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The Nexus between Czech Non-State Actors and Domestic Foreign Policy Making in the EU Presidency Context

MAREK NEUMAN

Abstract: Holding the EU Council Presidency presented the Czech Republic with an unprecedented opportunity to leave its imprint on, among others, EU foreign policy making by co-shaping the EU’s political agenda. Due to the predominantly intergovernmental character of EU foreign policy, understanding its initial step, namely domestic foreign policy preference formation, becomes crucial. Consequently, in a liberal intergovernmentalist fashion, this article studies whether non-state actors, namely non-governmental organizations and think-tanks, entered the process of preference formation in the Czech Republic in the period preceding the Presidency and during the Presidency itself. Alternatively, it studies whether the lack of access points at the national administration level results in an elitist, government-driven foreign policy preference formation. Based on two empirical case studies – on the Eastern Partnership initiative and EU energy security – this study finds that certain Czech non-state actors are more than only passive bystanders, as they use both (semi-)institutionalized and ad-hoc access points to advocate their own interests and agendas at the state level.

Keywords: EU Council Presidency, Czech Republic, non-governmental organizations, think-tanks, domestic preference formation, foreign policy making

INTRODUCTION
The Czech Presidency of the Council of the European Union (EU), concluded in June 2009, was seen by Prague as an opportunity to actively shape the EU agenda. Whereas the presiding country is expected to refrain from promoting its national interests during its mandate and rather act as a mediator between other member states, recent literature on the EU Presidency indicates that the presiding country may employ numerous mechanisms to alter the EU’s political agenda, exercising agenda-setting, agenda structuring, and agenda exclusion (Tallberg, 2003: 6–13).
Consequently, this paper, in line with Tallberg’s argument, regards the presiding member state as a strategic actor ‘seeking to satisfy national preferences within the confines of [its] formally delegated role’ (2003: 5). The Czech Republic, then, being a new and small EU member state, decided to direct the other member states’ attention towards topics that so far have not received too much consideration on the EU level as such or that, from the Czech point of view, have not been dealt with in a satisfactory manner. In the area of external relations, Prague decided to focus on several areas, with the Eastern Partnership, EU-Russia relations, and policies regarding human rights and transition politics dominating the agenda (‘Work Programme of the Czech Presidency: Europe without Barriers’, 2009: 23–27). These goals were chosen primarily because Prague believes that considering the country’s historical evolution (particularly its successful transition in the last two decades), the Czech Republic can bring its unique expertise with regard to the EU’s eastern neighbours to the discussion table and, provided that an EU-wide political will for action can be instigated, progress in these foreign policy areas could be achieved.

Nevertheless, foreign policy making in the European Union differs from policy making in other areas. Whereas many policies have become supranationalized over the last six decades, foreign policy still remains firmly in the hands of the individual member states. Although some competences are shared between the supranational European Commission (EC) and the member states due to their overlapping character, the bulk of decision-making still lies with the individual capitals, whose representatives regularly meet in the Council of Ministers and decide on what the numerous issue-specific working groups and the two Committees of Permanent Representatives (COREPER I and II) have prepared. Thus, keeping in mind the predominantly intergovernmental character of the EU’s foreign policy making, when studying this process, it is essential to begin the analysis on the domestic level of the individual member states, essentially ‘opening the black box’ of domestic preference formation.

Whereas multiple scholars embarked upon explaining domestic preference formation, including that in the area of foreign policy making (Forster, 1998; Moravcsik, 1999; Moravcsik, 1993; Moravcsik, 1997; Moravcsik and Vachudova, 2003; Smith, 1999), only very few went beyond assessing the role of the government, the individual political parties, and economic interest groups in this process. Moreover, with regard to understanding the process of foreign policy preference formation in the Czech Republic, such studies are virtually non-existent. While some discuss the normative and ideological cornerstones upon which modern Czech foreign policy is based (Pick and Handl, 2004), others shed some light on the foreign policy stances of particular Czech political parties (Kořan, 2007). Yet others take Czech foreign policy preferences as fixed and follow their impact on the EU’s foreign policy making, either in general or in case-by-case analyses (Král, 2005;
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Král et al., 2009; Řiháčková, 2009). Nonetheless, some have deviated from the prevailing academic focus and assessed the role of paradiplomatic actors, such as Czech regions, in both the formation and the implementation of the Czech Republic’s foreign policy. In the most prominent study, Drlák, Königová, and Kratochvíl draw our attention to the activities of sub-state actors, who to a rather limited extent engage in diplomatic activities, although these are predominantly targeting the establishment of economic and cultural ties with neighbouring regions and partner cities/regions (2004). In terms of entering the process of formulating national foreign policy positions, however, these actors play a marginal role.

Up to this point, scholars have not ventured into deconstructing the process of Czech foreign policy preference formation to determine which actors, besides the government itself, are relevant in forming these national positions before they are transferred to the EU level as the official Czech interest vis-à-vis a certain matter to be decided within EU structures. The present article intends to rectify this omission by looking specifically into what role Czech non-governmental organizations (NGOs) and think-tanks play within this process. Subsequently, the tentative hypothesis tested throughout this article is the following:

In the period preceding the Czech Republic’s EU Council Presidency in 2009 and during the Presidency itself, Czech non-governmental organizations and think-tanks contributed to the process of national preference formation in the area of foreign policy.

Hence, the article is organized as follows. In the first section, I discuss the topic at hand from a theoretical and methodological perspective, pointing out several questions that the theoretical embedding leads us to ask in order to fully test the above-stated hypothesis. Furthermore, the section outlines the criteria determining the confirmation or refusal of the hypothesis. What follows is an overview of the sector comprised of NGOs and think-tanks active in the Czech Republic, their ambitions, and their capabilities (and the ever-present discrepancies between these). The focus is placed on their institutionalized and ad-hoc possibilities to participate in the process of domestic preference formation. In the following – third and fourth – sections, I present two empirical studies in which I assess the role of these organizations in formulating the official Czech position on two foreign policy matters – the Eastern Partnership and EU energy security. These cases are meant to either confirm or refute the hypothesis of the NGOs’ and think-tanks’ ability to contribute to national preference formation in times of special circumstances, such as holding the Council Presidency. The article concludes by summarizing the main findings and outlining possible developments in the Czech civil society sector vis-à-vis Czech
(and EU) foreign policy making, and also by stressing the need for further research in this subject area.

**THEORETICAL AND METHODOLOGICAL DISCUSSION**

Whereas current approaches to EU theorizing step away from the intergovernmental-supranational dichotomy, arguing that EU policy-making processes are too diverse and complex to be explained by only one overarching theoretical paradigm, the present study, due to the intergovernmental character of EU foreign policy making, relies on an intergovernmental understanding of EU policy making. Concretely, the topic at hand – domestic preference formation in foreign policy – is placed in a rational, liberal intergovernmentalist (LI) framework that regards Moravcsik’s two-level game model to be of great value. Moravcsik defines preferences as an ‘ordered and weighted set of values placed on future substantive outcomes, often termed “states of the world,” that might result from international political interaction’ (1999: 24).

While Moravcsik distinguishes between economic and geopolitical interests, he, with the partial exception of the negotiations surrounding the Single European Act and the Maastricht Treaty, claims a preponderance of hard evidence to support the supremacy of economic interests over geopolitical ones and over ideology (1999). At the same time, however, he admits that high politics concerns dominate ‘matters with little or no calculable impact on economic interests, such as parliamentary powers or foreign and defense policy’ (1999: 50). Hence, national preference formation in foreign policy presents an odd case for LI due to the importance of incorporating variables such as historical experience, identity, and political culture into the research matrix. Thus, a country’s interest in the field of foreign policy depends on both material and ideational factors. As Hyde-Price argues, the latter include ‘the identity of a community, its political culture, dominant moral and ethical values, sense of justice and conception of the common good, and its belief in what makes it distinctive as a political community’ (2004: 102).

LI’s applicability to this study is further enhanced by its emphasizing of the role of other actors besides the government in the preference formation phase. Indeed, while LI regards the state as a unitary actor in the international arena, on the domestic level, other actors matter too. Domestic preferences result from the interaction of political parties, the government, interest groups, and other concerned actors. As Moravcsik puts it, ‘pressure from particularistic domestic groups with intense distributional concerns’ (1999: 538–539) impacts the official position the state adopts. This process does not differ significantly in foreign policy matters; the influence of such actors as individual political parties, interest groups, the media, non-governmental organizations, and individuals needs to be established. Indeed, all these ac-
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tors are to some extent in the position to spark public debate and thus indirectly influence the position the government takes. Whether non-state actors go beyond indirectly influencing the government and decide to ‘lobby’ or ‘raise awareness’ directly will be the focus of the forthcoming analysis. Moreover, in line with LI, we can hypothesize that the state will try to act as a gatekeeper; it will encourage non-state actors to actively participate in the preference formation process – but only on the national level. Consequently, LI does not predict non-governmental actors will turn directly to supranational actors, such as the European Commission, for support.

Bearing these theoretical considerations in mind, the following questions, which will outright determine the set-up of the forthcoming case studies, arise: First, is foreign policy preference formation in the Czech Republic pluralistic? In other words, do non-governmental organizations and think-tanks concerned with foreign policy matters participate in the process of interest identification? Second, is any such participation institutionalized, as opposed to ad-hoc? Third, what are the mechanisms these organizations employ to enter the process of preference formation? Do NGOs and think-tanks raise awareness only, do they produce recommendations, and how are these being circulated among relevant state officials? Finally, to what extent can one trace the contribution of these organizations to Czech official foreign policy preferences?

In terms of methodology, this article relies on two empirical case studies – one on the Eastern Partnership initiative and another on EU energy policy/security. These case studies have been selected as they reflect the priorities of the Czech EU Presidency, which delimits the time frame of this analysis (‘Work Programme of the Czech Presidency: Europe without Barriers’, 2009: vi–viii). Moreover, both issue areas consistently rank high on the Czech Republic’s foreign policy agenda, and at the time these were proposed as the official EU Council Presidency priorities in December 2008, they have also become highly topical within the individual EU institutions. Particularly in regard to the looming energy dispute between Russia and Ukraine, and several eastern EU neighbours demanding closer approximation to the EU, the EC expressed its full support for the Czech EU Presidency programme. Thus, with imminent action to be taken within these policy areas, and with the Presidency imposing an unparalleled claim to human resources and expertise, these case studies are fit to test the above-stated hypothesis. The factors ultimately determining the confirmation or refusal of the hypothesis are based on Leo Huberts’ intensive process analysis, in which he lays the foundations for the reconstruction of influence (1988: 29–67). Yet, while his model is concerned with influence and therefore relies on counterfactual analysis, this article adapts his model to fit the lighter concept of non-state actors’ contribution to policy making. Therefore, the above-stated hypothesis will be confirmed if (i) the observed NGOs and think-tanks produce positions which they present in the form of policy papers, workshops, conferences,
seminars, etc., (ii) these organizations make use of both (semi-)institutionalized and ad-hoc access points to present their positions to relevant decision-makers, and (iii) these positions can be traced within the official Czech foreign policy preference adopted. Furthermore, if Ministry of Foreign Affairs (MFA) officials testify as to the non-state organizations’ contribution to the official Czech stance, this will be regarded as an additional verification of the tested hypothesis. In contrast, if these conditions are not traceable in the individual case studies, the hypothesis will be refuted.

The primary method of establishing whether non-governmental organizations and think-tanks played a role in Czech foreign policy preference formation immediately before and during Prague’s EU Council Presidency is semi-structured elite interviews. In total, between March and June 2010, eighteen extensive interviews have been conducted with representatives of the Czech Ministry of Foreign Affairs, the Office of the Government, and numerous NGOs, NGO platforms, and think-tanks (the Association for Democracy Assistance and Human Rights [DEMAS], the Association for International Affairs [AMO], Civic Belarus, EUROPEUM, Forum 2000, the Institute for International Relations [IIR], People in Need [PiN], and the Prague Security Studies Institute [PSSI]). The interviewees, who spanned across a rather large spectrum of institutions, all occupied executive positions in their respective organizations, witnessing about their knowledgability and relevance to the present study. Interviews with first-hand participants in the discussed events were conducted so as to receive insight into the processes which are not documented in written form. To avoid dependency on the interviews, this study is complemented by a textual analysis of primary sources, if they have been made available. As this was not always the case, an analysis of secondary sources was inevitable.

CZECH NON-GOVERNMENTAL ORGANIZATIONS AND THINK-TANKS AND THEIR FORMAL STANDING VIS-À-VIS CZECH FOREIGN POLICY PREFERENCE FORMATION

Before this article sets out to assess the extent to which the Czech civil society sector impacted foreign policy preference formation while Prague held the EU Presidency, it is crucial to define the state of affairs of this very sector. As only the last twenty years have created the political, legislative, and financial pre-conditions for the emergence of NGOs and think-tanks, these are still undergoing an evolutionary process. However, some signs of consolidation are already observable; Czech non-state actors increasingly coordinate their steps and communicate their interests amongst each other, and competition is becoming more issue-specific. In the last two decades, several NGOs and think-tanks have developed rapidly and some have built a positive reputation for themselves not only in the Czech Republic, but also on
the international level. However, the developments not only encompass the territorial expansion of activities, but also focus on the improvement of services and analyses. Consequently, the Czech non-profit sector scored rather high on the 2008 NGO Sustainability Index, which stands as evidence of a favorable legal framework created by the state as well as a more focused, issue-specific approach by the organizations themselves.

Out of the rather large number of Czech non-state actors active domestically and/or internationally, only a handful are concerned with foreign policy matters. While scholars struggle to agree on a definition for non-governmental organizations due to the sheer amount of - sometimes competing - alternatives, the present study adopts the one provided by the World Bank, which defines NGOs as ‘private organizations that pursue activities to promote the interest of the poor, protect the environment, provide basic social services, relieve suffering or undertake community development. NGOs often [...] operate independent from government, are value-based and are generally guided by principles of community and cooperation’ (‘Glossary of Poverty and Social Impact Analysis Terms’: 3). Among these organizations, the activities of three ‘classic’ NGOs providing public services were scrutinized. The three NGOs were Civic Belarus, Greenpeace, and People in Need. As these three organizations figure among those with the greatest outreach and are directly involved with the foreign policy matters discussed further below, their insight proved to be indispensable. Furthermore, the establishment of DEMAS in 2008, providing an institutional platform for its eleven NGO members, could change the balance of power relationship between individual NGOs and the government. Indeed, DEMAS increasingly acts unilaterally at both the national and the international level with the backing of its member organizations, which see this as a means to flex their own muscles (‘Interview Q’, 2010). Furthermore, this paper assesses the contribution to Czech foreign policy of yet another institutional platform - Green Circle - which groups together twenty-eight NGOs concerned with environmentalism. Besides NGOs, this paper assesses the contribution of think-tanks to determining national foreign policy positions. Stone defines think-tanks as ‘independent (and usually private) policy research institutes containing people involved in studying a particular policy area or a broad range of policy issues, actively seeking to educate or advise policy-makers and the public through a number of channels’ (2000: 154). However, subsequent research usually waives the requirement of think-tanks’ independence, replacing it with the concept of substantial autonomy (McGann, 2000; Schneider, 2009). Such a definition allows for organizations as diverse as the IIR and Forum 2000 to all be placed under the umbrella of think-tanks. Besides these two organizations, this paper assesses the impact of several other think-tanks on Czech foreign policy preference formation: AMO, EUROPEUM, and the PSSI. These organizations conform with at least one of the think-tank types identified by Ullrich, who distin-
guishes between (i) organizations that generate ideas, (ii) organizations that are concerned with policy-oriented analysis, and (iii) organizations that carry out further debate (2004: 54). However, the individual categories are not mutually exclusive and as further analysis will show, Czech think-tanks often venture into all of them.

In addition to this ‘pond’ of foreign policy NGOs and think-tanks being rather small, the individual organizations differ significantly in terms of their legal structure, their financial set-up, the mechanisms they employ to achieve their agendas, and their origins. While some can be considered ‘top-down’ organizations because of their founding members and contacts with public authorities (such as PSSI), others are ‘bottom-up’ institutions which have started out as low-key initiatives (such as AMO) (‘Interview L’, 2010: 2). While they may differ in the means they employ to achieve their goals, all these non-state actors want to advocate their interests to the relevant public officials. Whereas the NGOs’ institutional interests are easier to recognize, the situation differs in regard to the observed think-tanks. While one may identify the interest of the individual expert/researcher, can we speak of the think-tank as an institution having a clearly defined interest? If we define the think-tanks’ desire to impact foreign policy making by exposing decision-makers to their expertise as their raison d’être, and correspondingly their interest, then the answer is affirmative. Besides this similarity, though, the above-discussed NGOs and think-tanks face very similar difficulties. First, there is the rather limited feedback as to whether their output has left an imprint on Czech foreign policy making. This is certainly no surprise considering the limited financial and human resources of most of the organizations. Put simply, Czech non-state actors cannot employ additional people to follow up on the recommendations and policy-papers they have produced (‘Interview O’, 2010: 2–3). Yet, as the analysis below will show, MFA officials admit to having been impacted by the organizations’ analytical outputs. Second, with the global economic downturn that hit the Czech Republic in 2009, numerous organizations have lost their private donors (‘Interview Q’, 2010: 2), which resulted in increased competition for publicly administered funding. Third, the political vacuum present in the Czech Republic at the time of writing, which resulted from the fall of Topolánek’s government in May 2009, led many organizations not to unfold as many activities as before, as they did not know whom to turn to with their outputs (‘Interview O’, 2010: 3). Finally, while the individual organizations are differently positioned within the domestic polity, they all lack a clearly defined, institutionalized access point at the governmental/ministerial level that would enable them to influence policy making.

Particularly the NGOs and think-tanks’ desire to contribute to Czech foreign policy making and the fact that they all face similar difficulties in terms of formally entering the preference formation process allow us to treat these NGOs and think-tanks collectively while still being aware of the significant differences that exist.
among them. Before turning to the empirical studies, the non-state actors’ standing vis-à-vis governmental institutions needs to be explored in theory. In other words, how can NGOs and think-tanks affect the foreign policy of a nation-state? As has been argued above, Huberts’ intensive process analysis model enables us to trace the impact of non-state actors on a governmental policy. It has also been applied empirically at times, such as in the area of NGO activity with regard to a state’s human rights policy towards third countries. These applications led to the conclusion that if NGO participation at the state level is enabled, these organizations can act as agents of change and contribute to the country’s (foreign) policy making (van den Berg, 2001). Thus, several questions related to the existence of access points at the administrative level need to be answered. First, did the Czech MFA create sufficient access points for the involvement of NGOs and think-tanks? Second, to what extent are these institutionalized? Third, has holding the EU Presidency instigated and facilitated the creation of additional accession points? While there are a few instances where the Czech administration formally anchored the non-state actors’ participation within foreign policy making, these have been issue-specific, and we cannot speak of an institutionalized framework that would enable these organizations to have access to foreign policy making on a general level, to be in place. Indeed, Czech foreign policy making firmly rests with the MFA and its departments (either territorial or issue-specific). However, as an IIR representative maintains, ‘Czech foreign policy making lacks consistency; it is irrational and chaotic’ (‘Interview R’, 2010: 2). Thus, Czech foreign policy making practically inhibits the creation of a permanent ‘chair’ that would be occupied by civil society representatives, who would be active participants in the process of national position formation. In essence, until a solid concept of Czech foreign policy is produced, the space for NGO and think-tank input will be limited. At present, it is reduced to applying for, and executing, grants for scientific research administered by the Strategy, Analysis & Project Management Office (KSAP) of the MFA. However, as the topics are proposed directly by KSAP or the individual MFA departments, who, due to time and human capacity constraints, need to rely on external help, these grants do not present an opportunity for the winning NGO or think-tank to pursue its own agenda. Besides this marginal, yet formalized, way of impacting Czech foreign policy making, non-state actors have established and cultivated a dense web of personal contacts, both to stay well-informed about the current issues discussed at the MFA and to be able to approach relevant decision-making authorities at the MFA with their own ideas and concepts. That these ad-hoc relationships are sometimes seen as substituting for the lack of institutionalized ways of involving non-state actors has been attested to by several interviewees, who admitted to sometimes outsourcing their analytical tasks to their acquaintances among NGOs and think-tanks (‘Interview B’, 2010: 3; ‘Interview I’, 2010: 5–6). Next to these two formal and informal access points allowing these or-
organizations a direct influence on Czech foreign policy making, the MFA also supports them in that it allocates financial means to be used on the organization of conferences, seminars, and workshops, which are used as a forum for disseminating ideas other than those already pursued by the MFA. However, this is a very indirect way of influencing the thinking process of decision-makers, and its impact is hardly measurable.

During the time frame of interest to this paper – the period preceding the Czech EU Presidency and the Presidency itself – the above-discussed access points remained in place, but NGO and think-tank activity surged, not least because of a governmental stimulus. In line with the argument presented above, the EU Presidency presented an exceptional opportunity to co-shape the EU agenda. At the same time, however, it claimed an unseen deployment of human resources, resulting in the Czech government relying on the help and expertise of non-state actors to a much larger extent, leading to a more diffuse process of foreign policy preference formation. First, representatives of EUROPEUM were asked to conduct an independent overview of issues that were to become Czech Presidency priorities. Their findings were presented in a study which formed the basis for a workshop that was attended by both academics and experts, and which produced recommendations that were later to be reflected in the priorities as defined by the Czech Government (‘Interview O’, 2010: 1–2). Second, and more importantly, under the then Minister for European Affairs Alexandr Vondra, who was in charge of the EU Presidency preparations, a semi-institutionalized forum that included representatives of both think-tanks and NGOs was created. These working groups met during ‘working breakfasts’ and were created along the lines of the individual priorities the Presidency had set for itself, and their purpose was to brainstorm ideas that could form the substance of Czech proposals and would gain support from other EU partners (‘Interview M’, 2010: 1). Besides these examples of semi-formal participation in the Presidency preparations, NGOs and think-tanks unilaterally inflated the amount of their policy papers and analysis outputs and have made use of their very close ties with certain civil servants at the MFA. They formed opinions on such diverse topics as, for instance, visa liberalization with Balkan and East European countries, human rights abuses in Russia, energy diversification and increased usage of nuclear energy, or the dilemma of closer versus limited cooperation with Belorussian authorities. These opinions have been presented to relevant decision-makers at either private meetings or conferences, workshops, and seminars.

Whether the existence of these few access points in the national administration enabled Czech NGOs and think-tanks to leave their imprint on Czech foreign policy preference formation is assessed in two case studies here. First, this article looks into the process of preference formation with regard to the Eastern Partnership ini-
tiative. This is then followed by an analysis of non-state actors’ contribution to Czech preference formation in the area of the EU’s energy security.

THE EASTERN PARTNERSHIP INITIATIVE AND THE INVOLVEMENT OF CZECH NON-GOVERNMENTAL ORGANIZATIONS AND THINK-TANKS

After joining the EU in 2004, and while contemplating its own contribution to the EU’s foreign policy, Prague decided to offer its foreign policy expertise on Eastern Europe to the other member states. Its focus on this geographical region was based on several grounds. First, due to its own experience with both communism and the subsequent period of transformation, Prague regards its expertise in democratization and human rights promotion as a valuable asset that could be employed in the EU’s troubled Eastern neighborhood. Second, whereas economic ties with the respective countries used to be strong, they degraded to a state of marginality in the 1990s, but if revived, they could prove to be mutually beneficial. Third, EU activities towards Eastern Europe under the European Neighbourhood Policy (ENP) umbrella have been regarded as inefficient. Finally, the Czech Republic was wary of the growing influence of the Russian Federation in the former Soviet Republics (Král: 8–9). Thus, with the approaching Council Presidency, Prague decided to translate this reasoning into an initiative which would strengthen the ENP’s Eastern dimension. Subsequently, already during Prague’s Visegrád Four Presidency in 2007/2008, a first draft of the policy proposal was presented in Brussels during the COEST Capitals meeting.11 Accordingly, the MFA’s position towards the Eastern neighborhood was formed; it entailed facilitating a close relationship between the EU and the six partner countries (including Belarus), emphasizing the necessity of multilateral cooperation among the partner countries, and focusing on all mutually relevant matters spanning from human rights issues to economic cooperation and strengthening energy security.

