one of the objectives set down by the Bush administration was to encourage China to become a “responsible stakeholder in the international system,” as Robert Zoellick, phrased it. The current president of the World Bank and former Deputy Secretary of State,

20 http://news.bbc.co.uk/2/hi/europe/1392791.htm
in remarks to the National Committee on U.S.-China Relations, stressed several times the differences between contemporary China and the former Soviet Union:

- China does not seek to spread radical, anti-American ideologies.
- While not yet democratic, it does not see itself in a twilight conflict against democracy around the globe.
- While at times mercantilist, it does not see itself in a death struggle with capitalism.
- China does not believe that its future depends on overturning the fundamental order of the international system. Its leaders have decided that success depends on being fully networked into the modern world.\(^23\)

Zoellick’s successor at the State Department, John Negroponte, accounted for the concept by explaining “that if you can get a country of the size and importance of China engaged with the rest of the world, there will be a cost incurred if, for some reason, that kind of engagement is disrupted.”\(^24\)

This view was echoed by Brzezinski when he stated that the U.S. must encourage China's increasing participation in different international institutions and actions.\(^25\)

At the same time, Washington has constantly made relations with Russia contingent on the latter’s progress along the path toward liberal democracy and its policies on the post-Soviet space. The conclusions of the Council on Foreign Relations in its findings on Russia and on China pull no punches. The Council’s 2006 Task Force Report on Russia proposes to build relations along the principle of selective cooperation rather than on building a partnership, which is dismissed as an outright impossibly. “The very idea of a ‘strategic partnership’ no longer seems realistic,” it declares.\(^26\)

The distrust between Moscow and Washington upon the election of President Obama and America’s decision to “reset” bilateral relations began to change into somewhat mixed cautious optimism.

In spring 2009 the two influential think-tanks, the pro-Republican Nixon Center and the pro-Democratic Belfer Center at the Harvard Kennedy School initiated a bipartisan publication of a special report on the U.S. policy toward Russia. Its contributors were former U.S. Ambassadors to Moscow, American scholars specializing in Russian affairs, former U.S. congressmen and retired diplomats formerly posted in Russia. It was an inflorescence of intellects, shrewd and reasonable people. But it is doubtful that they represented the majority of the American elite, probably, that was


http://www.cfr.org/publication/9997/russias_wrong_direction.html?breadcrumb=%2Fpublication%2Fpublication_list%3Fgroupby%3D0%26type%3Dtask_force_report%26filter%3D334
why they expressed their ideas so boldly.

On one hand, for the first time over almost twenty years the American public was sincerely told that the U.S. interests and some of Russia’s pro-Western neighbors are not identical. By all appearances, it is an obvious truth, though under former U.S. president no one has put it that way. Among others, the report made the following sound recommendations:

- Seek to make Russia an American partner in dealing with Iran and the broader problem of emerging nuclear powers.
- Work jointly to strengthen the international nonproliferation regime with the goal of allowing for wider development of nuclear power while establishing tighter limits on nuclear-weapons technologies.
- Pursue closer cooperation with Russia against terrorism and in stabilizing Afghanistan, including strengthening supply routes for NATO operations.
- Take a new look at missile-defense deployments in Central Europe and make a genuine effort to develop a cooperative approach to the shared threat from Iranian or other missiles.
- Accept that neither Ukraine nor Georgia is ready for NATO membership and work closely with U.S. allies to develop options other than NATO membership to demonstrate a commitment to their sovereignty.
- Launch a serious dialogue on arms control, including on the extension of the START I treaty as well as further reduction of strategic and tactical nuclear weapons.
- Move promptly to graduate Russia, as it was promised multiple times by previous administrations from trade restrictions under the anachronistic Jackson-Vanik amendment, which coverage on China was specifically removed by Congress in the late 1990s as part of the PRC entry into the World Trade Organization, as the provisions of Jackson-Vanik were inconsistent with WTO rules. And hence;
- Work to bring Russia into the World Trade Organization.27

The American intellectuals recommended the Obama administration to change the style of its relations with Moscow, to give up the habit to “make the Russians face the facts” of unilaterally adopted decisions, to limit its sermon as regards proper understanding of democracy, to streamline a systematic dialogue on international issues and to establish a special mechanism thereof, to revitalize the idea of applying the measures of trust in specific issues of international security. Some of the measures are already under discussion by their respective representatives at the working level.