Simultaneously to the national administration’s focus on the EU’s Eastern neighborhood, and in the context of the upcoming EU Presidency, non-state actors also increased their efforts to impact the national position vis-à-vis this region. First, think-tanks published extensively on this matter, increasingly pointing to the urgent need to re-evaluate the Czech Republic’s position on the EU’s Eastern neighbors (Kratochvíl, 2007; Kratochvíl and Tulmets, 2007). Second, NGOs such as PiN and Civic Belarus realized the problems with regard to human rights violations and democratization challenges and started several projects in the affected countries (‘Interview P’, 2010: 2). Third, some projects aimed at raising awareness of the shortcomings of the EU’s current policy and the benefits to be gained from closer engagement with the region were launched. For instance, PSSI, together with multiple think-tanks from the remaining Visegrád Four countries, launched the project ‘Strengthening Cen-
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tral European Contribution to the Eastern Dimension of EU’s CFSP.’ This project, spanning over a 3-year period (2006-2008), was aimed at

‘creating a platform for think-tanks, NGOs and policymakers of Visegrad countries (V4) in order to bring new impulses to public and expert debates concerning the Eastern dimension of the Common Foreign and Security Policy, and to increase and sustain their role in shaping the political agenda of the European Council, European Commission, [and] European Parliament’ (Schneider, 2008: 2; emphasis added).

The individual ideas on how to facilitate a closer relationship with the EU’s Eastern neighbors were presented in numerous policy briefs and during three high-level policy conferences and bi-annual seminars. The policy briefs recommended, amongst others, the creation of regional cooperative frameworks among (and with) the partner countries, adjusting the EU’s visa policy to the new political realities (Balázs et al., 2007a: 3), and re-positioning the EU’s policy in this area against Russia’s influence (Balázs et al., 2007b: 4–5). While several of the conferences and seminars organized within this project’s scope were attended by high-level politicians, including then Minister of Foreign Affairs Karel Schwarzenberg, their impact on national preference formation was indirect at best.

Nevertheless, in conjunction with the Council Presidency, Czech NGOs and think-tanks were also able to participate in semi-institutional ‘working breakfasts’ organized by the Minister for European Affairs. During meetings concerned with the EU’s Eastern flank, they circulated their policy outputs and advocated their opinions on several matters. For instance, their representatives promoted visa liberalization with the individual partner countries or the creation of a civil society platform when launching the Eastern Partnership (‘Interview M’, 2010: 4). While the individual NGOs and think-tanks were unable to have their preference for a rapid visa liberalization with the six partner countries translated into the national position, they succeeded with regard to the civil society platform. While the MFA was hesitant at first, seeing the creation of such a platform as a step too far, by employing their persuasion skills, these organizations eventually secured the support of both the MFA Department for Human Rights & Transformation Policy (LPTP) and the MFA’s North & East Europe Department (OSVE) for making people-to-people contacts one of the pillars of the Eastern Partnership. As a manifestation, AMO (in cooperation with other non-state actors) organized a large international conference two days prior to the Prague Summit that launched the Eastern Partnership in May 2009, and the conference produced recommendations that were included in the dossiers of all the participants of the summit the next day (‘Policy Recommendations for Eastern Partnership Summit’, 2009: 3–8).
Besides using this semi-institutionalized access point in the national administration, Czech NGOs and think-tanks also relied on their ad-hoc personal relationships with civil servants at the MFA and the Office of the Government to stay informed about the direction the Czech position on the EU’s Eastern neighborhood was taking so that they would be able to distribute their analytical outputs in a more efficient way, targeting relevant decision-makers. In summary, with regard to the Eastern Partnership initiative and the over-arching Eastern dimension of the EU’s ENP, Czech NGOs and think-tanks did enter the national preference formation stage. While using both (semi-)institutionalized and ad-hoc access points to reflect their agendas in the national position, the level of their success depended not only on their persuasion skills, but also on the political climate at both the national and the supranational level.

EU ENERGY SECURITY AND THE INVOLVEMENT OF CZECH NON-GOVERNMENTAL ORGANIZATIONS AND THINK-TANKS

The national administration’s stance on EU energy security is to a large extent dictated by the country’s energy needs, which it cannot meet alone, and for which it greatly depends on other countries. Whereas the Czech Republic, as the only newly independent country to do so, inaugurated a new oil pipeline connecting its own oil grid to the Western European one as early as 1996, the potential threats stemming from the overly great reliance on Russian gas in particular are often highlighted. As Vondra expressed it, ‘[u]just manipulation or interruption of energy supplies is as much a security threat as is military action. Post-Soviet countries have been experiencing that on a daily basis, as Russia’s appetite for using energy as a political tool is growing’ (2007: 1). Consequently, the Czech Republic, with the help of its European partners, prefers to further diversify not only its energy resources, but also its energy routes. Amongst others, this strategy, together with the desire for a greater role for nuclear energy, will be reflected in the new ‘Energy Conception of the Czech Republic,’ which, at the time of writing, is under review. Consequently, Prague pursued several energy security-related projects before and during its Council Presidency, effectively uploading its national interest to the EU level; these projects included the Southern Gas Corridor, the Nabucco pipeline, and diffusing the idea that nuclear energy is a means to decrease the EU’s dependency on a few suppliers who exert asymmetrical power over numerous EU members.

However, to what extent did non-state actors, particularly NGOs and think-tanks, participate in the creation of these national preferences vis-à-vis Czech and European energy security? Similarly to the ENP’s Eastern dimension, which was discussed in the previous case, Czech NGOs and think-tanks have devoted large parts of their research capacities to the study of Czech and EU energy security and the inferential
‘EU-energy supplier’ relations. In terms of what the national position on EU energy security should be, in their outputs, research institutes have called for a more nuanced approach towards Russia and for more diversification in the Czech energy mix (Dančák, 2007; Lang, Nosko and Schneider, 2009). At the same time, environmental NGOs have called for a much greater emphasis on energy efficiency and increased investment into renewable energy resources (‘Energetická [r]evoluce: trvale udržitelná energetická koncepce pro Evropskou unii’, 2008; ‘Priority ekologických organizací pro české předsednictví Radě EU’, 2008). MFA officials admit to having been familiarized with these analytical outputs (‘Interview G’, 2010: 6–7), but to trace this indirect impact in a certain governmental position is an uneasy task as non-state actors lack follow-up capacities. However, as an MFA official put it, ‘I don’t know of anyone who would not read their outputs and would not consider these when making a decision’ (‘Interview D’, 2010: 6).

As was previously stated, non-state actors’ representatives were invited to participate in semi-institutionalized brainstorming sessions during ‘working breakfasts’ organized by Vondra. One of the working groups – on energy security – produced the ideas that formed the energy security focus of the upcoming Czech Presidency. Due to the overlap between any Czech/European external energy policy and the EU’s Eastern neighborhood, the think-tanks proposed to devote a separate pillar to energy security, emphasizing the significance of enhancing the EU’s external energy policy (‘Interview M’, 2010: 1). As NGO and think-tank representatives worked in both working groups – the one on the Eastern Partnership and the one on energy security – they coordinated their input and refined their proposals for the upcoming working breakfasts. Finally, their view secured the support of the administration, with energy security becoming the third thematic platform of the Eastern Partnership. Additionally, the conference ‘Eastern Partnership: Towards Civil Society Forum’ dedicated one workshop to energy security and produced recommendations that have subsequently been used by the national administration in further negotiations at the European level (‘Interview N’, 2010: 1; ‘Policy Recommendations for Eastern Partnership Summit’, 2009: 6–7).

Besides this rather direct cooperation with both the MFA and the Office of the Government, Czech NGOs and think-tanks, on their own initiative, organized numerous conferences, workshops, and seminars which were meant to foster a mutual understanding between think-tank researchers and policy-makers on energy-related matters. Among the most influential of these was the conference ‘Energy and Security: Global Challenges – Regional Perspectives’, which was held in Prague already in 2004 and organized by the PSSI and AMO. The event was organized by Vondra, who was then active in the PSSI, with its goal was to set the agenda for discussion in the area of foreign policy making vis-à-vis Czech (and European) energy security. With this, the PSSI and AMO opened up a forum for distinguished speak-
ers from the ranks of academics, independent researchers, politicians, and representatives of energy businesses, effectively directing national policy formation on these issues in a certain way. The conference produced the ‘Prague Principles for Energy Security,’ which was a list of steps and recommendations that were later directly translated into the MFA’s energy agenda under Vondra, this time in his capacity as Minister for European Affairs (‘Interview J’, 2010: 2–3). Among others, the conference called ‘nuclear power […] an important source of energy [that] could contribute further to alleviating energy security and environmental problems’ (‘Conference Conclusions’, 2004: 1). In 2007 this was reflected in Prague’s insistence on including a reference to the potential benefits of nuclear energy in the EU proposal ‘An Energy Policy for Europe,’ and by the proposal to launch the European Nuclear Energy Forum, which was co-hosted by Slovakia. Besides emphasizing the role of nuclear energy, the PSSI/AMO conference called for ‘leadership at the highest level of government’ (2004: 2), which was met with the appointment of Václav Bartuška as the MFA’s Special Envoy for Energy Security.

Yet, not all Czech non-state actors concerned with Europe’s energy security succeeded in contributing to the Czech Republic’s official position, which is particularly true for environmental NGOs that increasingly publish papers on energy/climate related matters which are then presented to relevant decision-makers at the MFA and the Ministry of the Environment (ME). Specifically the idea of greater reliance on nuclear energy is rejected by the majority of environmental NGOs, as it is feared that increased investment into nuclear reactors will be detrimental to investments into the sector of renewable energy resources (‘Priority ekologických organizací pro české předsednictví Radě EU’, 2008: 11). Furthermore, they advocate greater energy efficiency, which they see as being at the core of any solution to the issue of energy dependence on too few energy sources/suppliers (2008: 7–8). While the individual NGOs subsumed under the Green Circle platform have made equal use of the access points provided by both the MFA and the ME, in addition to organizing conferences and participating in ENEF summits, their interests have been translated to the official Czech position on EU energy security only to a limited extent. This shows that the contribution to foreign policy making in the area of energy politics that non-state actors can make greatly depends on the extent to which their agendas resonate with the broadly established preference framework the administration is maneuvering within.

**CONCLUSION**

The purpose of this article was to test the hypothesis that Czech non-governmental organizations and think-tanks in times of increased political and administrative activity at the national level, which was here induced by the preparations for holding the Council Presidency and the activity during the Presidency itself, contribute to the
national preference formation stage of EU foreign policy making. The analysis confirmed the intense participation of Czech NGOs and think-tanks concerned with foreign policy matters, with these organizations being more than only passive bystanders. Yet, not always did they succeed in getting their interests reflected in the official Czech stance before the matter was taken to the EU level for further negotiations. While all the scrutinized organizations actively participated in Czech foreign policy preference formation by producing and circulating policy papers or organizing conferences and seminars, only NGOs concerned with human rights promotion and think-tanks were able to impact the official Czech foreign policy position with regard to the Eastern Partnership initiative and European energy security. Indeed, while environmental NGOs used the same mechanisms and access points to exercise policy-impact, their interests did not translate into Czech policies, which can be attributed to these interests not resonating with the broad policy framework as outlined by the MFA. Moreover, the analysis shows that due to insufficient (semi-)institutionalized access points at the MFA level, too often, personal ties to MFA policy-makers are the decisive factor that can ‘make or break’ the non-state actors’ contribution to the preference formation process. Whereas such a setting benefits those organizations that have built a strong network of contacts with state actors, it disadvantages those that are not in a position to establish and maintain such close ties with relevant civil servants. Consequently, too many resources are being deployed towards networking at the cost of not directing these resources towards the organizations’ primary tasks. At the same time, however, NGOs and think-tanks themselves try to prevent the institutionalization of their role, as they are afraid that this might lead to overt bureaucratization. Hence, they do not disapprove of ad-hoc cooperation, which they regard as flexible and efficient (‘Interview Q’, 2010: 1).

In summary, then, this article was a first attempt to shed some light on the role of Czech NGOs and think-tanks in foreign policy preference formation at the domestic level in the period before and during the Czech Council Presidency. On the basis of the empirical case studies, we can conclude that the central hypothesis holds true only for some non-state actors, meriting further research in this area to clarify the following sequent questions. First, is the non-state actors’ contribution Presidency-dependent? In other words, in cases which are not prioritized by the EU Presidency, might NGOs and think-tanks have a similar impact on foreign policy preference formation? Secondly, and more importantly, what are the consequences of too few institutionalized access points for the participation of NGOs and think-tanks at the national administration level? In other words, might the nation state lose its grip over national preference formation as a result of the respective non-state actor appealing directly to supranational actors?
ENDNOTES

1 This article has been written during the author’s research residence at the Institute of International Relations in Prague between March and June 2010. The author would like to thank the individual IIR researchers and two anonymous reviewers for their valuable contributions and comments.

2 This is particularly striking as the overwhelming majority of EU literature devoted to the study of the EU Presidency concluded that for numerous reasons (the short time-span of any Presidency, the predominantly administrative tasks of a Presidency, or the Presidency agenda being largely inherited from the previous Presidency), the EU member holding the EU Presidency is no more powerful to influence EU policy making than any other member state (Bassompierre, 1988; Hayes-Renshaw and Wallace, 1997; Schout, 1998). Besides Tallberg, several others have recently conducted both qualitative and quantitative research which, however, concluded that the influence of the member state holding the EU Presidency is enhanced (Princen, 2007; Schalk et al., 2007).

3 The external relations agenda, on which Prague proposed to focus during its Presidency, was of course much wider and encompassed matters such as transatlantic relations, relations with Mediterranean countries, or further discussions on the European Security and Defence Policy (ESDP) (‘Work Programme of the Czech Presidency: Europe Without Barriers’, 2009).

4 As Wayne Sandholtz puts it, ‘it is probably pointless to seek a single theory of European integration that can capture its dynamic evolution. After all, there is only one case. Rather, we should probably admit that different kinds of theories are appropriate for different pieces of the EU puzzle’ (Sandholtz, 1996: 427).

5 José Barroso, President of the European Commission, delivered a speech at the beginning of the Czech Presidency, expressing his support in the following words: ‘Your objective – “breaking down barriers” – is an inspiring one, and you can rely on the Commission’s full assistance in tackling your three main priorities: a Europe of competitiveness; energy and climate change; an open and safe Europe’ (Barroso, 2009: 1).

6 Without the valuable contribution of the interviewees and without their insight into the non-governmental sector (and its relationship with the governmental level), an extensive analysis of the extent to which Czech civil society organizations participate in the formation of Czech foreign policy positions would not be possible.

7 Overall, the Czech Republic’s non-profit sector scored 2.7 on a scale of 1 (the most consolidated non-profit sector) to 7 (a non-profit sector that is in its initial stage of development). In none of the seven areas assessed (legal environment; organizational capacity; financial viability; advocacy; service provision; infrastructure; public image) did the Czech NGO sector score worse than 3.0 (‘2008 NGO Sustainability Index for Central and Eastern Europe and Eurasia’, 2009: 92-99).

8 Due to the more challenging economic times, we are now witnessing a trend of decreased competition and greater coordination among the individual non-state actors, which make use of the existing coalition potential that has for years been overshadowed by a rather unilateral approach to ‘doing business.’

9 One such example concerns the Czech Forum for Development Co-Operation (FoRS), which by 2010 represented 37 organizations and 10 observers, all of them concerned with development activities. FoRS has been a legally recognized member of the Council for Foreign Development Cooperation, which is an integral part of Czech foreign policy.
Some interviewees claim that often the grant topics have been ‘hand-tailored’ for a specific think-tank. A representative of a think-tank would contact a responsible person at the MFA and suggest a topic. That topic would then be chosen, and from the very beginning it would be clear who would win the tender (‘Interview O’, 2010: 2). As this was generally known among the organizations, others were discouraged from even applying. Besides transparency issues, several interviewees have criticized the scientific topics as such for being completely irrelevant vis-à-vis Czech foreign policy. One of the interviewees claimed that he ‘missed the point as to the relevance of conducting an analysis on Czech-Cuban economic relations in the 1980s for today’s Czech foreign policy’ (‘Interview M’, 2010: 2).

While the Eastern Partnership initiative is generally attributed to a joint Polish-Swedish proposal, it was actually the Czech Republic which presented the non-paper ‘ENP and Eastern Neighbourhood – Time to Act: Food for Thought’ and which outlined the main ideas of an Eastern dimension to the ENP. After Poland and Sweden presented their own proposal under the name ‘Eastern Partnership’ – which was largely based upon the Czech proposal – the Czech Republic was closely involved with the policy, negotiating its details during its Presidency and finally launching it in May 2009.

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Managing the Terrorists: Terrorist Group Blacklisting in Beck’s World

MICHAL ONDERČO

Abstract: States have recently started using sanctions to enforce actions not only against other states but also against individuals. In 1999 and 2001, the UN Security Council applied sanctions against individuals and terrorist groups for the first time. This paper analyses the terrorist-group blacklisting in the European Union as a risk management measure. Analysing the two regimes of the terrorist group blacklisting in the European Union, the article explains that the emerging human rights issues associated with blacklisting are a result of the different natures of the creation of the lists, which is essentially a management task, and their effect, which is essentially judicial. The risk society theory helps us to understand that the blacklisting of terrorist groups and individuals was done because the politicians desperately attempted to prevent possible future scenarios which were given high preference among their publcs. The blacklisting provides a very useful shortcut from a policy puzzle to its solution, bypassing the standard means of combating terrorism.

Keywords: Risk society, Ulrich Beck, terrorism, blacklisting, UN SC Resolution 1267, UN SC Resolution 1373

INTRODUCTION
States have historically used sanctions to enforce actions related to other states’ conduct in the domestic or international sphere. This logic was later transposed into the individual sphere and nowadays states use individual, targeted sanctions in the hope that they will change a person’s behavior (Cameron, 2003). The breakthrough points in this development occurred in 1999 and 2001, when the United Nations Security Council adopted sanctions against persons who were not directly tied to the power structures of states for the first time (Eckes, 2008).

Counter to the popular belief, the blacklisting of terrorist groups and individuals affiliated with them did not start with the terrorist attacks of September 11, 2001. The first terrorist blacklists had been established to target Taliban two years before Al Qa’eda, Usama Bin Laden and his affiliates committed these terrorist acts. However, special terrorist blacklists were adopted by the European Union only after the terrorist attacks. The blacklisting of terrorist groups in the European Union is curr-
rently governed by two simultaneously existing regimes – one is based on the United Nations Security Council (UN SC hereinafter) Resolution 1267 of 1999 and the other one is based on the UN SC Resolution 1373 of 2001. Due to the different provisions in these resolutions, the regimes themselves are different, and the powers exercised by the European Union and her organs under the two regimes also differ.

The purpose of this paper is to analyse the terrorist group blacklisting in the European Union as a risk management measure in the light of Ulrich Beck’s risk society theory. The blacklisting is a paramount example of risk management – aversion of possible future catastrophic scenarios through a current political action. The article also makes clear that the emerging human rights problems associated with blacklisting are a result of the different natures of the creation of the lists (essentially a management task) and their effect (essentially a judicial outcome).

The rest of the article is divided into five parts. In the first section of this paper, I present the concept of the risk society as outlined by Ulrich Beck. Although Beck was a sociologist and not an international relations scholar, his contribution has permeated across social sciences and helped political scientists, international lawyers and criminologists alike in explaining current developments in the field of international relations. The general context of terrorist group asset freezing in the EU will be outlined in the second section. In the subsequent portions, I will deal with the regimes formed by the UN SC Resolutions 1267 and 1373 separately. Particularly, I will look into the different scopes of the applications of the resolutions within the EU and the role of the EU in their implementation. The fifth section offers an analysis of the terrorist group blacklisting in the light of Beck’s theory of risk society. In conclusion, I will show that terrorist group blacklisting is indeed a perfect epitome of the risk society but that it is connected with some associated human rights problems, and I will also look into the future of the blacklists, in particular with the onset of the Lisbon Treaty.

**RISK SOCIETY**

The Cold War logic of threat, which was epitomized by intentions and capabilities, was replaced in the post-Cold War environment by the logic of risk, where intentions and capabilities are joined by probabilities and consequences (Heng, 2006). The main difference between a threat and a risk is that the latter can be managed. Risk was calculable and individual in early modernity, but it became global and incalculable in late modernity (Heng, 2006). The defining feature of risk management is then the proactive precaution – a prevention of unwanted acts from happening (Beck, 1999). The difference between threats and risks is also well-noted in the literature – Celleste Wallander and Robert Keohane made clear distinctions between a risk and a threat in their study of security institutions (Wallander and Keohane, 1999). According to Robert Samuelson, a *Washington Post* columnist, risk is a ‘defin-
ing characteristic of our new era’ (Samuelson, 2002). Risk is also difficult to transform into clearly identifiable threats. Terror, the main topic of this article, is, according to Beck, one of the main axes of risks, along with environmental and financial crises (Beck, 1999). Findlay argues that communities which demonstrate the signs of being risk societies are ‘caught up [...] within a notion of global community’, intimately linking the three notions of globalization, risk and terror (Findlay, 2008: 41). Terror represents, in this respect, a non-recurring threat which is essentially non-calculable. Furthermore, the risk of a terrorist attack is virtually very low and likened by the Financial Times Chief Foreign Affairs Commentator Gideon Rachman to the chance of being killed by a reindeer in a car accident (Rachman, 2007).

Are then risks apparent and free of any discussion? It is important to notice that Beck, as opposed to the Copenhagen School scholars, does not specify how risks emerge. For Beck, whether risks emerge as a result of the securitization of issues or real threats is irrelevant. The only relevant issue is how risks are conceptualized in the heads of policy makers, as they are the ones who steer the process of risk management (Beck, 1999). However, at this point, Beck draws close to the Copenhagen School scholars. As Waever notes, security issues as such are matters of social construction per se (Waever, 1995). In this vein, both Beck’s risk society approach and the Copenhagen school approach find their application through the constructivist interpretation of international relations (Wendt, 1992, 1999). However, the two approaches diverge when it comes to what Copenhagen school scholars call ‘securitization’. Waever, Buzan and others explore aspects of securitization at great lengths but do not answer the questions of why issues become securitized and what impact securitization of issues has on the public. Beck, as a sociologist, talks about risks and risk-management as a policy response. Management of risks by policy-makers, unlike management of risks by hedge-fund managers, does not necessarily require a rational cost-benefit ratio but it rather responds to the fears of the public. In this sense, then, the Copenhagen school and Beck’s risk society can be considered as complementary.

This point was well illustrated by Heng on the example of Kosovo. Neither Serbia nor Kosovo was a direct threat to NATO in 1999, when NATO decided to conduct a military campaign against Serbia. It was, however, the risk of the spread of illegal migration, drugs and ethnic strife that drove the Western policymakers to make the decision to bomb Serbia. It was not the real actual threat but possible catastrophic scenarios that guided the Clinton Administration (and the NATO). A similar line of thinking – in the sense of focusing on aversion of infinitesimally probable catastrophic scenarios – is present in the 2002 US National Security Strategy (Heng, 2006).

An interdisciplinary interjection at this point might be also useful for understanding the process. Criminologist David Garland used the concept of risk society to ex-
plain the transformation of ‘the culture of control’ (Garland, 2001). Garland maintains that the emergence of ‘the fear of the fear’ led to a shift of the policies against renegades in domestic societies towards more repressive cultures in the United States and the United Kingdom. Garland makes use of Beck’s theory to explain that crime had become a risk which needed to be managed. Garland does not claim that murder or rape is not a real threat. However, he describes how even petty crime became perceived as a serious threat to the society and how the culture of ‘penal welfarism’ was overturned and the importance of the victim (a righteous citizen and presumably a voter) rose. This led politicians to compete for introductions of tougher penalties for ever smaller offences. Followingly this led to the introduction of policies such as the ‘Three Strikes and You’re Out’ laws. Garland maintains that this change can be best explained through the concept of risk society, where the shadow of the future influences the contemporary decision-making. Commenting on these policies, Findlay argues that the injection of risk society elements into the criminal justice system was done without paying due regard to the fact that real targets are being hit and without a true evaluation of their effectiveness (Findlay, 2008).

The task of the politician then is not to avert existing threats but to prevent the emerging risks from materializing. In Beck’s words: ‘future events that have not occurred become the object of current action’ (Beck, 1999: 52). This logic does not require the traditional means-end relationship and allows for selective elimination (or prevention) of alternative future scenarios by the action in the present, requiring a pro-active risk calculus. An interesting contradiction lies in the very heart of the concept. The problem is that the means-end (and cost-benefit) relationship, vacant from the logic of risk society, lies in the very heart of the traditional doctrine of the raison d’état. The state is assumed to have certain interests whose realization depends on its capabilities vis-à-vis other states (Rasmussen, 2001). Suddenly, however, the instrumental calculation of capabilities is not necessary (the terrorists cannot bring down or conquer the United States, but the US commits immense sums of money to the fight against them). According to Beck, the risk is a way to cope with hazards introduced into the world by modernization itself (Beck, 1999).