However, the U.S. does not give up its guideline: the moves of American diplomacy should be undertaken with due regard of the available potential to support them, wherever possible by persuasion and economic incentives, and if impossible then by force. The main ghost still dominating over minds in Washington is Russian “resource nationalism.” The Report contains the recommendation to support European efforts to develop non-Russian sources of natural gas, whether

delivered by pipeline or by sea as liquefied natural gas.\textsuperscript{28}

But when it comes to relations with China, Richard Haas, President of the Council of Foreign Relations, in his article published in the December 8, 2008 issue of \textit{Newsweek} recommends Beijing’s broader inclusion in global processes, albeit with certain checks on its growing might. Haas openly rejects direct containment methods. He suggests that the U.S. administration’s goal “should be to make China a pillar of a globalized world, too deeply invested to disrupt its smooth functioning” and that the U.S. “must accept China's rise.”\textsuperscript{29} These overtones are duplicated in the March 2009 \textit{Asia-Pacific Strategy Report}, presented by U.S. Assistant State Secretary Kurt Campbell. It stresses that “China’s growing political and cultural influence in the Asia-Pacific should be accepted as a fact of life with which American policy needs to commensurate.”\textsuperscript{30} In other words, the U.S. still views Russia as a problematic partner, while China is viewed as a rapidly growing power that should be integrated into the global order that is being founded by the U.S.

In recent years, the agenda of U.S. - China relations has changed dramatically. Current U.S.-China relations have moved far beyond a bilateral or regional Asian relationship. The current presidential cycle in the U.S. essentially differs from the periods of Bill Clinton and George W. Bush. Indeed, in his statements during the election campaign Clinton concentrated on violations of human rights in China, and accused his predecessor of foreign policy anemia following the Tiananmen Square massacre. It also differs from the George W. Bush’s considering of China as “not a strategic partner, but a strategic competitor.” Under the current circumstances of the global financial and economic crisis, the agenda of bilateral dialogue between Washington and Beijing focuses mainly on economic problems. This shift corresponds to the expectations of China’s diplomats, since it significantly devalues the U.S. lexical right over China. Professor Wu Xinbo, Deputy Director of the Center of American Studies at Fudan University in Shanghai, emphasized in his conversation with the author, China is pretty comfortable with the “economization” of the global agenda since Beijing can forge an equal partnership with Washington in the economic sphere.

The search for new partners that would help rebuff Washington’s advance caused Moscow to find an ally in Beijing back in the mid-1990s. At that time, cooperation with the Chinese was viewed as very promising. The leitmotif of China’s foreign policy rhetoric – namely, the prevention of any sort of hegemony in the world at large and in Asia in particular – is consistent with Russia’s strategic thinking. Both states’ concepts of national security described major threats as the desire of some countries or interstate unions to act unilaterally. Russia and China have developed a special strategy for responding to the U.S. They have not built a full-blown union to counteract the U.S. openly. Instead, they try to counterbalance U.S. influence in a tentative manner. Neither Moscow nor Beijing can afford to put themselves into direct opposition to Washington because of the risk of provoking tough retaliatory measures. They only seek to demonstrate that there are alternatives to cooperating with the U.S. on certain issues.

\textsuperscript{28} \textit{Ibid.}, p.4.
Russian-Chinese Cooperation and Rivalry between Russia and the West

Russia’s and China’s policies toward Washington proceed from the assumption that U.S. political and economic power in the world is getting weaker, while their own power is growing. Analysts in Moscow and Beijing draw this conclusion from a range of considerations.

First, their economic growth rates are well above those evidenced in developed countries. The U.S. government, for example, recorded a deficit of 438 billion U.S. dollars in 2008 fiscal year, an all-time high, and this number is only part of the total national debt that exceeded 10 trillion U.S. dollars. The difficulties of readjustment will be compounded as the U.S. grapples with the effects of the current economic recession.

Secondly, Moscow and Beijing interpret the problems that U.S. troops are now experiencing in Iraq and Afghanistan as a sign of the breakdown of the unipolar system of international relations presided over by the U.S. Considering that the U.S. military doctrine relied on its ability to conduct two large-scale wars simultaneously, Russian and Chinese observers are inclined to believe that the era of unilateral actions, as set down by U.S. foreign policy, is drawing to a close. The mistakes of American diplomacy in what concerns the maintenance of nonproliferation regimes, especially with reference to North Korea and Iran, only serve to intensify this impression.

Third, the Russians and Chinese believe that the violations of human rights (in Abu Ghraib, Guantanamo Bay and in the CIA’s secret interrogation facilities in Eastern Europe) heavily impaired America’s “soft power” – i.e. the attractiveness of U.S. values, culture and ideals. Other nations are very quick to notice the difference between American ideals and actions.