If the means-end rationality is absent, what other rationality can explain the logic of the risk society? According to Rasmussen, it is the reflexive rationality – the society needs to cope with hazards that are products of the very same society (Rasmussen, 2001). Rasmussen states that if for Foucault, politics was about guiding a ship to a safe harbor, in the risk society, the harbor disappears and the only task of the policymaker is to keep the ship afloat.

Can then risks be eliminated? No. Whereas for Copenhagen School scholars, risks are created by decision-makers and then dealt with, for risk society theorists, risks cannot be eliminated altogether. However, society can choose which risks it is going to deal with and how it is going to eliminate or mitigate them (Beck, 1992). One of
the apparent conclusions then is that the risk society reverses the relationship of the past, the present and the future. Whereas before, the past action triggered a reaction in the future, in the risk society, the desire to avert a possible future scenario triggers a present action.

The sanctioning of terrorist groups and individuals is a paramount manifestation of the risk society nowadays – not only because Beck considers terrorism to be one of the axes of risk, but also because it very nicely shows how policymakers assume the role of risk managers. Numerous authors attempted to make sense of the transformation of the political order in the European Union when it came to criminal matters. Wagner transposed the logic of positive and negative integration, known from the politics of the common market, to the cooperation in criminal matters (Wagner, 2010). Legal scholars remained perplexed by the perceived mess which was created by decision-makers through their actions in combating international crime and terrorism (van Sliedregt, 2010). Some other political scientists attempted to explain the fight against terrorism financing in the light of the perceived newly established ‘politics of preemption’ (de Goede, 2008). These political scientists and the legal scholars alike, however, fail to explain sufficiently why the legal disarray held in contempt by lawyers emerges, why the politics of preemption appears and why the current cooperation in criminal matters (more specifically, in the matters of terrorism financing) creates so many legal issues.

The risk theory allows us to explain these phenomena. Policy-makers engage in a risk-management exercise through the political process. The results of the steps taken, however, do not correspond to the standard results of a political process but rather resemble a judicial process, and therefore numerous problems occur, stemming from the difference between a management board and a court bench decision-making procedure.

The nature of the fight against terrorism is particularly well-suited for the explanation by the risk society theory. Taken very practically, the legal process against individuals who are accused of financing terrorism would be extremely difficult indeed. In particular, it would probably require the use of confidential evidence, advanced evidence gathering and a trial, where an undoubted proof would have to be presented. Needless to say, this would be not only lengthy, but also highly problematic. Politicians therefore resort to asset freezing as a means to combat terrorist financing. Asset freezing, despite numerous attempts to give another explanation, resembles a de facto requisition. The political route taken by constructing the terrorist financing lists offers policy-makers an easy-to-do blueprint for combating terrorist finances with very few of the traditional controls present in the traditional criminal systems.

The following article is a qualitative case study of two terrorist group blacklisting procedures in the European Union. The case study treats mainly primary sources –
EU and UN legal documents, but it also utilizes some secondary sources. The use of the risk society approach sheds new light on terrorist group blacklisting and facilitates making sense of this phenomenon.

THE SANCTIONS IN THE EU

The cornerstone of sanctions against terrorist financing is the International Convention for the Suppression of the Financing of Terrorism, adopted in 1999 by the UN General Assembly. This convention, while being adopted by states, also engaged private entities. In Article 8(1), the convention obliges a state to ‘take appropriate measures, in accordance with its domestic legal principles, for the identification, detection and freezing or seizure of any funds used or allocated for the purpose of committing [terrorist acts]’.

In addition to travel bans, the most palpable consequence of being put on a terrorist group blacklist is the freezing of one’s assets. Freezing of assets includes a complete freezing of one’s bank accounts and transfers, which may mean that persons on the blacklists would be left with no means to finance their ordinary everyday life, including housing, food and medical expenses. Since the period of the freeze is unknown at the time of the listing and its nature is complete, it appears to be more of a punishment than an administrative measure (as it is usually portrayed) (Draghici, 2009). In fact, the UK Treasury states that asset freezing is a ‘punitive’ measure (HM Treasury, 2010). In the UK, approx. 150,000 GBP have been frozen (HM Treasury, 2010).

To alleviate the conditions, the Court of First Instance in the first People’s Mujahedeen of Iran case (discussed below) stressed that those on the terrorist blacklists may be given the possibility of humanitarian exemption in order to have funds for living. This point only underlines the fact that asset freezing, when done properly, is a total freezing of all funds, including those allocated for one’s private life. Such a measure indeed resembles a punishment rather than an administrative measure. This measure, however, is not taken by a court but rather by a group of policy-makers.

The political consequences of asset freezing are important as well. As Levitt argues, the EU tried to make a clear separation between the political and the social wings of terrorist organizations. Thus, Hamas initially did not appear on the list, but only its military wing (Levitt, 2003). Similarly, Hezbollah has not been on the list up until today, although some of its military proxies were. This policy of the EU, however, went contrary to the activities of some EU member states, such as Spain, who moved in the opposite direction and tended to consider the political, military and social wings of terrorist organizations as one.

The organizations (and individuals) who appear on the EU blacklists are therefore considered to be engaging in terrorism, and thus political engagement with them is
problematic as well. However, if a group such as Hezbollah is not on the list, then it is not considered to be a terrorist group on the EU level, and a political engagement with it can take place.

Sanctions against individuals in the European Union – to which terrorist group blacklisting belongs – fall under the application of Articles 301, 60 and 308 of the Treaty on European Union.\(^3\) The articles read as follows:

Where it is provided, in a common position or in a joint action adopted according to the provisions of the Treaty on European Union relating to the common foreign and security policy, for an action by the Community to interrupt or to reduce, in part or completely, economic relations with one or more third countries, the Council shall take the necessary urgent measures. The Council shall act by a qualified majority on a proposal from the Commission. (Article 301)

If, in the cases envisaged in Article 301, action by the Community is deemed necessary, the Council may, in accordance with the procedure provided for in Article 301, take the necessary urgent measures on the movement of capital and on payments as regards the third countries concerned. (Article 60, para. 1)

If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community, and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures. (Article 308)

The strict limitations on the jurisdiction of the EU courts also allow for individuals to be accused of supporting terrorism but without being able to get access to a court and challenge these allegations (Eckes, 2008). In this article, I will only deal with sanctions adopted against external terrorists, as there is no agreement on whether the EU can adopt measures against domestic terrorist groups (Eckes, 2008). The freezing of assets of groups from within the EU therefore remains on a national level. The blacklisting process can in general be described as being carried out in three steps:

- identification at UN or national level
- the Council drawing up a list of terrorist suspects
- adoption of measures through a regulation (Eckes, 2008).

In the following sections, I will look into the two regimes of terrorist assets freezing in greater depth.

THE 1267 REGIME

In October 1999, the UN SC adopted Resolution 1267, which, inter alia, imposed a financial assets freeze and travel bans on affiliates of the Taliban, Al Qa’eda and
Usama Bin Laden. The Resolution was adopted under Chapter VII of the UN Charter and was therefore binding upon member states of the United Nations. The Resolution stood out for two reasons. Firstly, it established the so-called ‘1267 Committee’ – also called the Taliban Sanctions Committee. The Committee, composed of members of the UN SC, is tasked with implementing, supervising and reporting on compliance with the Resolution. The UN SC Resolution 1267 was followed by Resolution 1333, adopted in December 2000, which imposed even tougher sanctions on the Taliban regime in Afghanistan and on Usama Bin Laden.

Secondly, the Resolution was special because it contained a list of persons who were to be targeted by the Resolution. This list was based on information provided by states and regional organizations (Porretto, 2009). The lists have been periodically amended, reviewed and edited by the 1267 Committee. According to an established procedure, the Committee decides by consensus on who should be included on the list and how the list should be amended. Initially there was no possibility to hear individual cases and no de-listing procedure. There was also no institutional body where individuals could ‘seek justice’ because the International Court of Justice cannot entertain individual claims (Porretto, 2009). The possibility for de-listing was created only by UN SC Resolution 1730, which created the so-called Focal Point, whose task was to deal with the issues of de-listing. The procedure for de-listing, however, remains difficult, and an individual or an entity who wants to be de-listed must submit an application along with a justification and a description. However, the individual or entity cannot appear before the Committee or the Focal Point and therefore they must be represented by the State of citizenship or residence. The State must also ask for the case to be put on the agenda of the Focal Point (Draghici, 2009). Furthermore, the State of citizenship or residence must voice its opinion on the de-listing request and recommend it for de-listing (United Nations, 2008). At the time of writing, there were 25 requests from 18 individuals and 22 entities for de-listing submitted to the Focal Point under the 1267 regime. Out of those who made these requests, three individuals and 17 entities were de-listed and 6 individuals and one entity remained on the list (United Nations, 2010).

In accordance with UN SC Resolution 1822, the 1267 Committee provides narrative summaries of the reasons for the listing of a person or entity. Depending on the person, the summaries can be very short (2–3 lines) or extensive (more than one page). A summary contains the date and the grounds for the listing, additional information containing reasons for the listing, a narrative of the involvement of the person with Al Qa’eda and a list of related persons. In 2009, UN SC Resolution 1904 established an Office of Ombudsperson whose task would be to assist the committee in de-listing. The office is currently held by Judge Kimberly Prost.

Heupel hypothesizes that the introduction of safeguards into the system was carried out for two chief reasons. Firstly, UN SC members feared legal challenges to the
system, which would be likely to be won by the claimants. Secondly, to rally support among the wide UN membership, UN SC member states decided to make the process as legitimate as possible (Heupel, 2009). Heupel herself, nevertheless, remains perplexed by the lack of large-scale global NGO campaigns against the system.

The blacklists and their impact were thorough and had they been applied completely, those on the lists would not be able to even procure basic staples and pay for housing. Therefore, the UN SC passed Resolution 1452 in 2002, which allowed for some exceptions in order to allow those on blacklists access to basic staples. This Resolution was reflected in the European Union in the Council Regulation 561/2003. Originally, some provisions for basic humanitarian exemptions were allowed also under Article 5 of the Regulation 2580/2001, but the scope widened with the adoption of the Regulation 561/2003 (Labayle and Long, 2009). The Regulation 2580/2001 required all EU members to freeze funds and other assets of all persons alleged to be associated with terrorist groups. The decisions on listing were taken by the Council unanimously.

Prior to 9/11, the European Union implemented this resolution within its second and third pillar (Common Security and Foreign Policy and Justice and Home Affairs) (Porretto, 2009). These resolutions were directly implemented because, as was later revealed by the Court of First Instance, it was believed that the Community was bound to directly implement the UN SC Resolutions in the light of the Article 103 of the UN Charter. Although the EU was not bound by the Charter due to its non-membership in the European Union, the member states acted through the Union in the implementation as some of these policies were delegated to the European level. Furthermore, as the European Commission and the European Council argued before the ECJ, this mode of action was required to facilitate the member states’ obligations towards the UN (Vlcek, 2006).

The implementation was done by the Council Regulations, which have been periodically updated to reflect the changes made by the UN SC. The UN SC Resolution 1333 was transposed by Council Regulation 467/2001, which contained an appendix with a list of the persons and entities to which it applied. This Regulation imposed bans on imports from and exports to Afghanistan, imposed a flight ban on Ariana Airlines and froze the funds of entities and individuals affiliated with the Taliban and Al Qa’eda.

In 2002, after the UN SC Resolution 1390 was adopted, the Council of the European Union adopted the Common Position 2002/402/CFSP and lifted certain sanctions imposed on Afghanistan in the light of the change of government in Afghanistan after the US-led invasion. The Council also adopted specific restrictive measures against the Taliban and Al Qa’eda in the Council Regulation 881/2002. This regulation, in its Article 7, gave special implementing powers to the European Commission, including amending and supplementing the Annexes containing the
lists of those against whom the restrictive measures were meant. This Regulation implemented stronger restrictive measures and remains the object of most lawsuits in this sphere (Labayle and Long, 2009).

**THE KADI AND BARAKAAT CASES**

As was already alluded to, the Regulation and blacklists have been attacked on the European level several times. Most of the legal de-listing requests are made through Article 230, paragraph 4 of the Treaty on European Union, which states that

[...] any natural or legal person may [...] institute proceedings against a decision addressed to that person or against a decision which, although in the form of a regulation or a decision addressed to another person, is of direct and individual concern to the former.

The most famous review of the UN SC-imposed sanctions within this regime happened in the Kadi and Barakaat cases when Mr. Kadi challenged his listing on the EU-adopted list before the Court of First Instance (CFI hereinafter) (Labayle and Long, 2009). Meanwhile Al Barakaat was one of the largest companies in Somalia, and it was accused of channeling money to Usama Bin Ladin’s terrorist network Al Qa’eda (Vlcek, 2006). The CFI, in its judgment of these cases, held that member states are bound by Article 103 of the UN Charter and Article 27 of the Vienna Convention on Law of Treaties. These articles stipulate that

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail. (Article 103, UN Charter)

and

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty [...] (Article 27, Vienna Convention).

Since the UN SC acted under Chapter VII when adopting the Resolutions imposing the individual sanctions and creating the blacklists, these Resolutions were deemed to be binding upon the member states and also upon the European Community, to which the states delegated powers in this sphere. The CFI decided that the bodies of the European Union did not have powers to review resolutions of the UN Security Council and that the European human rights instruments were not applicable to the case (in line with the long-standing tradition of rejection of extra-territorial ap-
plication of the European Convention on Human Rights). The CFI therefore rejected
the claim of Kadi and Barakaat. However, the applicants lodged an appeal with the
European Court of Justice (ECJ hereinafter). The ECJ rejected the arguments of the
CFI, claiming that all Community acts must respect fundamental rights and the prin-
ciples of liberty, democracy and respect for human rights enshrined in Article 6(1)
of the Treaty on European Union. The ECJ annulled the Regulation and upheld the
appeals. The defendants, the European Council and the European Commission, how-
ever, found a loophole. The ECJ annulled only one specific Regulation (Regulation
No. 881/2002) in its judgment. The Commission, then, after a careful considera-
tion, re-listed both Kadi and Al Barakaat in a new Regulation within a three-month
period (Labayle and Long, 2009). It is worthwhile to mention that in October 2009,
Barakaat was de-listed from the UN list (United Nations, 2009).6

As we could have seen, the regime established by the UN SC Resolution 1267
and subsequent resolutions against the Taliban, Al Qa’eda, Usama Bin Laden and
their affiliates is largely implemented in the European Union only by transposing the
UN SC resolutions into the legal order of the European Union. This is mainly due to
the specific nature of the resolutions, including the specific listing of entities tar-
geted by resolutions at the UN level. The European Union exercises only a limited
scope of action within the regime. If it acts in difference to UN lists, it is due to
human rights instruments applicable within the EU. The adoption of the lists, how-
ever, remains an exercise of political risk management where policy-makers (whether
on the UN or the EU level) decide to prevent possible future risks by taking steps in
the present.

THE 1373 REGIME
In September 2001, the UN SC adopted Resolution 1373 while also acting under
Chapter VII. This Resolution was a direct consequence of the 9/11 terrorist acts and
called states to implement various anti-terrorist measures into their national legal or-
ders. Bantekas argues that this Resolution constituted a mini-treaty because it re-
quired the states to accept obligations that most of them were not willing to accept
(the 1999 Terrorism Financing Convention was not yet in power due to a lack of rat-
ifications) (2003). The general language of the Resolution, with no direct references
to either Al Qa’eda or Usama Bin Laden, was interpreted as a US seizing of the mo-
ment and pushed for a more wide-ranging Resolution (Bantekas, 2003). This Reso-
lution also established a committee to supervise the implementation (the so-called
‘Counter-Terrorism Committee’). Although the Counter-Terrorism Committee works
closely together with the Taliban Committee established by UN SC R 1267
(Tappeiner, 2005), there is a stark difference between the Counter-Terrorism Com-
mittee and the 1267 regime – this Resolution did not establish any list of terrorist or-
ganizations and did not even define what constitutes ‘terrorism’.7 Each state was
therefore left with a possibility to adopt the measures, as they were necessary for implementing the Resolution (Labayle and Long, 2009).

The European Union adopted an autonomous reaction, on the same grounds as those for the automatic adoption of lists in the case of the 1267 Regime. On December 27, 2001, the Council of the European Union adopted Common Position 2001/930. This Common Position contained no list of persons, but criminalized provision of funding for terrorist activities. On the same day, the Council also passed Common Position 2001/931. This Common Position is far more precise than the one adopted immediately before and is framed within the Title IV of the Treaty on European Union. The Annex to this Common Position contains a list of persons and entities which were placed on the European ‘blacklist’. This list is updated every 6 months and the most recent update was adopted as Council Decision 2009/1004/CFSP of December 22, 2009.

A person or entity is included in the EU blacklist based on precise information, and the decision to ‘nominate’ an entity to appear on the list is to be taken by a ‘competent authority’. This competent authority, however, does not necessarily have to be a judicial one (Labayle and Long, 2009). On December 27, 2001, the Council also adopted Regulation 2580/2001, which is complementary to the administrative and judicial procedures regarding the terrorist organizations in Europe, in order to implement the Common Position 2001/931. This regulation stipulated that the Council can unanimously establish, review and amend lists of persons and entities to which the regulation applies. Therefore, the powers of the Council in this respect also include de-listing (Council of Europe, 2007).

By the Council Decision 2001/927, the Council established a list of bodies to which the Regulation 2580/2001 applies. This list is also amended regularly. It is being managed by Clearing House, a specific working group composed of representatives of member states, the General Secretariat and the European Commission. Clearing House is tasked with preparatory work for the Council, composition of lists of names and making proposals to COREPER (Labayle and Long, 2009). After proposals are made to COREPER, states have approximately two weeks to make amendments to and comment on the proposals. As Cameron noted, due to the secrecy of the meetings, it was not clear which organizations were subjects of debate and which ones did not pass the vote (2003). The decisions were made by consensus. However, later Clearing House was replaced by the Common Position 931 Working Party, which was tasked with examining and evaluating information and making recommendations for listing and de-listing which would afterwards to be adopted by the Council. The transformation of the body brought to an end the problems of Clearing House (lack of funds and continuity) but it also brought about more transparency by de-classifying its review procedure (Eckes, 2008). Until the judgment in the People’s Mujahedin of Iran case, listed parties were not informed about
their listing, about the reasons for their listing, and about the evidence brought against them, and there was no possibility to petition for exclusion from the lists.

THE PEOPLE’S MUJAHEDIN OF IRAN CASE
The case of the People’s Mujahedin of Iran (PMOI hereinafter) is illustrative. The PMOI is an Iranian opposition organization which was established in the Shah’s Iran to fight the Shah’s regime (Council of Europe, 2007). The PMOI appeared on the British terrorist blacklist in 2001 under the United Kingdom Terrorism Act, although it never appeared on the UN SC terrorist organization list under UN SC Resolution 1267.

The organization appeared on the EU terrorist list for the first time in May 2002. In the same year, the PMOI lodged an application to the Court of First Instance for the annulment of the Common Positions and Council Decision by which the PMOI was designated as a terrorist organization and put on the blacklist (Trávníčková, 2009). The CFI declared the petition to be partly inadmissible and partly unfounded - it was inadmissible because the Community Courts were not allowed to review acts adopted under Title V of the Treaty on European Union (as were the Common Positions) (Court of First Instance, 2006). However, the request to cancel the Council Decision was granted and the court annulled the Council Decision 2005/930/EC of 21 December 2005. The CFI reached this conclusion largely on the grounds of the lack of a fair trial and information on evidence brought against the PMOI. The Council, however, decided to keep the PMOI on the list of terrorist organizations, arguing that the Court annulled only the abovementioned Decision, which was, however, in the meantime replaced by a subsequent one (2006/379/EC) and therefore the PMOI remained on the list. After this judgment, the Council started to issue information for sanctioned subjects on the reasons for why they were put on the blacklist (Trávníčková, 2009). After the PMOI re-appeared on the list, the organization decided to go to the CFI again. In cases T-256/07 and T-284/08, the PMOI challenged two new lists presented by the regularly updated Decisions, in which the organization was still listed as a terrorist organization. However, in the meantime the situation changed in favor of the PMOI. The reason for its initial listing was the fact that the organization had been on the British terrorist blacklist. However, on November 30, 2007, the Proscribed Organisations Appeal Commission (POAC hereinafter), the British authority responsible for the appeals against listings on the UK terror lists, decided that the listing of the PMOI was unlawful (Council of Europe, 2007). The European Council, however, included the PMOI on its 2007 blacklist. Therefore, the CFI dealt with both cases swiftly and in both cases ruled in favor of the PMOI, largely due to the POAC’s decision to strike the PMOI off the UK terror list (Court of First Instance, 2008a, 2008b). The PMOI did not appear on the 2009 terror list of the European Union (Trávníčková, 2009).
It can therefore be said that the PMOI was the first organization which successfully challenged the EU terror blacklists before the Courts of the European Union and managed to be excluded from these lists. However, the decision to exclude the PMOI from the lists did not come from a binding decision of a court, but rather it was made on the political level (although the importance of the previous rulings of the ECJ and the CFI cannot be underestimated).

**BLACKLISTING IN BECK’S WORLD**

Sanctions against individuals thought to be engaged in and/or financing terrorism reveal three important shifts in the governance of security, which can best be explained through the concept of the risk society.

The first shift is the shift from state agents to private individuals. Although the UN SC applied sanctions against individuals in the past, these were always against state agents. However, even after the fall of the Taliban regime, the 1267 Regime continued to sanction the agents of the Taliban. These people, though, have not continued to exercise their power as agents of state, were not tied to the power structure of the state and did not have any impact on the molding of states’ policies (Godinho, 2010). The shift away from the state structures to private actors has been observed by political scientists in a number of subfields of international security, especially when it came to the so-called ‘new wars’ debate (Kaldor, 2008; Kalyvas, 2001; Kalyvas and Balcells, 2010; Münkler, 2004). By extension, the fight against terrorism and terrorists can be considered to form a part of the ‘new wars’.

The second shift is from perpetrators to ‘aiders and abettors’ (Godinho, 2010). States began to sanction not only the perpetrators of international terrorism, but also those who function as auxiliary helpers. This shift signalizes two elements. Firstly, the terrorist blacklists represent a move down the ladder of the terrorist network. Secondly, weaker links exist between ‘aiders and abettors’ and the act than between perpetrators and the act. International lawyers lamented a similar shift towards combating aiding and abetting in the field of self-defense, where aiding terrorists became a justifiable excuse for a military action in self-defense (Barbour and Salzman, 2008; Dinstein, 2005; Gazzini, 2008; Heinze, 2009).

Both these shifts can be neatly explained with the use of the risk society concept. The shift away from the state agents can be explained by the change of the threats but also by the need to take a quick action in order to appease domestic publics. The terrorism has not emerged on September 11, 2001. However, the traditional means of combating terrorism would require a tracing of all evidence, lengthy processes of information collection and analysis, and most importantly, the condition that all evidence would have to be able to stand in a court of law at a certain point. As outlined above, the judicial process and the fight against terrorism stand on opposing
sides of the security governance scale. The risk society concept, on the other hand, allows us to explain why politicians decided to make a shortcut between fighting terrorism and policy responses. Their decision was political, but its effect was judicial. And they seemed little to care. Equally, the shift down the ladder of terrorist organizations helped policy-makers to make quick moves and tap wide networks, taking a risk-averse strategy. A cost-benefit analysis was absent from the calculation, as the risk society approach predicted.

However, the most important shift of all is the third shift – the temporal one. The main goal of the whole process is not to sanction a past action, but to avert a possible future catastrophic scenario. The purpose of terrorist group blacklisting is not to punish past terrorist acts but to preclude the commission of future terrorist acts. If the terrorist group blacklisting were indeed a punishment for committed terrorist acts, blacklisting would be a true judicial measure – and thus it could never be taken by policy-makers but only by courts. However, blacklisting is done through policy-making bodies and not through judicial bodies. The shift is not only about prevention; it is about preemptive moves to avert possible futures, even if the likelihood of such a future actually occurring is miniscule. The risk society approach, in this respect, helps us to understand this shift. Albeit seemingly unimportant, the move towards preemptive action in the field of international security means turning the existing framework upside down. Legal and political scholars alike were previously reluctant to grant any wild cards for action in the field of international security without clear evidence or at least a smoking gun (that is, ex post). Using a similar metaphor, risk society explains why policy-makers decided to sanction a loading of a gun, as the politicians chose the loading of the gun as a risk and gave it a high priority on their list. But loading guns had to be averted under any circumstances, not paying attention to means-end and cost-benefit relations. From the examples above, it is clear that the freezing of assets had a clear purpose – to pre-empt possible future terrorist acts, even though those whose assets were frozen did not have to be directly associated with terrorist activities, and the system has historically lacked procedural safeguards.

In her research Mareike de Goede mentions another pre-emptive measure which characterizes the fight against terrorism. De Goede argues that the European Council Strategy for Combating Radicalisation and Recruitment to Terrorism created an ‘extra-legal sphere of intervention’ where a wide range of functionaries (only a few of them acting as state agents) exercises control over other people’s lives in the name of the counter-radicalization. De Goede then goes on to characterize these functionaries as ‘petty sovereigns’ (to use Butler’s term) and points out that they ‘decide on rights of travel and internet use, rights of worship and education, for an undefined groups of citizens who may be thought prone to “radicalization”’ (de
Goede, 2008: 170). De Goede uses a mix of Foucault and Beck to explain these phenomena, but Beck lies in the heart of her theory of pre-emption, whereas Foucault’s work helps her to explain the exceptional monitoring and treatment of specific groups.

The two distinct regimes of terrorist group blacklisting follow a similar logic, although through different means. The 1267 regime allows the European politicians to exercise only limited powers over the sanctioning – to the extent that they may influence the decision-making in the UN SC. However, the 1373 regime introduces an unbound process that is taking place almost exclusively in the European Union. Therefore, while the former regime may partially allow European policy-makers to make the UN SC a scapegoat, the latter shows that the politics of risk society has made its way into the heart of the EU’s security governance.

CONCLUSION: THE FUTURE OF BLACKLISTING IN BECK’S WORLD

Terrorist group blacklists demonstrate very well the usual legal challenges connected with the combat against terrorism but also the natural discrepancy between the legal procedures and political risk management. The secretive nature of terrorism requires use of means that are normally not permitted in courts of law, such as secret intelligence or the extensive use of executive power. Executive steps taken by governments as risk managers, in the name of the fight against terrorism, remind one of the often judicial steps that are to be taken only by courts. However, courts are often given only limited and incremental powers to review penalties imposed by the executive.

In this article, I analysed two distinct regimes governing the terrorist group blacklisting in the EU through the lenses of risk society theory. The first one is based on the UN SC Resolution 1267 and subsequent resolutions and deals with freezing assets and imposing travel bans on the Taliban, Al Qa’eda, Usama Bin Laden and their associates. This regime is very specific and includes lists of persons to be targeted by these sanctions. Initially, the regime did not contain any safeguards, but with the progress of time, procedural safeguards and de-listing procedures were added to it. Within the regime, the lists are created at the UN and EU levels, and they are simply copied in the EU legislation. The European Community Courts engaged with blacklisting in the framework of this regime in the Kadi and Barakaat cases, where the ECJ ruled that all acts adopted by the European Council must meet the requirements of Article 6(1) of the Treaty on European Union. Therefore, the Council Regulation which was adopted in the light of the binding UN SC resolution had to meet these criteria too. Since the Court ruled that the blacklisting procedure at the UN level did not meet the criteria for a fair trial and due process, the Regulation in question was annulled.
However, within the regime established on the basis of the UN SC Resolution 1373, there are no lists established at the UN level. Therefore, all implementing action rests upon the UN member states, which delegated this power to the European Union. Through the Council of the European Union, the EU adopted a series of instruments to establish terrorist blacklists within the EU. Compared to the blacklists established at the UN level, these provided from the outset the possibility to request a review (de-listing). However, similarly to those established within the 1267 regime, these blacklists did not fulfill the requirements of a fair trial. When the Court of First Instance had the chance to review the blacklists, it engaged with them exclusively on procedural grounds.

As a reaction to the PMOI judgment, there were several changes made. Firstly, statements of reasons started to be given to every entity or person subject to sanctions. Secondly, subjects are now informed of their listing, the procedure for de-listing and the possibility of bringing their case to the CFI. The Lisbon Treaty brings the sanctions regime directly into the treaty and gives the Community courts jurisdiction over these sanctions. Article 215 of the Lisbon Treaty is similar to Article 301 of the TEU in that it allows sanctions ‘against natural or legal persons and groups or non-State entities’. As these persons or entities are not limited to any geographical location, the Article allows for targeting of EU-internal terrorists as well. This Article is lex specialis for financial sanctions against individuals on UN lists (Eckes, 2008). Article 75 of the Lisbon Treaty creates a legal basis in its own right and appears to be the basis for autonomous sanctions in the future (Eckes, 2008).

The steps governments took and their role can be best explained through the concept of risk society, as developed by Ulrich Beck. The task of the politician is not to avert existing threats but to prevent emerging risks from materializing without considering the traditional means-end relationship which used to lie in the very heart of the raison d’État. In particular, the risk society theory helps us to understand that the blacklisting of terrorist groups and individuals was done because the politicians desperately attempted to prevent possible future scenarios which were considered highly relevant among their publics. The blacklisting provides a very useful shortcut from a policy puzzle to its solution, bypassing the standard means of combating terrorism.

Understandably enough, challenging the blacklisting of terrorist groups in the EU appears to be mainly concerned with the procedural rights of the accused. As stated at the beginning, the decision-making of politicians-risk managers and that of judges are very different. Whereas for judges the point is to punish past wrongdoing, the risk-averting politician wants to prevent future wrongdoing from occurring. The task of the courts then is to reasonably put limits on this risk-aversion so as not to limit elementary human rights and freedoms. It remains to be seen whether the Euro-
pean courts or bodies will also engage with these substantive questions in the future. This would mark an entry into a new and more interesting era.

ENDNOTES

1 The author wishes to thank Wolfgang Wagner and Irina Wiegand, as well as the two anonymous reviewers of Perspectives, for their helpful comments. The usual proviso applies.

2 In this paper, I will use the transcriptions of names that are used by Western Arabists, although the transcriptions in official documents of the United Nations and the European Union sometimes differ because of the multiplicity of transcription styles in these documents.

3 Unless specified otherwise, references to different treaty articles refer to the Treaty on European Union and not the current Treaty on the Functioning of the European Union, otherwise known also as the Lisbon Treaty.

4 The definitions of affiliates of Al Qa’eda and Usama Bin Laden were refined in UN SC R 1617, 1735 and 1822.

5 In some cases, the same persons or entities made repeated requests.

6 Note that the list containing names of de-listed persons was removed from the 1267 Committee’s website in March 2010. This link therefore refers to a website that no longer exists.

7 After the failure to define terrorism in the League of Nations before the Second World War, attempts to define terrorism at the UN level were numerous, but a generally agreed definition of terrorism was not reached.

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TERRORIST GROUP BLACKLISTING IN BECK'S WORLD

MICHAL ONDERČO


Towards Cosmopolitan Security Politics? Analysis of Public Discourse on Neutrality in Austria and Ireland

DAGMAR ZAKOPALOVÁ

Abstract: Assuming that neutrality has always reflected the character of the international security environment and the understanding of war, this paper aims to analyse whether the post-Cold War public discourse on neutrality has been affected by cosmopolitan values and norms. After presenting the idea of cosmopolitan security, neutrality is approached theoretically though the constructivist logic, and its compatibility with the cosmopolitan vision of international politics is discussed. In the empirical part, the main trends in the public discourse on neutrality in two neutral states – Austria and Ireland – are analysed, using discursive methodology. Based on this analysis, the paper concludes that while neutrality has been reconceptualised and narrowed down, it is still perceived as an important principle of national security policy. At the domestic level, neutrality is still understood rather in the traditional context and thus, it is difficult to follow it in the current security environment and apply it to contemporary ‘wars’.

Key words: cosmopolitanism, security, neutrality, discourse analysis, Austria, Ireland

INTRODUCTION
The history of humankind is inherently linked to the phenomenon of war, but the perception and character of war have changed over time, according to the wider political and cultural context (Neff, 2005). In general, two main poles in the theory of war can be distinguished: first, war perceived as a regular state policy, as a duel between morally equal sides fighting for their own interests, and second, war seen as a law-enforcement action taken by a community against a violator of common norms and understood as an exceptional measure disturbing the normal state of affairs, i.e. peace (ibid.). While Neff (2000 and 2005) illustrates some general patterns in the theorizing on war, he promptly points out the discrepancies between the theory and practice of warfare, and claims that these ‘gaps’ and other contentious is-
sues in the understanding of war have been well reflected by the conduct of neutrality. The development of neutrality has always reflected the character of the international security environment and thus, it could be seen as an indicator of the changing nature of warfare. Based on this assumption, this paper seeks to find out whether cosmopolitan thinking affects the post-Cold War public discourse on neutrality.

After the end of the Cold War, new trends in international law and politics indicated a certain shift in the theorizing on wars towards the second pole — above all, the United Nations (UN) as a universal organization has been more active in promoting international peace and security, and the system of international security, originally based on state-to-state interactions, could be seen as becoming more complex and human-centric.¹ In this environment, an old intellectual tradition — cosmopolitanism — has re-emerged and become a new research agenda for many scholars, especially those from the field of social sciences and law (see, e.g., Appiah, 2007; Archibugi, 2003 and 2008; Archibugi et al., 1998; Beck, 2006; Beck and Grande, 2007; Brock and Brighouse, 2005; Buchanan, 2004; Cohen, 1996; Habermas, 2006; Hayden, 2005; Held, 2003; Held and McGrew, 2002; Kaldor, 2008; Pierik and Werner, 2010; Rawls, 1999; Vertovec and Cohen, 2002). Building on the cosmopolitan premise that ‘individual human beings are the ultimate units of moral and political concern’ (Hayden, 2005: 11), current cosmopolitans have developed a vision whose security dimension might be seen as an additional step from the collective security system towards a universal community-based security politics.

This paper will proceed in the following steps. At the beginning, the key principles of cosmopolitanism and their application to contemporary security politics will be outlined. Secondly, neutrality will be approached theoretically and put into the framework of social constructivism. Thirdly, the compatibility of neutrality with the cosmopolitan vision of international politics will be discussed, and the research design used in the empirical part will be presented. For this purpose, two cases of a neutral state will be analysed — the cases of Austria and Ireland.² Concretely, a content-oriented discourse analytical approach has been chosen because of its potential to focus on how the concept of neutrality has been understood and socially constructed in the past two decades and how it has been seen to interact with the post-Cold War international security environment (on discourse analysis in general, see, e.g., Fairclough, 2003; Liebert, 2007; Milliken, 1999; Van Dijk, 1993 and 2008; Wodak, 2009; Wodak and Chilton, 2005; Wodak and Meyer, 2001).¹ In this context, political discourse can be understood to ‘[embody] a shared set of capabilities which enable the assemblage of words, phrases, and sentences into meaningful “texts” intelligible to readers or listeners’, therefore, each discourse ‘represents a coherent point of view’ (Dryzek and Berejikian, 1993: 51–52). Finally, the findings of
the analysis will be presented, and possible answers to the main research question will be discussed.

**COSMOPOLITANISM AND INTERNATIONAL SECURITY**

Cosmopolitanism is a normative theory challenging the current political and legal order. Pierik and Werner (2010: 1) define it as ‘an age-old normative ideal which contends that all *kosmopolités*, all citizens of the world, share a membership in one single community, the cosmo-polis, which is governed by a universal and egalitarian law.’ Despite the fact that cosmopolitanism is a very broad school of thought, it is based on three key principles – individualism, generality and universality – which are more or less accepted by various cosmopolitan thinkers (Archibugi, 2008: 285–286; Hayden, 2005: 11; Held, 2003: 470–471). Due to its philosophical dimension, it shall be understood as both a moral (ethical) and an institutional (political) project (Held, 2003: 473).

What matters under the cosmopolitan political outlook is the security of individuals, i.e. human security, not the security of a state *per se*. The key cosmopolitan idea concerning political violence is thus more or less a rejection of militarism and war. This view arises from cosmopolitan ethics and the central role it ascribes to the individual and his rights. Cosmopolitanism suggests a shift from the realist, state-centric perception of international relations to a focus on the interests, well-being and dignity of persons. Such a reading of security requires a different perspective on the issues of security threats, means of security governance, actors providing security, etc. In particular, cosmopolitanism perceives security as ‘inclusive, comprehensive, [and] universal’, in comparison with the traditional view of security, which understands it as ‘exclusive, restricted, [and] partial’ (Hayden, 2005: 73).

Under cosmopolitanism, disputes shall be solved by non-violent means and according to international law. However, if a state fails to observe the human rights of its citizens, cosmopolitans (in the spirit of universal responsibility towards other people) are not against an external intervention, which could even be a military intervention and which would aim to stop the human suffering. In this respect, ‘cosmopolitanism holds that state sovereignty is legitimate only in so far as it promotes fair principles of justice (which requires respecting persons and their rights)’ (ibid.: 67). On that account, the issue of ‘humanitarian intervention’ inevitably appears on the cosmopolitan agenda, even though cosmopolitans prefer non-military solutions to conflicts – e.g. civil society involvement (Kaldor, 2003: 157–158; Kaldor, 2008: 126–132). This problem has been approached by cosmopolitan scholars from different perspectives and it still raises controversies. On the one hand, cosmopolitan ethics (especially the aspect of universal responsibility) seems to support external interventions which aim to stop gross violations of human rights. On the other
hand, if such an action breaks universally agreed rules (concretely the ban on the use of force), some suggest that it is difficult to call it ‘cosmopolitan’ (Fine, 2006: 60). What probably plays an important role in this context is whether the established rules are perceived as truly cosmopolitan.

In general, cosmopolitanism strives for strengthening the authority of an international body enabled to use force and for the ‘establishment of an effective, accountable, international police/military force for the last-resort use of coercive power in defence of cosmopolitan law’ (Held, 2003: 478). Concretely, cosmopolitans propose reforms of the UN Security Council, especially reforms that would limit (or even eliminate) the use of veto power and establish procedures for humanitarian intervention (Archibugi, 2008: 282).

The cosmopolitan vision, in practice, is thus not an end of states, but it does suggest a formation of other political communities (Fine, 2007: 39; Habermas in Fine, 2007: 56) which would be able to balance the deficiencies of nation states. Cosmopolitan politics should be based on democratic international institutions which would respect cosmopolitan values and fairly represent the international public. Held (2003: 475) even suggests that ‘the possibility of cosmopolitan politics would be enhanced if the UN system actually lived up to its Charter.’ Moreover, contemporary cosmopolitan thinkers suggest greater competences for international law-enforcement bodies, concretely compulsory jurisdiction and a more active role for the International Court of Justice and the International Criminal Court (Habermas, 2006: 173–174; Archibugi, 2008: 166–171). These steps should contribute to a shift towards the basic cosmopolitan principles, i.e. individualism, universalism and generality. In spite of some criticism (e.g. Beck, 2006: 114-116), the European Union is mostly perceived as a good example of a nascent cosmopolitan political community (Held, 2007: 477; Fine, 2007: 39; Urbinati, 2003).  

A potential problem of applying the cosmopolitan vision to practice is that it might be seen only as a pretext for other motives. From the very nature of cosmopolitanism, it is not a project that could be promoted by a single actor – instead, collective efforts and mutual trust seem to be necessary preconditions for it. The possibility that cosmopolitanism can be seen as mere hypocrisy is discussed, e.g., by Beck (2006: 18–21), who also warns of confusing cosmopolitanism with some recent trends in public governance. Certain consequences of globalisation (e.g. globalised ‘threats’, such as global terrorism or environmental issues) can require a transformation of the strategies that states adopt to address these new problems and lead, i.e., to closer interstate cooperation, establishment of multi-level governance or a greater focus on the security of individuals, but a real cosmopolitan outlook should also be characterised by a conscious shift in people’s minds. In fact, cosmopolitanism is based on an active sense of partaking
in a universal human civilisation and an agreement with the cosmopolitan ethical worldview.

**NEUTRALITY IN INTERNATIONAL RELATIONS**

Neutrality (from the Latin *ne uter* – neither of two sides) is a security strategy with a very long history. The core of neutrality is abstention from all wars among other states. Neutral states should remain strictly impartial toward belligerents during a conflict and, consequently, they cannot be bound by military commitments and thus do not participate in any military alliances, even in times of peace. However, since neutrality is closely connected to the existence of wars, with the changing character of war, neutrality has changed over the years, especially in terms of its political, legal and ethical aspects (see, e.g., Neff, 2000 and 2005; Agius, 2006: 1–59; Walzer, 2006: 233–250).

This paper is based on constructivist ontology and methodology (e.g. Katzenstein, 1996; Hopf, 2002) and perceives neutrality as a flexible concept shaped by domestic and international social environments (norms, shared beliefs, etc.), which are further assumed to interact with the state’s interests and its politics in general. Building on Agius (2006: 5), neutrality here will be understood not only as a particular state action, but also as a part of the internal as well as the external national identity. While identity is perceived by social constructivists as collectively constructed (Wendt, 1994), views on the flexibility of state identity and the major factors that shape it differ (see, e.g., Jackson and Sørensen, 2007: 161–177). In this context, state identity will be seen to be to a certain extent flexible and influenced by both international (systemic) and domestic factors (Hopf, 2002: 294).

There are several reasons why neutrality can be seen as a part of national identity. First, although neutrality might have originally been understood only as a political tool to protect state sovereignty and prevent undesirable involvement in wars, for countries which followed this policy for a long time and (seemingly) successfully, it became a national ‘myth’ and as such it has had an important impact on the political culture and interests of the given states (Goetschel, 1999: 121). Therefore, citizens of neutral countries often support a policy of neutrality because neutrality has, in their eyes, positive connotations and is based on favourable historical experiences. Moreover, neutrality can be embedded in a society through certain values (e.g. independence, national coherence, solidarity), which may be further institutionalized and connected to other fields of political life as well (e.g. decision-making processes, role of army). On that account, to abandon a policy of neutrality can be much more difficult than it might appear, especially in democratic states, whose policies are formulated closely with public opinion.

The idea of cosmopolitanism can be formulated as a set of norms and beliefs that could resonate at both the international and the domestic level. Inspired by Hopf
(2002: xiv), who claims that ‘[i]t is at the level of domestic society (...) [where one can] find state identity and international political effects, not at the level of interaction among the states themselves’, the social construction of neutrality within a state (i.e. the way neutrality is presented, discussed and perceived) is assumed to indicate the development of the cosmopolitan norms and reflect how relevant they potentially are for the state (on the influence of international norms on national identities and interests, see, e.g., Finnemore, 1996).

NEUTRALITY UNDER COSMOPOLITANISM

Assuming that neutrality could show how the international security environment and perception of war change, how would neutrality look under the cosmopolitan vision? In a brief analysis of cosmopolitanism, neutrality seems to clearly contradict it. Firstly, traditional neutrality is a very state-centric concept, and it can be seen as an expression of the unlimited sovereignty of a state. In comparison to that, cosmopolitans maintain that the behaviour of states shall be limited by certain rules and that states shall comprise only one level in the system of governance. Secondly, under the cosmopolitan world order, conflicts between states ought to be settled by peaceful means, and therefore, the use of force shall be allowed only for humanitarian purposes and authorized by an international body. In such a case, neutrality would be unthinkable, since one cannot stay neutral in a law-enforcement action against a violator of universal norms. Furthermore, while neutrality is a policy that is intended to protect the existence and independence of a state, cosmopolitanism seeks to ensure the security of human beings worldwide. Neutrality thus differs from cosmopolitanism in terms of what kind of security it aims to provide, how this security would be provided and for whom it would be provided.

However, as was already described, neutrality has undergone big changes through the years and has been able to adapt to various political environments. Neutrality differs in its concrete forms and meanings not only across states but also over time. Current neutrals vary in the historical, social, political and legal backgrounds of their neutrality and in what they perceive as compatible or incompatible with this status (Ojanen, 2003). Already two decades ago, Joenniemi (1989: 176) pointed out that while neutrality theoretically could have a great ‘peace potential’ as a way to refuse the use of force in international relations, the common perception of neutrality was very narrow, since neutrality was usually understood only as a military strategy of weak and selfish states. Nowadays, neutrals define and conceptualize neutrality on their own, which creates a potential for a possible shift in interpretation and actual application of this policy. Given the abolishment of traditional neutrality and the gradual redefining of the policy of neutrality to mean mere (military) non-alignment, neutral states could give a relatively broad (i.e. also cosmopolitan) meaning to their security policies under the heading of ‘neutrality’.
The main argument here is that cosmopolitan as well as traditional reasoning on security politics could be behind not only the abolishment of neutrality, but also its reconceptualisation and continuation. In order to assess whether cosmopolitan motives prevail in the decision-making on the future of neutrality, some public discussions on this topic (i.e. the arguments used, the context into which they are put, the meanings attached to neutrality, etc.) will be analysed. Based on the theoretical background outlined above, two analytical categories will be distinguished. The first one, ‘cosmopolitan thinking on security’, can be characterised by the following elements:

• The human being is the main referent object of security, and security politics shall thus primarily protect individuals.
• States are not the only actors in security politics – if another actor (e.g. an international organization, a non-state agency) is seen to espouse cosmopolitan values and to have a better potential to promote cosmopolitan security politics, it shall be supported, even at the expense of states’ competences.
• International norms and institutions based on cosmopolitan principles shall be supported.
• Principles of cosmopolitan universalism, such as solidarity and duties towards others, shall be respected and promoted.
• Any use of force in international relations shall be supported only if it is motivated by humanitarian reasons.
• If an action is acknowledged as fully cosmopolitan, even neutral states shall support it and not be constrained by self-interests.

On the contrary, the traditional approach to security could be described as follows:

• The state is the main referent object and its interests are primary.
• State sovereignty is seen as the key principle, and it shall not be compromised.
• International norms and institutions that could limit the state’s competences are seen as dangerous and they will only be supported if it fits national interests.
• Use of force or joining a military alliance is supported if it serves national interests.
• Regardless of the motives or legal basis of an international action, neutrality can always be invoked.7

Due to this focus, a discourse analytical approach has been chosen for the purpose of the empirical part. Since this project aims to trace whether the concept of neutrality is discussed in a context of a traditional or rather a cosmopolitan security outlook, the greatest amount of attention will be paid to the content of public debates and its development since 1990, i.e. what types of issues have been discussed and what arguments have been used.

The analysis aims to cover the most relevant available textual sources that have the potential to represent the different (but still rather influential) voices participating in the national public discussions on neutrality. Therefore, the empirical part will be
based on sources that, on the one hand, well reflect and shape the public opinion and, on the other hand, present official positions of political elites: more specifically, parliamentary debates, newspaper articles, and white papers concerning security and defence politics will be used, with the addition of sources like programmes of the main political parties, political speeches and interviews. The texts will be selected from all the available sources (i.e. newspaper articles, parliamentary debates, etc.) published between 1990 and 2009 on the basis of the keywords ‘neutrality’ and ‘neutral’.

The actual analysis will build on two broadly defined discourse frameworks – for and against neutrality – although it is assumed that it will be necessary to distinguish different discourses within each framework as well. At first, the discourse will be characterised in more general terms, i.e. what the background of the debates on neutrality is, what actors produce what kind of discourse, how the actors (and discourses) are related to each other, and how the debates develop throughout the analysed time period. Focusing on the arguments underlying these views and applying the abovementioned theoretical approaches, the attitudes and stances to the following issues and related questions will then be traced:

• International security environment: Is the international security environment seen as cosmopolitan or are the international actors understood rather as hypocrites when invoking ‘cosmopolitan’ arguments? Which actors are discussed in this context and how are they assessed? How does this affect the cooperation with these actors (e.g. the shift of competences to international bodies) and the support of new international norms based on cosmopolitan principles?

• Principles of security politics: What is perceived as the key referent object of security? What shall the main values of security politics be?

• Universalism: Is security seen as inclusive or rather exclusive? Is the discourse related to solidarity and duties towards others?

• Use of force: Under what conditions is the use of force in international relations perceived as legitimate? In what situations can neutrality (not) be applied?

Due to practical reasons, the analysis will deal with only two neutral countries – Austria and Ireland. These states have been chosen as the objects of the analysis mainly because their policies of neutrality have different historical and political roots, which should guarantee a certain representativeness in the selection of cases.