Moscow and Beijing expect that these circumstances will put a brake on the U.S.’s ability to press forward with its international objectives – if not over the short term, then definitely over the medium and long term (after ten to fifteen years). That is why Russia resolutely refuse to follow the lead of the U.S. in politics as junior partner and China expresses sharp skepticism over the idea of “Chimerica” or the “Global Two” championed by many American politicians.

However, Russia’s foreign-policy community overlooks an important consideration in showing Moscow’s and Beijing’s assessments of the global situation and relations with the U.S. The fact is that Beijing eagerly passes on to Moscow the leading role in rebuffing U.S. policies that both find unacceptable. Meanwhile, China has secured a less turbulent and more pragmatic interaction with the U.S. China’s leaders claim that Western experiences and recommendations cannot be applied directly due to present realities in China. The “China model” combines an independent line in international policies, the rejection of attempts to promote internal political problems to the agendas of bilateral relations, and some measure of political distancing from the West.

Beijing safeguards its own interests and has its own assessment of risks from the U.S. Moreover, it is interested in an intense level of contrariness between Moscow and Washington. China benefits when Russia is seen as the main critic of U.S. policies and, consequently, assumes the full force of retaliation for its stance. In a speech given at a luncheon hosted by the American Bankers Association on December 8, 2003, Chinese Premier Wen Jiabao proposed five principles of fair trade and economic partnership between China and the U.S.:
First, mutual benefits and win-win results. Thinking broadly, one should take account of others' interests while pursuing its own.

Second, development first. Existing differences should be resolved through expanded trade and economic cooperation.

Third, greater scope to coordinating mechanisms in bilateral trade and economic relations. Disputes should be addressed in a timely manner through communication and consultation to avoid possible escalation.

Fourth, equal consultation. The two sides should seek consensus while reserving differences on major issues, instead of imposing restrictions or sanctions at every turn.

Fifth, do not politicize economic and trade issues.\(^1\)

The formulation “seek consensus” (qiu datong) became an optimization of one of the important components of Jiang Zemin’s four-point proposition made during his talks with George W. Bush on February 21, 2002, i.e. “seek common ground” (qiu tong).\(^2\) Perhaps the first part of Wen Jiabao’s formula qiu datong can be interpreted as a seeking of a Great Unity (datong) – a category of Chinese traditional philosophy with a more than 2000 year history, which became a metaphor of absolute global prosperity in the 20\(^{th}\) century.\(^3\)

The Chinese fear rebuffing U.S. policies – as it might lead to their isolation – much more than the Russians. It is difficult to imagine a situation where Beijing would invest its efforts to block disadvantageous American initiatives, while Moscow, preferring to remain in the shadows, confines itself to supporting China’s tough criticism of the U.S. Such an approach would invite a tough response from Washington against China and would call into question Beijing’s very strategy of a “peaceful rise,” which implies the gradual accumulation of strength in a way that would not provoke other powers. Deng Xiaoping, the architect of the “Chinese economic miracle,” said China should play an inconspicuous role in the international arena and never seek leading parts. Current Chinese leaders have stressed that the government will continue focusing on internal development for the next two decades.

Moscow still hopes to revive talks with Washington on a new basis. Russian President Dmitry Medvedev in his speech to the Council of Foreign Relations stressed that Russia and the U.S. “have great opportunities to restore relations to the fullest extent, and we can build them on a new foundation. We can start from any point.” At the same time the Russian president expressed his willingness to maintain strategic relations with China: “We have an excellent relationship which is referred to normally as a strategic partnership. We have common ground on a whole number of issues: economic development, political issues. This does not imply that we have the same political systems or we share the same views in everything; but, nevertheless, this is a very good, full-fledged, friendly exchange. This is broad-scale cooperation on all fronts.”\(^4\)