Before the actual empirical part begins, several comments regarding the potential limits of this particular research design and the selection of cases should be made. First, both of the analysed states are currently members of the EU, which, i.a., means that not only are they similar in terms of general characteristics (both are democratic, well developed small states with a similar cultural background, etc.), but also that they face comparable security challenges, and their security politics is to a great extent affected by their membership in the EU. Secondly, the analysis will focus
only on the time horizon from the end of the Cold War, as the post-1989 years are seen as a new era in international politics in which cosmopolitan thinkers are potentially suitable for the realisation of the cosmopolitan vision. Therefore, the space devoted to a comparison with the previous conceptions of neutrality and security will be limited. Thirdly, the discourse analysis itself might not be seen as a good indicator of a potential shift towards cosmopolitan politics because moral arguments (in the spirit of cosmopolitan ethics) can be used as a pretext for other motives. To limit this potential problem, the main focus will be on discourses of neutrality which either generally discuss the value and usefulness of neutrality or are related to some disputed issues, e.g. neutrality in ‘times of crises’. Finally, this particular method can only cover issues that have actually been debated, but what has not been discussed might be of great importance as well. A lot of relevant information could be (for unknown reasons) taken for granted.

FINDINGS
AUSTRIAN DISCOURSE ON NEUTRALITY

The neutrality of Austria dates back to 1955, when Austria became independent from the post-war occupying powers. Until now, Austrian neutrality, as defined in the Austrian Constitution,\textsuperscript{12} has been seen as a price that had to be paid for Austria to gain its national sovereignty and freedom. Since the fall of the Iron Curtain in 1989 meant also the demise of the international political order in which the Austrian neutrality arose, the future development of Austria’s neutrality has been extensively discussed in the past twenty years. In order to analyse the character of these debates, the following data have been collected: Austrian parliamentary debates (available from 1996 to 2009), foreign policy reports (available from 2000 to 2008), the Austrian security doctrine of 2001, programmes of the five main political parties, and circa 160 newspaper articles from the Austrian press (concretely from the national journal Der Standard and the regional journal Oberösterreichische Nachrichten (OÖN)). All these sources together cover the period from 1990 to 2009.

Over the past twenty years, national debates concerning Austrian neutrality have been above all focused on issues related to the (potential) membership of Austria in the European Communities (EC)/European Union (EU). Further debates have mainly dealt with questions of the compatibility of neutrality with UN enforcement actions, membership in the North Atlantic Treaty Organization (NATO), the role of Austria during the Kosovo crisis of 1999 and the general direction of the neutrality policy.

Since the debates covered mostly the EU-related topics, the discourse on neutrality is very much linked to the stance on the EU adopted by the main political parties. The key subjects identified in the discourses on neutrality then are Austria (i.e. Austrian society and, consequently, its interests and identity) and the EC/EU. To a certain extent, other entities are also recognised – the UN, NATO, and Europe as a
whole (this is, however, a rather unspecified term), and of course, political elites often refer to their own parties or ascribe a particular argument or position to another party.

As a general trend, the public debate on neutrality has shifted from ‘whether and why we should (not) stay neutral’ to ‘how we should stay neutral’. While during the 1990s, the meaning of neutrality in the contemporary world was searched for, and opinions differed on whether neutrality should be abolished or just redefined, after 2001, the discourse on neutrality became more emotionalised and identity-based. Perhaps as a result of rising nationalism, neutrality began to symbolise independent foreign and security politics and state sovereignty. Its potential abolishment has been presented as a betrayal of the Austrian people because it was recognised as a part of the national identity. Currently, no relevant political elite suggests abolishing neutrality, and the recent debates thus deal with whether or not concrete policies contradict neutrality (redefined to mean non-alignment). Thus it can be said that the cleavage in the neutrality discourse coincides to a great extent with the cleavage in the discourse on the EU integration (cf. Kriese et al., 2006), in which integration-sceptics usually position themselves as pro-neutrality and vice versa. How the EU and its goals are perceived certainly plays a role because, for instance, the UN as a universal organisation is seen more unproblematically.

THE INTERNATIONAL SECURITY ENVIRONMENT
The post-Cold War era gave rise to a quite optimistic depiction of the new international environment and its cosmopolitan-like characteristics. Especially the UN and to a certain extent also the EC/EU were understood as being communities in which the traditional policy of neutrality is obsolete. For instance, allowing military overflights for the purpose of the UN intervention against Iraq was seen by Prime Minister Vranitzky (SPÖ – Social Democratic Party of Austria) as an ‘act of solidarity with the international community’ because the operation was not a war in the ‘classical sense’. The Ministry of Defence even positively evaluated the situation by asserting that ‘all states that have behaved neutrally now see that one party is the good one and the other is probably not so good’.

The EC/EU has been perhaps the most important factor in the Austrian discourse on neutrality since the 1990s. Joining it was seen as a natural step after the end of the Cold War, and a quick accession was desired by political elites. In the pre-entry discussions, it was broadly depicted as a ‘community of values’ that Austria shares and thus it was thought that Austria could and actually should become a part of the ‘European system of collective security’. Only afterwards did the discourse about the EU become more polarised. While the EU retained its positive image in the Austrian discourse, its evolving security and defence dimension gave rise to many questions with regard to neutrality, as earlier it was promised that neutrality would be
compatible with the EU membership. The preservation of neutrality, albeit open to changes, was suggested by the SPÖ, who warned that the EU should not be confused with a ‘peace union’. On the contrary, the ÖVP (Austrian People’s Party), supported by the FPÖ (Freedom Party of Austria), openly proposed a full abolishment of neutrality because it saw it as an obsolete military concept that did not serve Austrian security interests anymore, and endorsed further development of the EU military dimension, which was presented as a way to stay among the main decision-makers:

On the one hand, the reason for neutrality disappeared with the fall of the Warsaw Pact (‘Against whom will we still be neutral?’), and on the other hand, together with the NATO accession of Poland, Hungary and the Czech Republic there arises the risk that Austria could be relegated ‘to the second league’. Not to play in the first league means that ‘Hungarians, Poles and Czechs will tell us where to go’. The polarisation of the discourse escalated after a purely right-wing coalition was formed in 2000. The government (ÖVP and FPÖ) adopted a new security doctrine called ‘From neutrality to solidarity’, in which neutrality was redefined as non-alignment, and integration into the international security architecture was suggested as a good way for Austria to ‘safeguard its security interests and peace policy objectives and contribute to shaping a stable and peaceful environment’. A prominent role was ascribed to the EU, which was presented as a ‘solidarity community’ whose security interests were supposed to be as relevant as Austria’s own. The doctrine also stressed the importance of co-operation with the NATO, as it was seen as ‘a comprehensive security community which is based on democratic values and which renders a crucial contribution to peace and security worldwide through its stability-oriented policies’, and it was suggested that accession to NATO should be considered further. The opposition harshly criticised the doctrine for tacitly abolishing neutrality without any need to do so and claimed that this step contradicted the constitution and people’s consciousness.

Further debates dealt mostly with the Reform/Lisbon Treaty, in which the pattern of linking neutrality with nationalism and anti-EU discourse culminated. The biggest parties – ÖVP and SPÖ – supported the treaty, referring to the EU as an important value for Austria. On the other hand, critics of the treaty challenged this positive (‘cosmopolitan’) perception of the EU and its security policy and also warned that the treaty would lead to the end of Austrian sovereignty and neutrality. While the fear of external interference into Austrian affairs was invoked by the far right (FPÖ and BZÖ), the Green Party believes that ‘active neutrality’ shall be exercised by peaceful means and rather in a broader international context, espe-
cially within the UN or the Organisation for Security and Co-Operation in Europe (OSCE).24

PRINCIPLES OF SECURITY POLITICS
Compared to the cosmopolitan human-centric perception of security, in the public debates on neutrality, security still refers to its traditional object – the state. The state is seen as the key actor, but public accountability is a vital component. The pro-neutrality discourse actually often points out certain democratic deficits in the political decision-making on security politics, especially with regard to the evolving security and defence policy of the EU.

It is quite broadly recognised that current threats are of a different character than those during the Cold War and that the traditional neutrality is an insufficient instrument for dealing with them. On the one hand, a more complex perception of ‘security’ and cooperation with other actors is thus suggested,25 even though different models of the international cooperation are presented (see above). On the other hand, neutrality as such is debated rather in the traditional context. Moreover, legal arguments are often raised in the debates on neutrality. While the UN is generally respected in determining what is perceived as legal and legitimate (see below), the political and the media pro-neutrality discourses often emphasise that neutrality is anchored in the constitution and consequently should not be violated.26

In order to stress this relationship, these actors speak of ‘permanent neutrality’.27 This norm is then seen as rather rigid and its (non-)cosmopolitan nature is not discussed at all.

In most debates, neutrality is closely linked to the (national) security and sovereignty of Austria. This link has been emphasised especially in the last decade, during which neutrality has become a powerful symbol of nationalism. Apart from the focus on state security, the main political parties (ÖVP, SPÖ) stress the importance of solidarity with other EU members and admit that Austria should be active in safeguarding the European security.

UNIVERSALISM
As already mentioned, solidarity is one of the key words of the Austrian discourse on neutrality. While the anti-neutrality discourse from the 1990s often claimed that solidarity must replace neutrality, the pro-neutrality side saw these concepts as compatible with each other. Until now, solidarity has been closely related to neutrality and it could be seen as a way to justify this originally isolationist policy in a way that is more appropriate in relation to the current international norms and especially the ones within the EU. Proponents of neutrality thus all stress that neutrality is something positive and useful and that through it, Austria can contribute to the international community.
However, in contrast to the cosmopolitan perception of security, Austrians usually refer to solidarity among states, above all Austria’s solidarity with other EU members. Moreover, security is mostly discussed in the context of Austrian interests and therefore, cosmopolitan thinking in terms of universal duties towards humanity seems to be quite far away from the real public discourse of the past two decades.

**USE OF FORCE**

Use of force in international relations is seen as legitimate only when it is under a UN mandate. Before the end of the Cold War, Austria perceived its neutrality as superior to collective security obligations resulting from UN membership that would be of a coercive character and would thus ‘violate’ its status of permanent neutrality.28 Even in the new era, however, Austria has been very cautious when it came to supporting a military action. It allowed overflights and military transport through its territory only for operations directly mandated by the UN. For instance, in the case of the intervention in Afghanistan, political elites agreed that there could be no neutrality in the fight against terrorism and that Austria should support the coercive measures of the UN, but active participation in any ‘war preparations’ or military operations was seen as contradicting the Austrian constitutional law concerning neutrality and was thus rejected.29 The national norm of neutrality is seen as superior to the obligations resulting from the UN membership, even though the UN action is perceived as legitimate and right.

The neutrality of Austria was also briefly discussed with regard to the Kosovo crisis. The ÖVP supported the NATO intervention, claiming that ‘it is not possible to be neutral between an arsonist and firemen’.30 On the other hand, advocates of neutrality pointed to the illegality of the operation under international law, and due to the lack of a UN mandate, they refused to support the military part of the intervention.31 Interestingly, although the NATO intervention is often regarded as a ‘humanitarian intervention’, discussions in Austria on this issue dealt more with questions of solidarity with the NATO-states and the legality of the intervention than with purely humanitarian arguments. Neutrality was also applied in the case of the US-led intervention in Iraq in 2003 because it lacked a UN mandate.32 In a rather cosmopolitan spirit, the SPÖ later criticised this step and claimed that ‘neutrality does not mean to stand in the middle, but it means to reject clear-cut military interventions which are not mandated by the UN Security Council’.

Even as a neutral state, Austria has taken part in many UN peacekeeping missions because these are seen as a contribution to international peace, falling outside the scope of neutrality. However, peace missions organised by the EU (even with UN support) are perceived more problematically, especially by the Green Party and the right-wing nationalist parties FPÖ and BZÖ. On the one hand, the proponents of these operations point out their humanitarian nature and the need to show solidar-
ity in such exceptional cases. On the other hand, the critics claim that these missions are undertaken by an exclusive, non-universal international body (EU) pursuing only its own interests and that Austria as a neutral can contribute to them only in a peaceful and non-military way.

**SUMMARY**
In general, it could be said that the Austrian discourse on neutrality has some elements of cosmopolitanism, but it is mostly state-centric and rather self-interested, even though the ‘traditional’ neutrality has been widely recognised as inappropriate nowadays. While there is a certain shift to principles like international solidarity, active involvement in the system of collective security, support of the rule of law and non-military measures of conflict resolution, etc., the cosmopolitan norms are mostly supported only to the extent that they do not oppose national interests (i.e. neutrality, in whatever way it is defined) and there is also a great bias towards the EU, which is perceived as only a restricted and very specific community.

**IRISH DISCOURSE ON NEUTRALITY**
Ireland differs a lot from the other European neutrals. It has never been an ‘armed neutral’, since it has relied on the system of collective security (Jesse, 2006). Furthermore, its neutral status is usually described as a ‘traditional policy of military neutrality’, but Irish neutrality has in fact never been clearly defined in international or domestic law. The analysis of the Irish domestic discourse on neutrality is based on the following data: parliamentary debates (1990–2009), annual reports of the Ministry of Defence (available from 2000 to 2008), white papers on defence (2000, 2005, 2007, 2008) and circa 170 newspaper articles from the national journal The Irish Times (from 1990 to 2009).

Compared to Austria, the end of the Cold War did not have such important implications for Ireland and the way the Irish perceive their neutrality. Nevertheless, neutrality has been debated quite extensively in the past two decades, especially with regard to the development of the security dimension of the EU and the Irish relations with NATO. Interestingly, although the topics discussed have been almost the same in Ireland as in Austria, the character of the Irish neutrality discourse is very different – above all, it is much less Eurocentric.

Similarly to Austria, the discourse on neutrality in Ireland is related to the way the actors perceive the character of the international security environment and its key players – i.e. the EC/EU, the Western European Union (WEU), NATO, and the UN. The interpretation of the external environment and the characteristics that are ascribed to the other international entities seem to actually be discussed more in the Irish public debates. The key object of the discourse is, of course, Ire-
land as a state and its public, whose interests and identity are referred to in the discourse.

As in Austria, the polarisation of the debates on neutrality is closely linked to the cleavage associated with globalisation and international integration. In contrast to Austria, the main leader of the neutrality-reformist (and pro-EU) Irish discourse is the social-democratic party Fine Gael, while the main conservative party, Fianna Fáil, is rather sceptical towards the international integration and more pro-neutrality. In the view of its most zealous proponents (formerly left-wing parties, recently nationalists), Irish neutrality is equated with state sovereignty and independence. In contrast, the call for reforming (or abolishing) neutrality is justified by interest-based rhetoric rather than supranational identity claims. The following analysis shall present more details.

THE INTERNATIONAL SECURITY ENVIRONMENT

The Irish debates on the European integration have been led more practically with regard to Irish interests and the compatibility of neutrality with the security and defence dimension of the integration. Already at the beginning of the 1990s, the whole Irish political scene seemed to expect that the EC/EU would develop into a ‘political union’, including a common security policy which would lead to an abolishment of Irish neutrality. Proponents of further European integration (Fine Gael) emphasised that membership in the EC/EU is the best way to ensure the economic growth and prosperity of Ireland and saw neutrality as a useless burden in the foreign policy making: ‘[i]n order for Ireland to play a full role on the European and world stage our foreign policy must evolve without being cancelled by outdated concepts of neutrality’.

The anti-European rhetoric pointed out the military character of the integration, i.e. partnership with nuclear weapons states and NATO members, and warned against close relations between the EC/EU and the WEU. Besides this, the pro-neutrality discourse also contained voices that presented neutrality as a valuable asset which not only serves Ireland well when it is a small state (as is often stressed) but also enables it to play an active role on the international scene – as peacekeeper, mediator, advocate of disarmament, advocate of human rights, etc.

These three main types of discourse have remained until later years, albeit they gradually came to include other topics as well, and there were some changes in the political actors following a particular discourse. The public debates are thus quite similar to the ones led in Austria, even though the Irish usually do not ascribe any special (‘cosmopolitan’) characteristics to the EU. Also the anti-EU and pro-neutrality discourse is more negative in terms of how the EU is depicted – it has been criticised for becoming an ‘undemocratic military alliance’, a ‘power bloc’ with aggressive intentions or even an ‘imperialist superpower’.

As in Austria, the two main parties
(Fianna Fáil and Fine Gael) have gradually become the key proponents of further EU integration, referring to its advantages for Ireland and the necessity to stay ‘in the heart of Europe’ and claiming that even the current development of the EU security and defence policy does not violate the Irish military neutrality.42

Heated debates were led with regard to the Irish cooperation with NATO and the participation in the Partnership for Peace (PfP). The main argument supporting accession was that since Ireland was a member of the PfP, Ireland’s role in international peace-keeping and crisis management under the auspices of the UN (i.e. a field which Ireland strongly identifies with) would be strengthened after its accession, and Ireland could thus better contribute to international security within the framework of this pan-European and democratic platform.43 However, opponents of the PfP launched an intense anti-PfP campaign, claiming that the PfP undermines neutrality and the authority of the UN, and that NATO – a military organisation disposing of nuclear weapons – only strives to take up the role of the world policeman.44 Also the WEU was depicted almost as an ‘evil community’ that only follows an aggressive and imperialist policy. Based on the media analysis (The Irish Times), it must be said that this approach was probably the one that was communicated most often.

**PRINCIPLES OF SECURITY POLITICS**

In the analysed discourse, almost no explicit reference is made to the problem of whose security should be safeguarded. Although neutrality is still perceived as a rather state-centric concept, the future of this policy is presented as an issue which shall be decided by the Irish public. In contrast to Austria, the EU is mostly presented only as a tool for reaching some national (mainly economic) interests rather than as a community with which Ireland would identify itself to the point of helping to provide for its ‘security’. However, Ireland is usually framed as a state that is strongly committed to the international community and the maintenance of international peace.

By its advocates, neutrality is identified not only with sovereignty and independence, but also with morality, anti-militarism and a rejection of ‘great power politics’. On the contrary, its opponents belittle the ‘sacred cow’45 of neutrality, point out its obsolescence in the post-Cold War world and suggest new ways of thinking about security which would better tackle current threats and safeguard Irish interests.

Although the rule of international law and the importance of UN collective security are recognised by political elites, the Irish government indirectly supported the interventions in Kosovo and Iraq, which had been undertaken without a UN mandate, invoking humanitarian reasons. With regard to the latter operation, Prime Minister Bertie Ahern (Fianna Fáil) even declared that because the UN had failed to
enforce its decisions in this case and ‘Irish neutrality is a policy of choice’, ‘[t]he Government’s position to allow US aircraft to overfly and land in Ireland is fully consistent with both our neutrality and our commitment to the UN’. 46

UNIVERSALISM
The Irish discourse on neutrality seems to be, in comparison with the Austrian discourse, of a more universalistic character. While in Austrian debates on neutrality, the solidarity with other states (especially EU members) is stressed, the Irish perceive European solidarity only as a necessary requirement resulting from the EU membership, and only very rarely is the EU or any other exclusive international body discussed in a framework of common identity. A headline from The Irish Times shows how the current understanding of neutrality could appear to be very paradoxical: ‘What does neutrality mean in practice – that we are prepared to send troops to keep the peace in Lebanon, but will not promise to defend our fellow EU members if they come under attack?’47 The cosmopolitan logic of peace operations, the traditional application of neutrality, and certain implicit assumptions about the EU solidarity seem to clash here.

However, both pro-neutrality and anti-neutrality (or rather neutrality-reformist) discourses invoke the moral duty to help people in need and positive obligations towards others. Therefore, the UN as a universal organisation is broadly supported, and its primary role in international security relations is accepted by all relevant political subjects. Nevertheless, some also point out the democratic deficits of the UN, especially the great powers’ veto in the UN Security Council.

USE OF FORCE
As was already mentioned, the Irish neutrality is not clearly defined and its application is thus a subject of heated debates. Despite claims of international law supremacy, both UN mandated (Iraq 1991 and Afghanistan 2001) and non-mandated (Kosovo 1999 and Iraq 2003) international interventions from the last two decades were supported in the same way, i.e. by allowing overflights and use of the Dublin Airport, which was justified on humanitarian grounds. Especially in the case of Kosovo, the media criticised the Irish passivity – for instance, it was written that ‘Ireland’s neutrality is fence-sitting turned into an art. We fool ourselves that we have made our neutrality count, when the reality is our neutrality has benefited no one but us – some of us’. 48 However, political elites were rather cautious not to violate the domestic norm of neutrality by any further actions.

Moreover, Ireland strives to present itself as a pacifist state and very often takes pride in its international peace-keeping activities. Since it is based on national law, the active involvement of Ireland in foreign peace missions is possible only under a UN mandate. The potential absence of the mandate was perceived as a big prob-
lem when discussing the potential support of EU peace operations and the Nice and Lisbon Treaties, which give the EU more competences in this field. As in Austria, the EU-proponents succeeded in presenting even these steps as compatible with the Irish neutrality because it has gradually come to be used only in a narrow sense, as non-participation in military alliances.

**SUMMARY**
The Irish discourse on neutrality seems more polarised in terms of how the external environment is perceived and, consequently, what policies are suggested. Compared to Austria, more attention is paid to the universal peace activities and solidarity, and especially the media are more sensitive to certain issues, as the Irish media were highly sensitive to the alleged Irish inactivity during the ‘humanitarian interventions’ in Kosovo and Iraq. On the other hand, there seem to be more voices pointing out the hostile nature of international politics and the selfish intentions of other international actors, which are seen as a reason to maintain neutrality. Moreover, most Irish actors are quite sceptical towards the cosmopolitan nature of international integration and thus less supportive of giving up national competences or compromising what is seen as the national interest. The traditional outlook on security politics, state-centrism and, to a certain extent, also isolationism seems to prevail when disputed issues are discussed and therefore, the Irish discourse on security politics does not appear to be governed by truly cosmopolitan principles.

**CONCLUSION**
At the beginning, individualism, universalism and generality were defined as the key principles of cosmopolitanism – a normative ethico-political vision ascribing the key role to human beings worldwide and, in the field of security politics, to human security. The aim of this research was to analyse whether the cosmopolitan values and principles are represented in the post-Cold War public discourse on neutrality. As neutrality was approached through social constructivism, it was argued that neutrality is a concept that could reflect key norms and values of both the domestic and the international environment. Given this perception of neutrality and the fact that neutral states have mostly redefined their status to non-participation in military organisations, i.e. freedom from collective defence commitments, current neutrality could theoretically be seen as compatible with the cosmopolitan vision.

Regarding the core cosmopolitan values, the principle of individualism is barely noticeable in the discourse. The state is still understood as the dominant actor on the international scene, and the diminishing of its ability to pursue national interests is seen as an undesirable development. The second and third principles of
cosmopolitanism are universality and generality, i.e. an indiscriminate focus on people all over the world. The fact that neutrality, albeit in its restricted meaning, is still seen to prevail over collective international actions might be interpreted as showing that states are often unwilling to provide the same level of security to people abroad as to their own populations. Despite this, the traditional, isolationist image of neutrality is usually rejected. The meaning of neutrality is transformed and new values are linked with it, such as pacifism and international activism, which should help to justify the role of neutrality in contemporary international relations.

Therefore, nowadays neutrality seems to be best explained by domestic factors. On the one hand, the meaning of neutrality has been narrowed down, and the potential application of neutrality becomes limited so that it does not oppose the system of collective security. The neutral countries also claim that neutrality is morally unacceptable when humanitarian values are at stake, and they strive to present their neutrality as a way to contribute to international peace and security. This can be seen as a step towards the new international norms, reflecting the cosmopolitan principles. On the other hand, neutrality as a norm of national policy (and national law) is still invoked, and such a stance is predominantly perceived as an adequate contribution to collective security. Defence of neutrality has actually become one of the main topics of nationalists, who perceive it as an expression of exclusive sovereignty and independence from other international actors, whose cosmopolitan character they doubt. As a consequence, the discourse on neutrality becomes more emotional and identity-based than before. From this perspective, it can be said that while neutrality has gained an important role as a topic for a domestic audience, it loses its relevance in international politics. This can be also demonstrated by the fact that neither of the two states discussed here has refused to take part in the EU’s Common Security and Defence Policy.

This apparent inconsistency between the domestic and the international arena could be explained by several possible reasons for it. First, the debates on neutrality might be overly polarised and the pro-neutrality rhetoric might be over-represented in relation to public opinion and voters’ preferences. Second, even if the pro-neutrality stance actually prevails at the domestic level, it might not be well communicated by political elites at the international (especially the EU) level. Finally, neutrality is still discussed mainly in terms of a traditional outlook on international security, but when ‘neutrality’ as such is not explicitly mentioned, more cosmopolitan-like arguments could play a role in the discourse on security politics. This would also lead to the conclusion that although the Austrian and Irish security politics have changed a lot in the past two decades, and some steps indicate a certain shift towards the cosmopolitan perception of security, neutrality is still understood rather in the traditional context, and it is difficult to fol-
low it in the current international security environment and apply it to contemporary ‘wars’.

ENDNOTES

1 Consider, e.g., the flourishing regionalism, peace operations, and the human rights regime.

2 Here, the word ‘neutral’ is used to stress that the security policies of these states originate from the tradition of neutrality, even though neutrality is currently perceived as a much narrower concept.

3 The roots of the modern scientific study of language can be traced to works of Michel Foucault, who focused on historical aspects of language and perceived discourses, i.a., as ‘historically determined forms of knowledge which, together with other discourses, enter into a form of institutionalised rationality’ (Pedersen, 2009).

4 This article is based on my master’s thesis, which was written under the supervision of Professor Wolfgang Wagner, to whom I owe my deepest gratitude. For a more detailed version of the research, see Zakopalová (2010).

5 For instance, the EU is governed by the rule of law, the European Parliament should directly represent European citizens, human rights standards play an important role in the process of accepting new member states, etc.

6 Austria, Finland, Ireland, and Sweden usually regard themselves as military non-aligned states, compared to Switzerland, which remains rather conservative in its definition and application of neutrality (Ojanen, 2003).

7 For a brief comparison of traditional security and (cosmopolitan) human security, see Hayden (2005: 73).

8 For instance, Wodak and Matouschek (1993: 226) claim that the media (including newspapers, which this paper will analyse) respond to their audience’s opinions, but to a certain extent also influence them. Van Dijk (1993), in turn, asserts that the media can convey the approaches and opinions of social elites.

9 On analysis of parliamentary debates, see, e.g., Van Dijk (2000).

10 This framework is inspired by elements of discourse as identified by Dryzek and Berejikian (1993) and reformulated by Liebert (2007), and by the general methodological advice of Milliken (1999).

11 Regarding other neutrals, the neutrality of Finland, like that of Austria, is more or less a product of the Cold War. Sweden could be an interesting case in the analysed sample of neutral states, but the domestic discourse on neutrality in Sweden is unavailable to the author because she does not speak Swedish. The neutrality of Switzerland is exceptional in many respects – it is recognised by international law and has a great importance for domestic politics, since it is seen as a prerequisite for the internal coherence of the multinational Swiss state. Another state with a tradition of neutrality is Malta, but studying this case would probably be of a lower analytical value.


13 In 2006, two right-wing populist parties were elected to the National Council (Nationalrat) – the FPÖ (Freedom Party of Austria) and the BZÖ (Alliance for the Future of Austria) – and together, they received 15% of all votes. Two years later, they were supported by 28% of voters, again in elections to the Na-

As regards the materials for the Austrian discourse, except for the security doctrine (The Austrian Parliament, 2001), all sources are originally German and the translations quoted here were made by the author.


In terms of international law, this interpretation could be disputed: for instance, the Vienna Convention on the Law of Treaties (1969: art. 27) explicitly states that obligations under international agreements prevail over any domestic law.


‘Parlamentskorrespondenz/OR/06.05.1999/Nr. 226. Dringliche Anfrage zum Thema “Neutralitätsslue’”, Bundesrat, 6 May 1999.


‘Spring’s Newspeak hastens the sell out on neutrality’, The Irish Times, 28 February 1995.


‘FF’s neutrality defences crumbling’, The Irish Times, 4 December 1998 and ‘Many hazards and no benefits for Ireland in linking up to a redundant relic of the Cold War’, 12 February 1999.

‘Partnership for Peace: Motion (Resumed)’, Dáil Éireann, 20 October 1999.

‘We stand by neutrality and support for UN’, The Irish Times, 22 March 2003.

‘What does neutrality mean in practice – that we are prepared to send troops to keep the peace in Lebanon, but will not promise to defend our fellow EU members if they come under attack?’, The Irish Times, 16 January 1996.


Due to the selection of materials, only discourse dealing with neutrality has actually been analysed in this paper, which could limit the validity of the conclusions regarding security politics. Furthermore, this analysis was only able to reveal very general patterns in the discourse on neutrality and merely touch upon the issues that have been debated. Applying quantitative methods, such as counting of words or certain expressions, could thus lead to more accurate conclusions in terms of which types of discourse prevail. Besides this, focusing on a more concrete topic could also provide additional analytical leverage. Concretely, the influence of the EU and the way its perception interacts with the discourse on neutrality could be a particularly fruitful and interesting field of further research.

**BIBLIOGRAPHY**

TOWARDS COSMOPOLITAN SECURITY POLITICS?

Turkey’s Kurdish Question and the EU’s Dialogue-less Approach

JOHANNA NYKÄNEN

Abstract: Using Mikhail Bakhtin’s concept of dialogism, this paper argues that the European Union’s approach towards Turkey is lacking of dialogue. This dialogue-less approach has been particularly damaging in relation to Turkey’s unresolved Kurdish question, contributing to the fact that the question remains unsolved. The paper argues that in addition to being an unethical position, the EU’s approach has hindered relations with Turkey, damaged the EU’s foreign policy strategy, and compromised both the EU’s and Turkey’s external and internal security.

Key words: Turkey, European Union, Kurdish question, Mikhail Bakhtin, Dialogism

INTRODUCTION

Russian philosopher and literature critic Mikhail Bakhtin has influenced a wide range of disciplines ranging from art criticism to educational studies. His ideas have been also introduced to International Relations (see, for example, Ashley & Shapiro, 1989; Neumann, 1999; Guillaume, 2002) to reflect upon, among others, questions of identity and otherness. In this paper a Bakhtinian approach is used to offer new insights into the EU’s somewhat inconsistent approach towards Turkey. The EU’s arbitrary engagement with Turkey sometimes takes the front seat in the analyses concerning EU-Turkey relations; accusations of the EU treating Turkey unfairly or in a hypocritical manner are prevalent not only in Turkey but in the EU and the US as well. Ankara has repeatedly argued that unfair obstacles are placed in Turkey’s way. NATO similarly accuses the EU of treating Turkey in an unfair manner (Turkish Daily News, 7 July 2010). In Europe, the Independent Commission on Turkey has talked about the unfair EU-Turkey accession process, arguing in its 2009 report that ‘unfair obstacles have been put in Turkey’s path to the EU’. This view is rampant among political commentators as well (see, for example, Ellemann-Jensen, 2006). The EU’s actions are often attributed to its lack of strategic thinking. As Sevinc (2010: 96) argues, ‘lack of political leadership and strategic vision has caused the continuing membership negotiations between Turkey and the EU to become a bit of an enigma, rather than an end-game’.

This paper analyses the EU’s official and unofficial utterances towards Turkey, arguing that there is indeed a strong sense of arbitrariness in the EU approach towards
Turkey. However, this sense of unfairness or hypocrisy can be attributed to a lack of dialogue between the two parties, as it results in a lack of adequate knowledge and diverging policies. The lack of dialogue is particularly apparent in Turkey’s Kurdish question, as opinions of it have gone from high optimism in the early 2000s to dark pessimism towards the end of the decade. The EU’s crucial role in solving the question is undeniable. This is not to deny political agency to Turkey. It will be later argued in the paper that both Turkish and Kurdish actors are also responsible for the pending solution to the Kurdish question.

This paper is divided into three parts. The first section explains Bakhtin’s dialogism. The following section examines the Kurdish question in more detail. The final section analyses the EU’s utterances towards Turkey, shows how their style and content have damaged efforts towards finding a solution to the question, and, finally, discusses the repercussions of this dialogue-less approach.

**DIALOGISM EXPLAINED**

The starting point of Mikhail Bakhtin’s dialogism is that the other is essential in the construction of the self. Without the other, the subject cannot know either itself or the world because meaning is created in discourse where consciousnesses meet. In other words, selfhood is something that is given by one consciousness to another. Interaction between the self and the other takes place in a discourse, which in turn is made up of utterances. A distinction is made between two different levels in an utterance. The first level, as Guillaume writes, ‘is constituted by dialogism per se, that is, the universal process through which we can actually give meaning to utterances by their interweaving. The second level is the characterisation of the utterance, that is to say, in a Bakhtinian perspective, in the style it possesses, which in turn reflects figurations of otherness. In other words, it is a matter of evaluating the extent to which the other is taken into account in an utterance’ (Guillaume, 2002: 6). In short, a Bakhtinian view of an utterance includes both the language itself and the way it is interpreted in action, as an answerable act. In dialogism there is always room for debate.

What about the addressee then? It can, as Bakhtin (1986: 93–95) writes, be an ‘immediate participant-interlocutor in an everyday dialogue, [...] a more or less differentiated public, ethnic group, contemporaries, like-minded people, opponents and enemies [...] And it can also be an indefinite, unconcretized other [...] both the composition and, particularly, the style of the utterance depend on those to whom the utterance is addressed, how the speaker (or writer) senses and imagines his addressees, and the force of their effect on the utterance’. Finally, Bakhtin talks about monologism as the antithesis to a dialogic relationship. In his own words, monologism ‘denies the existence outside itself of another consciousness with equal rights and equal responsibilities, another I with equal rights [...] With a monologic approach
(in its extreme or pure form) another person remains wholly and merely an object of consciousness, and not another consciousness [...] Monologue is finalised and deaf to the other’s response, does not expect it and does not acknowledge it in any decisive force. Monologue manages without the other, and therefore to some degree materialises all reality. Monologue pretends to be the ultimate word. It closes down the represented world and represented persons’ (1984: 292–293).

It is the focus on the extent to which the other is taken into account in an utterance that makes Bakhtin’s dialogism a particularly fitting framework for analysing the EU’s approach towards Turkey. The analysis of the bumpy Turkish EU accession reform process, as Elisabeth Johansson-Nogues & Ann-Kristin Jonasson (2011: 113) rightly point out, has largely been either steeped in a Rational Institutionalist logic of ‘opportunity costs’ for both the EU and Turkey, or assessed as a question of the Turkish (in)compatibility with European values. While both of the approaches are useful in explaining certain aspects of EU-Turkey relations, they tend to ignore the style that the EU employs in its utterances. The latter approach emphasises that Turkey’s EU accession bid is like no other we have seen in the past, pointing towards the fact that historically Turkey’s predecessor, the Ottoman Empire, represented the most important identity marker for Europe. The Ottoman Empire and Europe stood in a classical self-other relationship, representing different religions, customs, cultures, and languages. Europe constructed its self-image vis-à-vis the Ottoman Empire, and vice versa. Europe ended where the Empire started. As Neumann (1999: 39–40) argues, ‘the dominant other in the history of the European state system remains “the Turk”, and because of the lingering importance of that system, we have here a particularly important other’. In short, Turkey’s ultimate otherness is brought to the fore and identified as the main obstacle in accepting Turkey’s membership in the Union.

This sense of Turkey’s otherness certainly plays a decisive role in the rejection of Turkey as an equal consciousness and creating a dialogue-less approach towards Turkey. But what is the style that the EU has taken to deliver such an approach? And what can be considered an EU approach? With Turkey being a nation state and the EU an international institution of 27 member states, can these two actors even be considered to stand in a dialectic relationship? In other words, who speaks for the EU? In the accession framework, it is first and foremost the European Commission through its annually published regular reports on Turkey (published since 1998) that speaks for the EU. In addition to the Commission, there are the Council and the Parliament, who influence the process through declarations and resolutions respectively.

The public within both the EU and Turkey, however, tends to focus on the numerous unofficial forms of dialogue - for example, the dialogue in the media and informal meetings. A good example of such unofficial dialogue is the widespread yet officially unidentified feeling of dismay within the EU that was felt in reaction to
Turkey’s alleged shift towards the East in its foreign policy. If it is juxtaposed with the EU’s official stance of welcoming ‘the efforts of Turkey to improve and deepen its relations with the neighbouring countries’ (EP SEC(2004) 1201: 155) there is an explicit contradiction. Because the official and unofficial utterances are closely intertwined, they are both discussed in this paper, but as separate waves of utterances. Indeed, the extent to which the utterances of Germany and France – the EU’s most influential member states – against Turkey’s membership are reflected in the Commission reports is difficult to evaluate, but the fear of a veto is certainly playing a role. The incumbent French and German leaders have continuously repeated expressions of their negative stance on Turkey’s EU membership, advocating a special arrangement for Turkey. Claiming to represent the public view of his country, the French president Nicolas Sarkozy last reiterated his opposition to Turkey’s membership during an official visit to Turkey in March 2011. The German Chancellor Angela Merkel made similar remarks during her official visit to Turkey a year before.

THE KURDISH QUESTION IN TURKEY
The Kurdish question in Turkey is one of the most pressing issues facing the EU in its near neighbourhood. It involves a rights-based dimension caused by the lack of cultural rights and freedoms for the Kurds, and a security dimension caused by the violent conflict between the militant Kurdistan Workers’ Party (PKK) and the Turkish military. It has the potential to destabilise Turkey as well as its Kurdish-inhabited neighbours Iran, Iraq and Syria, with ramifications for the EU’s foreign policy goals in the region. The EU is also directly intertwined with the issue, not least because of its large and active Kurdish diaspora. The situation in the Kurdish-inhabited South-East Turkey has taken a turn for the worse with both sides sharpening their rhetoric and action in early 2011. This is in contrast to the positive atmosphere that has surrounded the question since the Turkish government launched its ‘democratic initiative’ in 2009, which is aimed at finding a solution to the question.

The question has its roots in the founding of the republic in 1923, which saw the Kurdish ethnicity as assimilated with Turkishness. In accordance with the Treaty of Lausanne (1923), only three minorities were and continue to be officially recognised in Turkey: Armenians, Jews and Greeks. These three groups were granted minority status on the basis of their religion. The Kurdish identity – whether national, racial or ethnic – was not recognised by the republic, resulting in decades of uprisings by the Kurds and oppressive and assimilative policies from the state. For a long time, the Turkish state denied the question’s ethno-political nature by presenting it as a socio-economic problem. By the early 1990s, the state’s perception and methods regarding the Kurdish question began to change as a result of the growing discontent and the increased level of armed clashes between the PKK and the military. The ethnic dimension of the question began to be slowly recognised. The politics of op-
pression continued throughout the 1990s, but the unrest was now viewed as an ethnic separatism that required military measures. During the 1990s the Kurdish question was thoroughly securitised (Nykänen, 2011: 3).

The Kurdish question in Turkey entered into the European Parliament’s (EP) resolutions in the 1990s with Saddam Hussein’s genocidal campaigns against the Kurds in northern Iraq. The EP has been pivotal in bringing the Kurdish question to the EU agenda and pressuring the Commission and the Council to take it into consideration in their approach towards Turkey. For example, in 1996 the EP managed to include the question in the negotiations on the Customs Union, nearly bringing them to a halt, and subsequently in the rejection of Turkey’s application for EU candidacy in 1997. Indeed, in the run-up to Turkey’s EU candidacy in 1999, the EP was ‘an important player in the relations between Turkey and the EU through its numerous resolutions in Turkish politics’ (Müftüler-Baç, 2000: 165). This role was possible after the EP’s powers were increased in the Maastricht Treaty (1993). Turkey’s prospects of joining the EU after 1999 gave the Kurdish question a decisive push. The substantive reforms during the period of 2002–2004 can be largely credited to the window of opportunity opened by the EU accession process. As Kirişçi (2010: 77) argues, ‘there is a consensus that the EU has played a decisive role in encouraging democratization and reform in Turkey’. However, the EU’s style of engaging with Turkey was soon beginning to take its toll in the overall situation. As Kirişçi (2010: 77–78) continues, ‘it should also be recognized that the loosening of its engagement with Turkey and the controversy over Turkey’s prospects for membership have been major causes of Turkey’s lurch from one political crisis to another. Turkey needs the sense of confidence and security that comes with the sure prospect of EU membership’.

With the reform process slowing down after the initial push during 2002–2004, the Turkish government began to gradually embark on a more independent policy to solve the question. In 2009 it launched a novel initiative to tackle the Kurdish question. The initiative, initially known as the Kurdish opening and later referred to as the democratic opening, the national unity project and the democratic initiative, among others, was set to deeply transform ‘the basic institutional structure of the post-1980 regime through enlarging the understanding of citizenship which would lead to re-defining political community, strengthening association and grassroots participation, and engaging in a relative decentralization of the state with local levels of government carefully integrated to the national centre’ (Ulusoy, 2010: 83–84). Its essential aim was to bring an end to the armed conflict in Southeast Turkey by disarming and disbanding the PKK.

The initiative had its roots in internal politics and external conditions. Five key factors behind the initiative can be distinguished. First, the initiative complemented the Turkish government’s ‘zero problems with neighbours’ policy and gave it domestic and international credibility. It also responded to the still prevailing domestic inse-
curity caused by the establishment of the Kurdistan regional government in Iraq in 2004. Second, with the Democratic Society Party (DTP, closed down in December 2009 by the Constitutional Court of Turkey) gaining votes in Southeast Turkey, the government attempted to win back its lost seats by appealing to the Kurdish electorate with a new initiative. Third, with its unsuccessful attempts to destroy the PKK strongholds in the Iraqi Kurdistan territory, and the looming withdrawal of American troops from Iraq, the government was forced to come up with a new solution to the situation in the Southeast. Fourth, the so-called Ergenekon case that investigated ‘deep state’ activities within Turkey ‘facilitated the prospects for addressing the Kurdish issue through non-military means’ (Çandar, 2009: 16). Finally, there were significant economic factors that favoured a non-military solution to the question. In addition to the dire need to cut the overblown military expenditures, Turkey’s role as an energy hub and crossroads for pipelines was part of the equation. In short, the EU has no direct influence in the initiative.

THE EU’S UTTERANCES TOWARDS TURKEY ON THE KURDISH QUESTION
The EU’s style of utterances towards Turkey regarding the Kurdish question has both been inconsistent and projected unequal tendencies, with the two qualities being closely intertwined. As earlier stated, these utterances can be divided into two parts: official and unofficial discourse. When it comes to the official discourse, the European Commission’s progress reports reveal an inconsistent approach towards Turkey. Prior to Turkey becoming a candidate state, the EU’s emphasis was strongly on human rights and finding a holistic solution to the situation in Turkey. Indeed, ‘while criticising the violence of the PKK, the EP requested that the European Council and the European Commission take the initiative in seeking a negotiated solution to the Kurdish question through the UN’ (Casier, 2011: 200). Throughout the 1990s, the EP continued its calls for a political solution to the question. It urged Turkey to grant a general amnesty to people jailed because of laws in conflict with the principles of free speech and human rights, end its military operations in the southeast and open negotiations with all Kurdish organisations in order to possibly reach a political solution (Casier, 2011: 201).

The EP’s efforts to have the Kurdish question in general and a negotiated solution in particular included in EU policies towards Turkey were not in vain. Its stance was clearly present in the first EU Commission Regular Report on Turkey’s Progress Towards Accession in 1998. The report called for Turkey ‘to find a political and non-military solution to the problem of the south-east. The largely military response seen so far is costly in human and financial terms and is hampering the region’s social and economic development. It has also damaged Turkey’s international image. A civil solution could include recognition of certain form of Kurdish cultural identity and
greater tolerance of the ways of expressing that identity, provided it does not advocate separatism or terrorism’. The Kurdish question was part and parcel of Turkey’s eventual EU candidacy in the 1999 Helsinki Summit.

However, with the question now transferred to the enlargement framework and falling under the auspices of the Commission, a shift in the EU approach towards Turkey’s Kurdish question began to emerge. The security aspect was soon emphasised and largely got separated from the rights-based dimension. The previous position of viewing the security and human rights dimensions as two sides of the same coin got divided into two largely independent policies of counter-terrorism and human rights. In the progress report of 1998 the EU demanded a civil, non-military solution to the situation in Southeast Turkey ‘since many of the violations of civil and political rights observed in the country are connected in one way or another with this issue’. In the progress report of 2008, however, there were no longer calls for a political solution but a reaffirmation of EU support in the fight against terrorism.

This subtle yet gradually evident shift can be explained by three factors. First, after the successful wave of legal reforms during 2002–2004, the EU believed that the Kurdish question would gradually be solved and that it could thus focus on other pressing issues instead. The Turkish administration was also directing the focus to other issues, often claiming that the Kurdish issue was getting solved. Second, the Kurdish lobby in the EU became somewhat disorganised following the capture of the Kurdistan Workers’ Party (PKK) leader Abdullah Öcalan and was no longer as effective as during its heyday in the 1990s in bringing the issue on the EU agenda. Third, the changing global security landscape after the attacks of 9/11 had at least a partial impact on the EU’s policy priorities. There was now a greater emphasis on fighting terrorism, which impacted negatively on the human rights dimension of the Kurdish question. In a symbolic sense, the previously condemned fight against terror in Turkey was beginning to gain more legitimacy now that the EU as a Western bloc was drawn into the same global fight. With the terrorist attacks in Madrid (2004) and London (2007), the security-focused atmosphere increased even further. While the Turkish government welcomed the EU’s support in the fight against terrorism, the Turkish Kurdish population fell victim to this shift. In Bakhtinian terms, Turkey became an object of the EU’s own conscience, which can be interpreted and modified at will as a function of the EU’s own needs (Guillaume, 2002: 9). Indeed, beyond strategic security policy considerations, the shift can be also tied to the EU’s own identity formation. Paradoxically, the same identity that united Turkey in the fight against terrorism would come to exclude Turkey on the basis of its non-European credentials, as seen later in this section.

Having refrained from specifying a preferred solution to the Kurdish question after the progress report of 1998, the Commission practically left Turkey afloat with the question. With calls for ‘open-ended’ negotiations and a special arrangement to be
given to Turkey in place of a full membership, the EU failed to act as ‘the ultimate guarantee of Turkey’s domestic and external security’. But while doing that, the EU has compromised its own domestic and external security. There are two primary arguments for this. First, as Blockmans (2010: 24) argues, ‘Turkey is not an average EU candidate country, but a key actor in the development of the European Union’s role in the world’. Turkey’s geopolitical value as a cultural bridge, a model of Islamic democracy and a territorial bulwark in regard to the Middle East is indispensable for the EU (Pop, 2010). Furthermore, Turkey’s role as an important energy transit country and a growing regional power means that losing Turkey as a partner would have significant strategic, political and economic repercussions for the EU. With their shared foreign policy principles of peaceful regulation of armed conflicts, territorial integrity, regional cooperation and reducing reliance on Russian energy, the EU and Turkey have more points of convergence than points of divergence.

The EU needs Turkey to meet the challenges in its neighbourhood, which ‘should open the space for a long-needed, rational debate on Turkey in the EU, one which accounts for the complex interplay between identity and institutional, political, economic, and social interests, and above all confronts these questions in an open and outward-looking manner. Mixed signals from the Union have exacerbated the sluggishness of Turkey’s domestic reforms, to the detriment of the EU as well as Turkey. Productive relations need to resume, both for Turkey’s democratic future, and for the EU to become an effective global power in the 21st century’ (Evin et al., 2010: 34). As Bakhtin would argue, the completion and perfection of a self is determined by the reflexive and dialogical integration of otherness (Guillaume, 2002: 9). Second, if the worst case scenario of the Kurdish situation boiling over into Arab Spring style wide-scale demonstrations took place, the EU would have to bear at least some of the brunt of the escalating situation. In May 2011, the PKK’s leader talked about the potential of a ‘great war’ should the PKK’s demand for substantive negotiations not be met in due course. Arrangements for democratic autonomy in parts of South-East Turkey have already begun with pro-Kurdish actors accusing the government of ignoring their plea for reforms and attacking their legitimate representatives with mass-scale arrests and election plans.

Another evident inconsistency in the EU’s official utterances towards Turkey has been its shift from emphasising a solution based on a minority status for the Kurds to focusing, perhaps more inoffensively, on cultural rights instead. Again, this shift took place after Turkey was granted a candidacy status in 1999. After the European Parliament campaigned for granting the Kurds a minority rights status for years, the term ‘minority’ was entirely absent from the Accession Partnership (AP) of November 2000. The EU’s own minority rights situation played no insignificant role in this policy shift. For example, France is yet to sign the Framework Convention for the Protection of National Minorities (FCNM), which aims to respect the rights of na-
tional minorities, undertaking to combat discrimination; promote equality; preserve and develop the culture and identity of national minorities; guarantee certain freedoms in relation to access to the media, minority languages and education; and encourage the participation of national minorities in public life.