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\(^1\) http://losangeles.china-consulate.org/eng/news/topnews/t56330.htm
\(^3\) In this regard a category tong becomes a further step towards China’s more proactive role on the international stage in comparison with he (harmony), which is the basis of the Chinese concept of “harmonization of international relations” formulated by Hu Jintao in 2005.
\(^4\) A conversation with Dmitry Medvedev in the Council of Foreign Relations, November 15, 2008,
One other area in which China has a stronger position in bilateral relations with the U.S. than Russia is its relations with neighboring states. During the past several years the differentiation of Russia’s relations with its neighbors was quite obvious. On the one hand the pattern of Russia’s relations with China and Kazakhstan has developed stably. But official contacts with Georgia was simultaneously interrupted, relations with Ukraine, the Baltic states and to a lesser degree with Belarus have considerably worsened. Political elites in many of these countries wish to play a certain role in granting to the U.S. geopolitical space in order to restrain Russia. In addition, some of Russia’s neighbors have formed anti-Russian communities, such as GUAM (Georgia, Ukraine, Azerbaijan, Moldova) and the Community of Democratic Choice. The latest source of tension was the problem of Ukrainian natural gas debt to Russia, which is estimated to be about 2.1 billion U.S. dollars. After fruitless talks in December 2008, Russian gas monopoly Gazprom completely cut off supplies to Ukraine on January 1, 2009. Nevertheless, Ukrainians began to steal European gas from its transit pipelines just after Gazprom’s decision. President of the European Council and Prime Minister of the Czech Republic Mirek Topolánek immediately invited a delegation of the Ukrainian government led by the Minister of Fuel and Energy Yuri Prodan to Prague in response to the issue of gas supply from Russia via the Ukraine to the EU.35 On January 1, 2009, Deputy Spokesman of the U.S. State Department Gordon Duguid stated that the U.S. was concerned about Gazprom’s cutting off of gas supplies to Ukraine.36 Vulnerability of energy supplies, caused by some transit states’s blackmail under the circumstances of the absence of commonly accepted rules of the game on the natural gas market, was also completely ignored by the U.S. Congress. In July 2007, the U.S. Congress approved the No Oil Producing and Exporting Cartels Act (NOPEC), proclaiming that the formation of international cartels modeled on OPEC would pose a substantial threat to the stability of fuel pricing and deliveries to the U.S., the world economy, and global security. NOPEC authorizes the U.S. Justice Department to pursue antitrust actions in U.S. federal court against cartel members.

This U.S. overvalued attention to the peripheral problems of bilateral relations with Russia in a substantial degree reflects an extremely low level of development of their trade relations (see Table 2).

<table>
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<tr>
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<th>U.S. Import</th>
<th>U.S. Export</th>
<th>Total</th>
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<tbody>
<tr>
<td>2004</td>
<td>11,89</td>
<td>2,96</td>
<td>14,85</td>
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<tr>
<td>2005</td>
<td>15,31</td>
<td>3,96</td>
<td>19,27</td>
</tr>
<tr>
<td>2006</td>
<td>19,83</td>
<td>4,7</td>
<td>24,53</td>
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<tr>
<td>2007</td>
<td>19,31</td>
<td>7,37</td>
<td>26,68</td>
</tr>
<tr>
<td>2008</td>
<td>26,77</td>
<td>9,34</td>
<td>36,11</td>
</tr>
</tbody>
</table>

Source: International Trade Administration, USA
http://ita.doc.gov/td/industry/otea/OTII/OTII-index.html

Marketization in China

Contrary to Russia, China’s relations with all its neighbors improved considerably during the last two decades. Beijing established strategic partnerships with Russia, ASEAN, India (despite their border disputes) and Kazakhstan. After Shinzo Abe’s “ice-breaking” trip to China, Wen Jiabao’s “ice-melting” and Hu Jintao’s “warm spring” trips to Japan, the two leading Asian nations reconciled political relations frozen because of Junichiro Koizumi’s regular visits to the Yasukuni shrine, Chinese reflective over-reaction on those visits and Zhongnanhai’s decision to ignore the Japanese prime minister until the end of his term. Nevertheless, the recent framework of “warm economics and cold politics” are geopolitically bound to be pivotal in East Asia. The number two and number three global economic giants are close neighbors separated by only a narrow strip of water, according to Chinese political language (yi yi dai shui). The differences in economic structure give a clue that China and Japan are highly complementary in their economic development. In regard with China’s efforts to put into practice the Outlook on Scientific Development, its economic goals were shifted on promoting the transformation of economic growth mode, energy conservation and environmental protection, and Japan possesses the advanced technologies in these spheres.

China’s rising role in regional diplomacy, particularly in regional organizations, becomes an additional important feature in strengthening its authority and influence in the world. Despite the fact that the country is located in the joint area of such Asian subs-regions as Northeast Asia, Central Asia, South Asia, and Southeast Asia, and in this regard originally possesses unique geographical characteristics, Beijing followed a long and twisting path to its valuable participation in multilateral regional organizations, some of which had already existed for several decades, and others that appeared only after the end of the Cold War due to a reformatting of the geopolitical space.