Finally, the unofficial utterances towards Turkey that exclude it on the basis of its fundamental nature serve to create a situation in which Turkey cannot rely on the EU as a guarantor of its security. This is perhaps the gravest inconsistency in the EU’s utterances towards Turkey because of the symbolic power it holds. In short, the EU continues to demand reforms that will supposedly lead to Turkey’s eventual membership in the Union, while at the same time, some of its member states’ leaders dispute the very concept of Turkey being a European country. As such, they question the legitimacy of the whole accession process, which seriously undermines – if not empties – the effectiveness of EU conditionality. Of course, this also goes to show that the EU has not been able to produce the long sought-after ‘one voice’ in foreign policy that it attempted to establish with the Treaty of Lisbon in 2009. Conflicting EU utterances towards Turkey would not be so damaging if a genuine channel for dialogue existed. However, in the current situation such a channel is yet to be established, leading to different EU states forging bilateral ties with Turkey to avoid a complete diplomatic deadlock should the EU accession process come to an unresolved end.

Many observers acknowledge that the lack of dialogue in EU-Turkey relations is one of the obstacles in developing closer relations between the EU and Turkey. Nora Fisher Onar (2011: 43), for example, writes that ‘the task then is to reframe increasingly acrimonious relations in the name of mutual benefit which, in turn, may allow for the recognition of commonalities and celebration of differences’. Finland’s Foreign Minister Alexander Stubb proposed in 2010 that the EU needs a dignified foreign policy based on listening, dialogue and mutual respect.’ A more dialogic relationship between the EU and Turkey would be in line with his proposal that seeks to reverse ‘the EU’s declining influence in the world, where there are more competing actors, goals and values than in the past’. At the moment, the EU does recognise the importance of dialogue and demands it from Turkey on different occasions. For example, when commenting on Turkey’s constitutional reform referendum (2010), the Commission expressed criticism over the way in which the reform package was prepared by the Turkish government, stating that ‘any future constitutional changes should be prepared through the broadest possible consultation, involving all political parties and civil society in a timely manner and a spirit of dialogue and compromise’ (EP Press Release MEMO/10/402, 13 September 2010, own emphasis).

CONCLUSION
The paper has argued that EU-Turkey relations are lacking of dialogue, which is having a particularly damaging impact on the resolution to Turkey’s Kurdish question.
Using Russian philosopher Mikhail Bakhtin’s concept of dialogism, the paper has analysed the extent to which Turkey is taken into account in EU utterances, arguing that the EU has adopted an inconsistent and arbitrary policy towards Turkey. This has resulted in Turkey drifting away from EU reforms and attempting to find its own solution to the question. This attempt, in turn, has backfired, making the human rights situation of the Kurds as well as Turkey’s and the EU’s internal and external security more vulnerable. In its inconsistent policy on the Kurdish question, the EU has focused on its own needs and identity without taking into account Turkey’s domestic situation or treating Turkey as an equal partner. This approach has also damaged the EU’s global image as a reliable, answerable partner.

ENDNOTES
1 An earlier version of this paper was presented at the ECPR Standing Group of International Relations, University of Stockholm, September 2010. The author would like to thank Dr. Hanna Ojanen and two anonymous reviewers for their pertinent comments on this article.
2 See for example, ‘European Union wakes up to Turkey’s new role’, Turkish Daily News, 13 June 2010. Also, Ahmet Evin et al. (2010: 7) argue that ‘the recent activism and independence of Turkish foreign policy has caused political repercussions throughout Europe, the United States, and in Turkey’s immediate neighbourhood. In the West, there are fears that Turkey is being “lost,” that it is becoming more oriented towards Russia or the Middle East, and that it is drifting away from secularism and toward Islamism [...] it does so by fostering bilateral and multilateral ties, by using the country’s Ottoman heritage as a foreign policy asset, and by exerting “soft power” in its region’.
3 Also the progress report of 2006 (72–73) points out that ‘relations with Syria continued to develop positively’, further stating that ‘Turkey should be unequivocally committed to good neighbourly relations, and to the other requirements against which progress will be measured’.
4 Interview with Vahap Coşkun, Diyarbakır Institute for Political and Social Research, April 2011.
5 A retired Turkish general, Edip Baser, made these remarks about Turkey’s potential EU membership during a conference in 2004. In 2008 he further noted that ‘had the EU remained engaged it would be unlikely that Turkey would be in a crisis right now’ (Kiriçi, 2010: 78).
6 When it comes to Turkey’s role in the Muslim world, Graham Fuller (2008) argues that ‘Turkey can demonstrate a positive record on multiple levels: it has managed to enact successful economic policies; it has created a largely stable political order with a tested democracy; it has a vibrant Islamic culture; it has demonstrated an ability to reach some form of reconciliation with political Islam in a way that few other Muslim states have; it has demonstrated a growing realism in the way it treats its own multiethnic problems; it has maintained a close working relationship with the West in the political, economic, and military spheres and continues on a (controversial) course toward EU membership; and it has a strong military and a powerful sense of sovereignty and independence. These are qualities greatly sought after and critically needed by other Muslim societies. As a result, in its new, more independent mode, Turkey is no longer perceived regionally as a mere Western “wannabe”; it is now
for the first time being viewed positively within the Muslim world as a state worth watching – and maybe even emulating’.


BIBLIOGRAPHY


Civil Society and Humanitarian Action: NGOs’ Roles in Peace Support Operations

DANIELA IRRERA

Abstract: This article deals with the participation of NGOs in humanitarian intervention and peace operations. Knowledge about this area of action is of great importance to understanding both the role(s) of humanitarian NGOs and the transformation of the nature, composition, and actions of multilateral peace missions. The paper is based on the Humanitarian Non-Governmental Organizations Representatives (HNGOsRep) dataset. HNGOsRep is a survey of the opinions of the representatives of 27 humanitarian NGOs and networks of NGOs. It is based in Geneva and Brussels and active in the field of humanitarian assistance, peace building, and conflict transformation and mediation. The analysis of data supports the thesis that the relation between NGOs and the institutions responsible for security and peace management is important to operation results and sheds light on the NGOs’ roles in humanitarian intervention.

Key words: NGO, international organizations, security, peace, conflicts

The IR literature is increasingly concerned with the innovation that occurs in current humanitarian actions. Non-governmental organizations (NGOs), in particular, are progressively more able to play actively in global security issues. They participate in many transnational and world-level actions and programs and are recognized by policy-makers as actors of the world political system, the reserved domain of the states. They have an impact on the transformation of the structure and processes of world politics. At the same time, the NGOs’ effective actorness continues to depend largely on state governments and international organizations (IOs) as the NGOs need their support to have access to international institutions and common decision-making processes and actions.

This article analyses the participation of NGOs in humanitarian intervention and peace operations. Knowledge about this area of action is important for us to understand both the international role(s) of the NGOs and the transformation of the nature, composition, and actions of multilateral peace missions. The empirical base
and evidence of this chapter is a survey research, conducted between November 2009 and March 2011, on 28 humanitarian NGOs and networks of NGOs based in Geneva and Brussels (see List in the Appendix). The NGOs have been selected according to two main criteria: they have an official relationship with international organizations (namely the UN and the EU); their activities are ascribed under the label humanitarian and deal with assistance, peacebuilding, and conflict transformation and mediation.

The article is divided into three sections. In the first one, which serves as an introduction, NGOs as world system actors are defined and presented according to the existing literature. Their organizational structure, aims and mandates and their institutionalized and informal procedures within the UN system are reviewed. In the second one, the main findings of the HNGOsRep dataset are presented in order to explain how and how much NGOs are influential in different phases of humanitarian action. In section three, the NGOs’ growing participation in the management of civil conflicts is highlighted as the factor that enhances their role in defence of the principle of humanitarian intervention. NGOs’ specific roles in multilateral security are also defined and explored in this section. NGOs are recognized as actors exercising the roles of knowledge-provider, peace-facilitator, and voice-articulator.

The main assumption of the article is that in the current phase of world politics, the global institutions are undergoing a process of change due to the context in which global emergency rules and policies are demanded, formed and carried out. A potential humanitarian system – made up of actors, institutions, rules and practices – is clearly appearing and rising. However, as confirmed by the survey analysed in this paper, a ‘good’ bulk of NGO-IGO relations to goal-achievement by humanitarian missions is affirmed in principle but underestimated and denied in practice.

THE NGOS ARE GLOBAL ACTORS
In the research community of contemporary social movements, Galtung (1987) has been one of the earliest to describe the ‘power’ of NGOs in negative and positive terms. In the former, NGOs’ power is non-economic, non-military and non-violent. In the latter, NGOs’ power is primarily cultural (the ability to engage public opinion), political (autonomy in program management; contacts with national and international centres of power), moral (adherence to values and the principles of international law) and ideational (forwarding original and captivating projects and campaigns). This power base helps NGOs to represent a distinguished class of civil society organizations. At the same time, due to the resources they are able to mobilize, NGOs are perceived as a threat to the state. For this reason, governments may prefer to ignore them and even obstruct their activities. However, the rise of civil society organizations does not mean that the state is either in decline or at risk. According to Cakmak (2008), the case is quite the opposite. Civil society has oppor-
tunities to flourish in conditions of a strong, stable and effective government. In addition, NGOs play significant roles that are not performed by the state and international actors like IOs. For this reason, dialogue with NGOs has been institutionalized by the United Nations. They gave to the Economic and Social Council (ECOSOC) the task of creating and administering a special procedure of accreditation and provision of consultative status to NGOs. Therefore, accredited NGOs have been allowed to take part in UN conferences and a wide range of dialogue practices with the other UN bodies, the Security Council included.

The accreditation clause, defined in the Article 71 of the UN Charter, was a sort of compromise that gave great opportunities to NGOs, but it was very rigid in the definition of actors and procedures. Participation was restricted to an advisory function and limited to organizations in possession of definite requirements. ECOSOC began to implement the provisions of the Charter by issuing the two resolutions (288B/1950 and 1968/1296) that created the mechanism of accreditation and recognition. Once registered, NGOs are given the right to be consulted. The high number of organizations which immediately decided to apply for consultative status forced ECOSOC to work on an immense amount of demands and pressures. Consequently, it came to the decision to create an appropriate means for maintaining disciplined ties with NGOs.

Achieving consultative status is the first step in giving NGOs the possibility to open a series of informal practices and behaviours that would enable them to strengthen their presence in the UN system and gradually build a dialogue with other important bodies. Consultative status gives NGOs the opportunity to be a part of special working groups and promote a series of parallel activities, including written and oral statements to ECOSOC hearings and seminars. Given their limited powers, however, the NGOs’ action has been developing through an informal process described as ‘learning to learn’. In this process, NGOs learn how to persuade policy-makers to adjust and change their projects. It appears to be a very slow procedure, but it is destined to produce effective results in the long term. The first important learning step is to seek supporters within the UN system. In the earliest years of the Cold War, NGOs preferred a bottom-up approach and started searching for partners who would act on their own level. Over time, the creation of alliances among NGOs has been changed into a permanent practice. Alliances are created for working on specific and general issues and pursuing permanent and temporary objectives (Gordenker and Weiss, 1995). The main function of networks is to harmonize common needs and resources in order to strengthen the NGOs’ position in presenting issues to the competent bodies. The alliance practice is mostly used at the general conferences promoted by the UN, mainly through its specialized agencies. Resolution 1996/31 provides specific rules for the participation of accredited NGOs in conferences on issues related to human promotion (Hartwick, 2003). The ad-
mission to a conference grants many privileges, including the possibility of participating in preparatory meetings and submitting requests and written documents. In addition, NGOs set up a parallel forum, at the same time and place as the conference, that frequently produces results completely opposed to the official ones. Normally during the forum, the organizations produce two types of documents, a declaration and an operational program, that are presented to the official conference and approved by the General Assembly. The document follow-up is in the responsibility of ECOSOC, and the NGOs – individually and in networks – monitor and exert pressure on this body.

Over the years, NGOs have enlarged their areas of participation and number of interlocutors. This change required a gradual approach to other UN bodies, especially those dealing with high politics. In November 1993, a representative of the NGO Planning Committee took the floor for the first time at the meeting of the Second Committee of the General Assembly for the preparation of the International Conference on Population and Development, which took place in Egypt a year later. Subsequently, the participation of NGOs in the General Assembly Commissions became a common and extremely useful practice. Dialogue with the Security Council, however, was possible only after 1989 as a result of an unexpected event. In March 1992, during the war in the former Yugoslavia, Diego Arria, the Ambassador of Venezuela, a temporary member of the Security Council, had a formal interview with a Bosnian priest on the conditions of the country’s populations and brought the priest’s comments to the Council. It was the beginning of an informal mechanism of consultation with NGOs on the issues of peace and international security called the ‘Arria Formula’. In 1995, the ‘Working Group of NGOs on the Security Council’ was created with the aim of meeting delegations, the Permanent Representatives and the President of the Council. There is neither a predetermined schedule nor an obligation for the Council members to consult with NGOs, but the quality of the Working Group contribution was recognized by the Council members, and the practice was extended even to celebrations and social events.

In conclusion, by strengthening the dialogue with the main UN bodies, NGOs have been gaining a sort of gatekeeper position between national governments and societies, on one side, and international organizations, on the other. As some authors argue, this has beneficial effects for the transparency and accountability of international organizations (Grigorescu, 2007). Transparency is a necessary condition and the most often considered tool for achieving accountability. The impact of NGOs on international organizations remains quite controversial, however. Several problems concern the selection of organizations to take part in IOs’ actions, the procedure governing their participation, and the legitimacy and reliability of their participation (Richter, Berking and Muller-Schmid, 2006). As Willetts (2001) remarks, an NGO has to meet six conditions in order to be recognized by the UN. First, it needs to work
in furtherance of the aims of the UN. Second, it has to give fair representation to the members and have a headquarters and officers. Third, it must be a non-profit organization. Fourth, it must stay at a clear distance from violence. Fifth, it must abstain from any interference in the internal affairs of states. Lastly, NGOs cannot be constituted by means of an intergovernmental treaty. These conditions are the model universally claimed by IOs to rule their relations with civil society organizations in traditional areas as well as non-traditional areas like peace and security. This is a reassuring factor about the currently increasing presence of NGOs in world affairs.

NGOS AND HUMANITARIAN ACTION

The increasing participation of NGOs in relief and peace-building actions deals with the transformation of three main aspects of global security: the nature of contemporary civil conflicts, the so-called new wars, and the attributes of humanitarian intervention in contemporary world politics. At the end of the Cold War, the world witnessed the rising importance of the problems of so-called weak states and, in some case, their collapse. Institutional weakness, no rule of law, and economic backwardness became the causes of ‘new’ wars (Holsti, 1999). These wars vary in their characteristics, but some common traits distinguish all of them from traditional wars. The most important trait, frequently mentioned by scholars, is the shift from the interstate to the intrastate war dimension. This distinction does not imply that the effects of a conflict are contained within state borders. On the contrary, conflict normally spreads from a country to its neighbouring countries. An additional and important common feature of these wars is the active, and sometimes conditioning, presence of non-state actors. New wars are fought by a wide range of political and social groups that have different identity and alliance relations. However, conflicting parties are sometimes inclined to easily change their alliance alignment (Kaldor, 1999). In many cases, a participating state is not the aggressor and has no role in the causes and development of the conflict (Monteleone and Rossi, 2008). Lastly, in these wars, the clear distinction between civilians and combatants dramatically weakens. In many cases, civilians are deliberately chosen as targets of military action, with the consequence of dramatically increasing the number of casualties. All these conditions make the management of civil wars no longer dependent only on military means. Thus, Doyle and Sambanis (2000) observe that peacekeeping missions with extensive civilian functions, including economic reconstruction, institutional reform, and election oversight, are needed to improve the chances of success in containing violence and achieving peace building. Collaboration between civil and military actors, then, is increasingly important for managing and solving civil conflicts, as acknowledged by governments and international institutions. In sum, the changing nature of conflicts entails a parallel transformation of the tools for conflict management and humanitarian intervention.
The presence of NGOs in conflict areas started even before the time of the Cold War. NGOs were active mainly in relief assistance and in human rights and minorities protection. The births of Amnesty International (AI) (in 1961), Médecins Sans Frontières (MSF) (in 1971), and the organization that subsequently became Human Rights Watch (HRW) (in 1978) are important steps on the road towards the formation of the new culture of humanitarian intervention. Indeed, a broad array of intervention actions was started by such organizations, and it continues to be shaped. Actually, the number of NGOs in and near armed conflict zones has been increasing over the years. Their action priority is human and civil rights, peace promotion, and environment and social issues. However, the diversification of security levels is producing a wider range of new tasks and roles. In general, NGOs participate in humanitarian intervention as moderate actors and specialized groups of experts (Rucht, 2006). However, it is worth remembering that they have their own positions separate from the military and officers representing IOs. Also some groups may stand on a radical campaigning position. They believe that the system must be reformed from the roots; accuse capitalism and globalization of fomenting civil conflicts; do not accept co-operation with the actions and programmes of intergovernmental organizations; and blame peace missions for spreading interventionism throughout the world (Rucht, 2006).

Operational and campaigning NGOs exercise actions in peace operations through different methods. Operational NGOs participate directly in peace operations by mobilizing human, financial and material resources; carrying out projects and programs; and offering expertise and advice. Campaigning NGOs participate indirectly in peace operations by seeking wider public support for operations and also by fund-raising on a smaller scale (Willetts, 2001). A better typology of NGOs, however, is needed to aptly analyse the NGOs’ approaches to conflict management and humanitarian intervention. To this end, a typology is created here by merging two NGO attributes. These are (a) the NGO’s identity and principles of action and (b) the NGO’s approach to conflict management and humanitarian intervention.

According to Stoddard (2003), three types of NGOs are distinguished by referring to the identity attributes: (1) the Wilsonian organization (so named after the ideas of the American President Woodrow Wilson), which adheres to the principles of cooperation and multilateralism as practiced by governments and international institutions (CARE International is usually considered as an example of this type); (2) the Dunantist organization (so named after the Red Cross founder and social activist Henry Dunant), which adheres to the principles of impartiality, neutrality, and independence (MSF and AI are examples of this type); and (3) the faith-based organization, which acts in harmony with religious principles (Christian Aid and Islamic Relief are examples of this type). By distinguishing NGOs according to the second attribute, the conflict resolution approach, including the willingness to work
CIVIL SOCIETY AND HUMANITARIAN ACTION

with local partners and/or international institutions, I created the following comprehensive type list and applied it here to my analysis of NGOs’ roles in peace and humanitarian operations:

1. The pragmatist Wilsonian NGOs. These organizations are familiar with playing a role, even in a context in which highly politicized missions are deployed.
2. The principle-centred Dunantist NGOs. These are strongly committed to the idea that conflict management should respect the basic principles of humanitarianism, and their actions reflect this idea.
3. The solidarist NGOs. Focused on the root causes of conflicts as the main problems to solve, these organizations (e.g. Oxfam) pay great attention to the military and civilian intervention aims and behaviour.
4. The faith-based NGOs. Charity and compassion as values are the guidelines of their actions.

The range of NGOs’ approaches to peace operations matches, to some extent, the range of conflicts and the different forms of intervention required to manage humanitarian problems (Clark, 1995). By all means, humanitarian intervention is a matter that concerns NGOs in general, but it concerns different NGOs in different ways, i.e. in accordance with the identity and approach preferences of the given NGO according to the types listed above. Therefore, scholars put on the table the issue of setting out a body of shared rules on the participation and conduct of NGOs in peace operations (Donini, 2006).

The questions posed to the NGOs’ representatives focus on the two abovementioned attributes, namely identity and the approach towards humanitarian action, stressing in particular the relations with IOs.

THE NGO REPRESENTATIVES’ OPINIONS

From the answers of the interviewed NGO representatives, it is clear that a wide range of actions is regularly practiced. These actions includes peace mediation (as exerted by the Center for Humanitarian Dialogue, based in Geneva, and the Crisis Management Initiative, founded by Finnish Prime Minister Martti Ahtisaari in Helsinki) and the dispatch of international volunteers to areas of conflict to promote a different kind of humanitarian intervention (as practiced by the Non-Violent Peace Force, based in Brussels, and Pope John XXIII, based in Geneva). NGOs are active in conflict areas, playing several roles and covering a large slot of time, from the beginning to the rebuilding phase, independently of peace missions deployed on the same territory.

The survey questionnaire is divided into four parts. Sections 1, 2 and 3 are aimed at clarifying how the NGOs match the above mentioned attributes, as well as the quality of the relationships they have with IOs in humanitarian issues, while Section 4 is focused on the experiences they have collected on the ground. This chapter
analyses the main questions which are considered useful for clarifying the roles played in the humanitarian action and the relations with military peace missions.

As far as the first attribute (the NGO’s identity and principles of action) is concerned, the focus is on two basic questions, namely the size of the NGO and the geographical dimension, and the use of the controversial term humanitarian. The first one seems to be essential for describing the NGOs’ strength and resources. It is clear that having an headquarters in Geneva or Brussels reveals the existence of some considerable financial basis. The question was not, however, ineffective. It aimed at investigating, firstly, the NGOs’ internal structure (relations with local partners, memberships in other networks, etc.) and, secondly, their ability to achieve goals.

According to the replies, the majority of the NGOs act on a global basis and some of them focus their actions on a regional scale; only one, MSF, preferred to be defined as an international NGO (see Table 1). Most of the NGOs present a complex internal structure made up of local agencies and/or regional branches, while all the organizations have enough resources and tools for realizing their projects in an efficient way.

The word humanitarian is used as a very broad concept to qualify the specific issue of helping people in any troubled context. However, as the literature has made clear, being humanitarian refers not only to the NGO’s identity or activity, but also to a peculiar approach in defending human dignity and needs. The majority of NGO representatives declared that they identify with this standard use of the label ‘humanitarian’, even though some of them want to attach some added values to the concept. At the same time, a significant number of NGO representatives prefer to defend a peculiar identity and define themselves in a different way (Table 2).

**Table 1: The geografical dimension of NGOs**

![Graph showing geographical dimension of NGOs]

S1 – Q1: Are you global, regional or local?
Table 2: The identity of NGOs

S1 – Q3: Would you define your organization as a ‘humanitarian NGO’?

The ones which prefer not to be called humanitarian refer to the particular tasks dealing with the re-building phase, namely emergency management, the containment of the effects produced by civil conflicts and/or natural disasters, development projects and initiatives, and State building measures. While MSF recalls its own specific medical and surgery missions, others – like CMI and the Centre for Humanitarian Dialogue – stress the role of mediation and dialogue promotion (Table 3), and Save the Children and War Child underline their focused aim on child protection:

‘We are a development, humanitarian and child rights organization as we undertake programming and advocacy in all three areas.’ (Save the Children UK, Interview on 3 March 2011)

‘To prevent and mitigate the effects of violence, abuse, exploitation and neglect on children who suffer from conflict related insecurity, exclusion and poverty.’ (War Child, Interview on 20 October 2010)

Therefore, the concept of humanitarian action is strongly changing and being re-shaped, moving from the traditional actions towards human beings (Catholic NGOs stressed this aspect) to different roles which do not underestimate individual needs but are focused prevalently on the technical aspects of conflict management and resolution.

Rapid reactions to emergencies and development projects are increasing, just like all issues related to the peace building phase (Table 3). Interestingly, new and alternative roles, like mediation and conflict transformation as well as demining (a role
that is excellently played by the Geneva-based Centre for International Demining), are increasingly important, marking NGOs’ identities and – above all – reshaping their roles and their relations with IGOs.

Table 3: Different definitions of main self-ascribed tasks

![Bar chart showing numbers 11, 5, and 3 for Development and emergencies, Peacebuilding, and Other respectively.]

S1 – Q5: Which is the main purpose of your activity?

In an analysis of the NGOs’ identity, it is important to take into consideration which kinds of financial donors they accept for promoting their projects and activities. According to the literature, civil society is traditionally associated with a non-state entity and, therefore, it can represent interests and promote activities by safeguarding its own independence and neutrality (Galtung, 1987; Willetts, 2001). In other words, it would not be acceptable to suffer the government pressure of economic conditionality. This is what all the NGOs we have interviewed underlined. However, all of them declare that the governments they work with are ordinary donors as they are governments of established democracies (mainly the US, Australia, Canada, Switzerland and the Scandinavian countries). The donations they make cannot in any way change the NGOs’ behaviour. However, as Table 4 demonstrates, the governments are the most important donors. The UN continues to play an important role through its Agencies, and the EU plays an acceptable role through the Commission and ECHO. A minor role is played by the Council of Europe.