In this list the best example is China’s relations with Southeast Asian nations. It must be noted that Beijing’s move to involve itself in ASEAN activities since the early 1990s was part of the country’s good-neighbor policy, aimed at strengthening its ties with neighboring countries in the wake of the Tiananmen Incident in 1989, rather than a proactive reorientation of Chinese foreign policy. Bilateralism remained the principal thrust of China’s policy toward Southeast Asian countries. But in the 1990s, political barriers in the region were fully removed. China declared the formal resumption of diplomatic relations with Indonesia in 1990 and with Singapore in 1992. China and Vietnam officially normalized ties in November 1991. In 1999, during Communist Party of Vietnam Secretary General Le Kha Phieu’s visit to Beijing, both sides announced a “16 Characters Guideline” for improving and strengthening relations between two nations and two parties. They also successfully negotiated a resolution of the disputes of the land border and maritime rights in the Gulf of Tonkin between 1999 and 2000. Following the establishment of the Laotian-Chinese Joint Border Committee in 1991, meetings held during 1992 resulted in an agreement delineating their common border. Since

37 The sharpest dimension of that ignorance was Chinese Vice-Premier Wu Yi’s abrupt cancellation of a meeting with Koizumi during her visit to Japan in May 2005. Their meeting was previously requested by the Chinese side but at the last moment was cancelled under the pretext of Wu Yi’s return to China for urgent domestic reasons.

38 Jing re zheng leng in Chinese.
China began developing closer relations with the regime of previously pro-Vietnamese Cambodian Prime Minister Hun Sen, who faced international isolation after a coup d’état and cultivated close ties with China, which opposed efforts by Western countries to impose economic sanctions on Cambodia.

The “new regionalism” in ASEAN included China in the structures of multilateral cooperation within the larger geographical region. The certain impulse for the formation of regional identity was given by the Asian financial crisis. China’s active diplomatic efforts, during and after the Asian financial crisis, raised confidence levels regarding economic cooperation. China’s decision not to devalue the RMB had a profound impact on regional attitudes toward China and permitted a qualitative leap in cooperation. The new relationship was confirmed by the 1997 ASEAN+3 arrangement and in 2002 by plans for an ASEAN-China free trade area (FTA).

On October 8, 2003, both sides signed a protocol of China's accession to ASEAN Treaty of Amity and Cooperation and a joint declaration on a “Strategic Partnership for Peace and Prosperity” in Bali. That made China the first large country outside the Southeast Asian region to join this treaty, and it was also the first time that China established a strategic partnership with a regional organization. According to the latter declaration, both sides decided to speed up talks on ASEAN-China FTA, which has become a key pillar in ASEAN-China economic cooperation, so as to ensure its smooth establishment by 2010, and hereby assist ASEAN’s new members to effectively participate in and benefit from the ASEAN-China FTA (ACFTA).39

By 2010 the ACFTA will encompass a market of 1.7 billion people, which will generate nearly 2 trillion US dollars in GDP, with a total trade value of around 1.2 trillion U.S. dollars. The main objectives of the FTA are to increase bilateral economic and trade relations between China and Southeast Asian nations and to boost common economic development. Some studies project that under the ACFTA, China’s exports to ASEAN will increase by 55%, while ASEAN’s exports to China may increase by 48%.40

China successfully maintains the profile of a country that is on a “peaceful rise” within the format of the existing order, although the U.S. has never regarded it as an allied country and Beijing has never sought a full-blown partnership with the U.S. in global politics. This explains why Washington finds it much more problematic to find grounds to implement an uncompromising containment policy toward China, even in the presence of concerns over the astounding rise of China’s strength. Beijing skillfully lifts its partners’ concerns over the growth of China’s economic and military capability, and persistently profiles itself as a friendly country that is trying to build a harmonious world.

In conclusion, the U.S. takes a more businesslike, restrained and positive approach toward

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China, while Russia’s domestic political reality and international activity are often vilified. Moscow ranks above Beijing in the emotional taint of U.S. assessments. This is evidenced in Washington’s demands for containment which are heard more explicitly when references are made to Russia. On the other hand, as China has shown, Russia can build partnership relations with the U.S. without damaging its self-identity and independence. In these regards, new dynamics in upgrading Russia’s international status vis-à-vis the U.S, will depend on how effectively Moscow can learn the intricate overtones of public diplomacy and on whether it can develop a strategy based on the promotion of its soft power. Despite the angst created by their uneasy relations with Washington, Russia maintains good relations with its Asian neighbors. New sources of international attractiveness can be found not only in strategic relations with China. Some far-sighted scholars from other Northeast Asian nations push forward initiatives directed toward the establishment of more confident relations in Eurasia.41 The author is sure that such kinds of multilateralism will bring benefits to all participants.