It is true that private foundations and fees paid by partners constitute huge contributions to the civilian humanitarian activities. However, the somewhat ambiguous relation NGOs have with governments (and the consequently still too weak contribution offered by IOs) should be taken into account.

The question of the geographical areas in which NGOs are installed is important for concluding the analysis of the first attribute. The NGO representatives’ answers were important – in particular for understanding whether civil actors prefer to act in countries and regions in which an IGO-led peace mission is deployed.
All NGOs are active in areas affected by civil conflicts, state failure and/or natural disasters. All representatives believe that it is their duty to immediately react to troubles according to their expertise, means, and possibilities. There is not an official or unofficial coordination with IGOs and peace mission deployment in the initial stages, though, as these matters are usually decided after the NGOs are already on the ground.

Table 4: Donors

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S1 - Q6: Which are your main donors/sources?

Even though the African continent seems to be the continent most affected by conflicts, the Balkans remain important regarding long-term peacebuilding initiatives. South-Eastern Asia seems to be one of the areas in which international intervention will grow in the near future (Table 5). Afghanistan and Iraq as well as the Gaza Strip are still at the core of humanitarian action, and they are the countries in which the majority of NGOs are deployed. Interestingly, in all these troubled areas NGOs and military personnel are situated, even for long periods, without any preliminary coordination.

As far as the second attribute, the NGOs’ ideas on conflict management and humanitarian intervention, is concerned, a common and established approach to humanitarian action is observed. Even though NGOs have been given the right to be consulted in regard to the humanitarian issues they are able to provide functional resources for, they usually prefer to safeguard their own position, which is separate from those of the military and officers that represent IGOs. This assumption is sustained by the major literature and has been confirmed by the replies to the HNGOs questionnaire. Some additional observations, however, should be mentioned here.
Table 5: Presence of NGOs per area

<table>
<thead>
<tr>
<th>Region</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balkans</td>
<td>11</td>
</tr>
<tr>
<td>Asia</td>
<td>9</td>
</tr>
<tr>
<td>Africa</td>
<td>31</td>
</tr>
<tr>
<td>Middle East</td>
<td>21</td>
</tr>
<tr>
<td>Latin America and Caribbean</td>
<td>4</td>
</tr>
<tr>
<td>Europe</td>
<td>4</td>
</tr>
</tbody>
</table>

S4 – Q1: Did you ever act in a country where a peace mission was deployed? Which one(s)?

In principle, all NGOs consider this right as a useful one and tend to exercise it. This does not mean that the consultation is efficient and that it solves problems, though. Even though some of them almost regularly participate in fora and meetings and provide expertise, all the organizations complain about the lack of involvement in the planning phase and, more importantly, the significant lack of coordination (Table 6). Some replies given by NGO representatives, listed below, can better explain this assumption.

‘More flexible and vertical organizations would be better’ (Care International, Interview on Nov 9, 2009).

‘Better targeting of beneficiaries’ real needs, instead of their status’ (Initiative for Better and Humane Inclusion, Interview on Feb 28, 2011).

‘MSF stresses the importance of implementation of practices’ (Medecins Sans Frontieres, Interview on Nov 4 2009).

Their answers to specific questions on their satisfaction levels reveal how the gap between state actors and non-state actors is very controversial. Cooperative relations
with military personnel are expected so that the NGOs would be more effective in relief operations and facilitate the success of peace missions. This is acknowledged by the UN Department for Peace-keeping as well. NGOs have been given the right to be consulted by the UN Peacebuilding Commission on all the matters for which they are able to provide functional resources. A good number of the representatives (17) are quite satisfied with the relations established with IOs, some others exercise their right to be consulted with a strong reluctance, and a minority prefer not to have a set of relations in which they do not believe at all (Table 7). In addition, some NGOs (like Oxfam and Terres des Hommes) prefer to be peace mission watchdogs and control the operation actions and mission transparency. To sum these findings up, we say that the tools used by IGOs to manage challenges and threats, especially civil conflicts, are in principle considered as a useful instrument, but they are weak or inefficient in practice.

Table 6: Dialogue on humanitarian issues

![Regular consultation vs Global consultation](image)

S3 – Q3: Are you consulted by IOs in humanitarian affairs?

Table 7: Level of satisfaction with the dialogue with IOs

![Level of satisfaction](image)

S2 – Q5: Are you satisfied with the present level of consultation?
Working on the same areas and problems, however, produces effects which, in some cases, intersect one another. The survey’s specific and direct questions obtained equivalent clear answers. All the NGOs played their roles on the ground on their own (being embedded is categorically refused). No formal or structured coordination with IGOs, either in the planning phase or on the ground, is programmed but sometimes it is requested. However, several channels which can be considered as a form of cooperation or – more frequently – consultation are observed (Table 8). Two different terms to mark two different levels of relations with militaries have been used in the survey: consultation (to deal with the traditional role ascribed to NGOs) and cooperation (to refer to a more structured exchange of practices and mutual help). Some NGOs declared the following ways in which they cooperate or cooperated with militaries. CESVI practices an exchange of information on security to facilitate the protection of its staff. The Centre for International Demining provides technical information and services. Non Violent Peace Force used to cooperate with peacekeepers in some missions. Plus, some representatives declared the following forms of contact and cooperation between their NGOs and militaries:

‘exchange of information on security to facilitate the protection of our staff’ (CESVI, Interview on April 28, 2010);

‘some forms of cooperation with military staff, for strategic purposes’ (NVPF, Interview on Nov 26, 2009);

‘Oxfam had to maintain independence, meet officials, monitor the mission’ (Oxfam, Interview on Nov 27, 2009).
It is common understanding that there is a kind of ideological refusal to enter into contact with military missions. In principle, NGOs do not like having contact with military personnel and frequently prefer to work on different projects. At the same time, the interview data demonstrate how segmented and diversified the humanitarian action of the NGOs is and how controversial the relation they have with institutionalized interventions is.

The practical implications of the NGOs’ attitudes that are revealed by the survey are further analysed in the following part.

NGOS AND THEIR ROLES IN THE HUMANITARIAN ACTION

NGOs play multidimensional and long-term roles which cover the different phases of a crisis. In this regard, by taking stock of the existing knowledge of NGOs as actors in peace operations and humanitarian intervention, three specific roles are singled out. The knowledge-provider role pertains to the NGOs’ contribution to diffusing information and common practices in humanitarian actions. The peace-facilitator role refers to the NGOs’ support of UN and international organization peace missions but also to the increasing task of mediation. The voice-articulator role applies to NGOs’ commitment to amplifying the local actors’ expectations for social, political, and practical needs.

NGOS AS KNOWLEDGE-PROVIDERS

The first role is a concern of all NGO types. In performing this role, NGOs profit from both the scientific community’s study of security and their own practical experience in dealing with new tools of management of security challenges. The traditional concept of security, as it is known, is associated with the nature of the state, the image of the enemy, and the use of military violence. Changes in armament technology, the rising importance of non-state actors, and political innovations, namely the adoption - initially by the European countries - of the concept of cooperative and comprehensive security, contributed to changing this view of security. Buzan has pointed to three levels of analysis (the individual, the state, and the international system) and three different dimensions (the political, economic, and social dimensions) in managing security issues in addition to the military dimension (Buzan, 1991). The Copenhagen School worked on the concept of comprehensive security because a wide range of factors (military, environmental, economic, societal, and political) bring in different actors and forms of action that determine security matters. Lastly, the concept of security drew the attention of the specialists to the importance of the securitization of any social issue that political actors change into a threat by means of speech acts, as these issues are responded to by means of emergency measures. In subsequent years, the scientific debate continued and tried to merge the new concepts in order to develop a perspective that would be useful to practitioners as well.
As Knight (2001: 14) rightly remarks, terms like comprehensive security, common security, and human security

‘are being utilized to embrace the range of issues that are being placed on a revised security agenda of an emerging global polity’.

And consequently, security

‘must change from an exclusive stress on national security to a much greater focus on people’s security, from security through armaments to security through human development, from territorial security to food, employment and environmental security’.

NGOs – especially the Wilsonian ones - have been particularly responsive to the suggestions of the scientific debate and have developed their own security management language as well as processes and best practices connected to those scientific concepts. At the same time, a wide range of tools has been institutionalized by the pragmatist and solidarist NGOs in their practice of security management. The institutionalization process includes different actions and sectors like information; analysis of threats, risks and vulnerabilities; and the organization of practical and logistic aspects (Avant, 2007). In their turn, Dunantist NGOs have underlined the importance of the non-partisan, fast, non-bureaucratic, and risk-taking nature of humanitarian intervention. The Wilsonian and Dunantist organizations have also been able to supply knowledge useful to regulating conflict solving and peace management like rule-making procedures, and methods of interpretation and application of norms and standards (Beck, 2008). It is also worth mentioning that in recent years, the NGO community has been particularly keen on diffusing the responsibility to protect (R2P) principle. Especially the faith-based NGOs worked adamantly to sustain the movement aimed at advancing the responsibility to protect in order to confront the global community’s inadequate response to morally indefensible mass atrocities.

**NGOS AS PEACE-FACILITATORS**

NGOs are commonly considered as independent agencies in peace operations because they are not part of the military structure and strongly desire to protect their independence. However, the NGO personnel usually have to work alongside the official, military and civilian personnel of the peace missions but they do this to assist local parties in fields like promoting human security, strengthening the rule of law, and economic and social development. Peacekeeping was initially conceived of as a mechanism to help countries torn by conflict create conditions of peace. But over the years, it has been changing in terms of its aims, methods, and participating ac-
tors. The enlargement of the mandate, in particular to humanitarian and political assistance, brought in a massive increase in the number of civilian personnel and non-military activities, and the organization of complex, multifunctional operations with both military and civilian tasks. In this context, NGOs were accepted as participants supporting the execution of civilian tasks.

NGOs can also contribute directly to the political success of humanitarian missions. The Sant'Egidio Community, for example, has been an important actor in mediation and diplomatic negotiation. It promoted the peace process in conflict zones like Burundi, Mozambique, and Palestine, and these efforts sometimes brought about positive results. The Center for Humanitarian Dialogue and CMI facilitated peace talks in Aceh before the military arrival. CMI had been ‘called’ by the Georgian Government to assist in the stabilization procedures. The Dunantist NGOs, like Amnesty International, and Oxfam have been successful in creating humanitarian civil pressure. In other cases, they helped to informally improve the mission performance. When they express their disapproval of instances of misconduct (or their evaluation of a mission, as Oxfam regularly evaluates operations) it contributes to reshaping the operation mandate on aspects as different as the legal basis of the operation, the definition of practical effects, and the behavior of military personnel. This criticism has effects on the co-operation with the personnel of the official mission and may hinder the NGO’s role as peace-facilitator. In general, the independent and neutral status of many humanitarian NGOs – namely the Dunantist and solidarist ones – is a problem for civil-military co-operation. Co-ordination and the sharing of aims and tools is essential to good co-operation. However, even though experts advise NGOs to change their ideological stand and take part in coordinated actions (Klose, 2006), it is always hard for NGOs working in the field to compromise their principles, and thus this is considered to be an option that they can accept only rarely.

Though quite controversial, the NGOs’ peace-facilitator role remains essential concerning logistics. Generally, NGOs manage facilities like site selection and access procedures for offices, residences, and warehouses; personnel matters like hiring local personnel and making them accept professional norms; transportation in the sense of providing vehicles, drivers, and tracking; communication systems in the sense of broadcasting daily news and extreme emergency information; and incident reporting in the sense of who gets to report what to whom. To put it briefly, they show a good ability to maintain procedures for keeping up, updating, and monitoring the whole security planning process. All these tasks contribute to good relations with the local population and are linked to the third peace and humanitarian role of NGOs.

NGOS AS VOICE-ARTICULATORS
Although the military put large amounts of effort into their mission preparation, often they remain unaware of the actors in the area in which they are deployed.
Normally, the military do not participate in coordination meetings, refuse to make information accessible, and are not interested in civil programs. Consequently, peace missions are frequently accused of neglecting local demand-driven co-operation. Furthermore, in some cases, co-operation programs are selected and prioritized on the basis of the capacity of the military and civil personnel of the mission rather than the needs of the local beneficiaries. As experts remark, little attention is paid to the involvement of the local population in many partnership actions (see, for example, Rietjens, 2008). However, the relations NGOs are able to establish with the local actors (individuals and associations) are much stronger than those created by the peace operation personnel.

Wilsonian, Dunantist and faith-based NGOs place great importance on providing a voice for the local civil society. For this reason, they involve local associations and groups in different phases of the intervention. NGOs like MSF and Oxfam are quite successful in this respect, probably because of their identity and approach attributes. In many cases, there are established and structured relationships between NGOs active on a global level and their local or affiliated counterparts. This is the way in which Interpeace, Non Violent Peace Force, Pax Christi International, and Terres des Hommes act. The majority of NGOs, however, are very much committed to exercising the role of voice-articulator. They are keen to remain in dialogue with local actors and obtain their confidence because the successful outcome of the mission depends on this condition. Normally, this objective is achieved by providing help and basic goods to the local population. The help NGOs provided to countries in conflict and victims of disasters and emergencies was impressive throughout the 1980s. European-based NGOs delivered about 180,000 tons of food aid to Africa in 1989 and 450,000 tons in 1991. In 1994 NGOs accounted for over 10 per cent of the total public development aid, amounting to around $8 billion. It is estimated that some 400 to 500 international NGOs are currently involved in humanitarian actions worldwide and that NGOs collectively spend an estimated $9–10 billion annually, reaching out to some 250 million people in absolute poverty (Abiew, 1998).

The good performance of NGOs’ emergency relief work has the positive consequence of obtaining the confidence of the local population. This is an advantage to the NGOs’ voice-articulator role, especially in complex civil conflicts. In other terms, the practical assistance NGOs provide makes them more effective in reaching the objective of humanitarian intervention, facilitates the building of mutual confidence relations, and increases the likelihood that the local population will embrace the reconstruction process. This is neither a simple nor an automatic outcome. Also, the scope and mandate of a single peace mission, as well as its political meaning, can be essential for producing more cooperation and, correspondingly, more practical results.
CONCLUSIONS
The growing participation of NGOs in conflict management and humanitarian interventions is a part of the NGOs’ struggle for effective international actorness in world politics and a significant political innovation. NGOs began acting in parallel to UN peace missions in the 1990s and adapted to the change peace missions encountered in their aims and methods in the following period of time. They have developed a wide range of approaches but preserved their independence and neutrality. The survey data demonstrated that sometimes, NGOs’ approaches fit easily into the practices of governments and international organizations. But at other times, the NGOs’ approaches differ considerably from these practices. These approaches are tightly connected to two attributes of the NGOs, their individual identity and their specific approach to conflict management and humanitarian intervention. These attributes influence and mark their presence in the whole humanitarian process, which consists of preventive action and mediation; a traditional relief and assistance role; and an increasing long-term peace builder capacity.

This confirms, on one side, that military missions and institutional interventions still need to update their efficacy and, on the other, that humanitarian and peace building NGOs are increasing their ‘unofficial’ and ‘uninstitutionalized’ roles on the ground. As the results of the survey show, the fact that NGOs and IGOs contribute well to goal-achievement in humanitarian missions is undoubtedly affirmed in principle but underestimated and denied in practice. Therefore, the humanitarian system fails to be effectively productive and rapid. It is true that IOs and NGOs are different actors, and even though they work in the same place and time, they use different approaches. However, the universal principles they claim and defend in acting as humanitarian actors are the same, and the resources they hold are not incompatible with one another and can be integrated. It is probably the case that more integration with those NGOs that are ready to cooperate and more coordination with those which are more reluctant could help the system to improve its responsiveness.

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APPENDIX

Representatives of Humanitarian Non-Governmental Organizations (in alphabetical order). All interviews took place between November 2009 and February 2011.

1. Action d’Urgence Internationale (AUI)
2. Association of Local Democracy Agencies (ALDA)
3. Business Humanitarian Forum
4. Care International
5. Centre for Humanitarian Dialogue
6. Centre for International Demining
7. Comrades
8. Concern Worldwide
9. Cooperazione e sviluppo (CESVI)
10. Crisis Management Initiative (CMI)
11. European Peacebuilding Liaison Office (EPLO)
12. Initiative for Better and Humane Inclusion
13. International Catholic Migration Commission (ICMC)
15. Interpeace
16. Medecins Sans Frontieres
17. Mission East
18. Non-Violent Peace Force
19. Oxfam
20. Papa Giovanni XXIII (PG23)
21. Pax Christi International
22. Save the Children
23. Search for Common Ground
24. Shelter for Life International
25. Solidar
26. Terres des Hommes
27. Voice
28. War Child
Reviews

DAVID GIBBS: FIRST DO NO HARM: HUMANITARIAN INTERVENTION AND THE DESTRUCTION OF YUGOSLAVIA


First Do No Harm by David Gibbs, an associate professor of History and Political Science at the University of Arizona, US, represents one of the most instigative and well-researched accounts on the legacy of the humanitarian intervention in the Balkans in the 1990s. The book is the result of a research of several years by Professor Gibbs. He takes a very skeptical approach towards the basic merits of humanitarian intervention in general and presents his findings on the Yugoslav example. For that matter, the book is aimed at providing a short but apt assessment of humanitarian intervention and, on a more extensive and exemplary basis, it investigates the Yugoslav conflict through the corresponding lens. The author holds very critical attitudes and tries to reexamine claims purported by other studies. Thus this book stands in clear opposition to a number of other volumes dealing with the same topic. Lastly, it is important to mention that the author addressed and investigated a considerable number of sources in five different categories: (1) testimonies from the war crimes trial of Slobodan Milosevic at the ICTY, (2) memoirs published by a range of diplomats and public officials, (3) analyses of leading newspapers and journals, (4) official hearings and investigations in the US, the UK and the Netherlands, and (5) official documents from the US, various European countries and the UN. In this respect, this study is of specific relevance as it is extensive in its approach due to its being based on a large-scale research of a vast number of sources which, combined together, provide for the author’s critical attitude.

The book is structured into eight chapters, which are preceded by a Preface and followed by Notes, a Bibliography and an Index. The first chapter, The Rise of Humanitarian Intervention, introduces the author’s basic assumptions about the paradigm of intervention by claiming that there is an existing consistency between international intervention, the geo-strategic interests of the intervening states and the influential private sectors within those states. It also, points towards intervention being an extremely suitable excuse for advancing towards military, economic and geo-strategic goals (as in realpolitik), thus stating that the Yugoslav case is a clear example of the aforementioned approach.

The second chapter, US Predominance and the Logic of Intervention, advances the findings of the previous chapter by confirming that the post-Cold War era set a fertile ground for the US to continue to expand its hegemonic system. Gibbs underlines the US refusal to engage in dismantling the military apparatus of the time, which lost its purpose, and moreover emphasizes the American ‘invention’ of and ‘chase’ after new enemies. The author underscores the expansion of NATO as a
clear example of a prolonged American hegemony based solely on the capability of the Alliance to meet the challenges of acting beyond its immediate area of operations.

The third chapter, Origins of the Yugoslav Conflict, stresses the need for a reevaluation of the largely accepted views in which only Serbia is guilty of provoking the Yugoslav conflict. Thus, the author’s approach is aimed at presenting evidence of all the sides in the conflict being responsible for the ensuing drama. Undoubtedly, Gibbs rests assured that the Serbian state policies have considerably and largely influenced the conflict, but he states that they cannot be the only state policies responsible for it. Thus, Gibbs highlights both the Croatian and the Bosnian political structure, whose policies, which are just as racist and aggressive as the Serbian ones, contributed to the Yugoslav bloodbath. Lastly, the author introduces some ideas of the external intervention also bearing a certain responsibility for the dissolution of Yugoslavia.

Germany Drops a Match, the fourth chapter, expands the author’s ideas about the external intervention by presenting the case of the German diplomatic offensive towards securing support for the independence of both Slovenia and Croatia. After its reunification, Germany secretly supported the secessionism of both Slovenia and Croatia, and though the EC responded to this half-heartedly in the beginning, it later sided with the German lead. Moreover, the author targets this aggressive German diplomatic tactic by describing it as a reason for the later greater American involvement in the Yugoslav crisis. He affirms that the US found itself in the intricate position of being undermined, or even ignored, in the newly united Europe in spite of the fact that it had protected and provided assistance to it for a very long time.

Chapter five, The War Spreads to Bosnia-Herzegovina, builds further upon the idea of the external intervention by examining the American attitude towards Bosnia before the conflict began in 1992. It professes the idea that the American attitude was overtly incorrect when the U.S. aligned itself with the Muslim political structures in Bosnia before any political solution to the problem of Bosnia’s future was ever achieved. Moreover, Gibbs claims that the US ardently refused various peace plans (the Lisbon plan was the first) in order to strengthen its position vis-a-vis European states and fortify its status and high international profile by gradually taking charge in negotiations that ultimately led to the Dayton Agreement, which was brokered by American negotiators.

Only the Weak Rely on Diplomacy, the next chapter, formulates the author’s central idea in his analysis of the Yugoslav conflict and the international intervention. As early as 1992 the US advanced a set of policy priorities and interests (Gibbs addresses the 1992 Defense Planning Guidance document) that rested on (1) remaining the only superpower after the Cold War, (2) undercutting any EU challenges to US hegemony, and (3) reformulating NATO as functioning as the cornerstone of
US power in Europe. Thus, the author alleges that the US policies have been acts of classic power politics rather than acts resulting from any often professed idealistic foreign policy.

In order to conclude the narrative concerning the Yugoslav wars, Gibbs deals with Kosovo in the seventh chapter titled *Kosovo and the Reaffirmation of American Power*, where he affirms that the Kosovo conflict solidified the American influence in Europe, both economically and militarily, and bolstered NATO’s image and prestige while it downgraded the UN by recreating the Alliance as the most powerful military structure.

The book, which is summarized in the previous section, certainly stands as one of the most intriguing accounts of the Western intervention in the Balkans in the 1990s, and it is well substantiated and thoroughly researched. The study is of relevance because it successfully illustrates and analyses the most problematic aspects of the Yugoslav crisis in relation to the intervention that ensued. Gibbs consequently succeeds in showing how ambiguous the relationship between the Yugoslav crisis and external influences really was. Hence, the author introduces a very instigative approach towards the crisis by viewing the external intervention in a highly critical manner. In that respect, Gibbs goes into two specific directions: on the one hand, he presents and evaluates the development of the conditions that generated the said crisis while, on the other hand, he dedicates his attention to addressing the crisis itself and the intervention it attracted. As a result, the author attends to a number of different perspectives via which he emphasizes the international community’s responsibility for creating the conditions that led to the death of Yugoslavia (i.e., (1) the IMF structural adjustment programs for Yugoslavia that placed a significant strain on the Yugoslav economic system and introduced a deepening crisis that the central government was not able to contain; (2) the German assistance in forming the Croatian intelligence service as a prelude to the Yugoslav conflict; (3) the US refusal to assist the central Yugoslav government financially before the conflict started; (4) the condemnation of the federal Yugoslav Army in 1991, though it was still multiethnic in composition, for using force against Slovenia, etc.). He also presents and clarifies the view of Yugoslavia that many Western states had in the beginning of the 1990s: they saw it as the last European bastion of socialism and thus thought that it needed to be restructured. Gibbs does not, however, underplay the domestic problems that ultimately led to the death of Yugoslavia but rather explains them as largely stemming from international factors. Therefore, the said dissolution and the consequent intervention are marked as predominantly generated by the Western policies and thus negative.

Furthermore, it is significant to note that Gibbs is geared towards comprehending the Western interventionist policies. He aims to comprehend them not only in respect to the Yugoslav crisis, which was largely vested in realpolitik maneuvering di-
rected towards prolonging the Western (American) hegemony in the world. He actually defines the said intervention as certainly not devoid of self-interest but rather aimed at satisfying a number of policy objectives of the intervening states. Gibbs holds negative attitudes towards intervention in general and describes both the intervention in Yugoslavia and that in Iraq as failures for not having achieved their desired results. He even manages to find parallels in the two interventions by stating that (1) basic humanitarian problems were worsened in both cases, (2) neoconservative intellectuals in the respective administrations of the time were the strongest advocates of both interventions, and (3) both interventions were conducted without UN approval (in the case of Yugoslavia, this was the issue with the Kosovo intervention).

The author also rejects the human rights perspective as an unsatisfactory explanation and criticizes related works as being misleading and inconclusive in this respect. Gibbs, therefore, refuses the view that the Balkan intervention was principally a ‘moral crusade,’ and instead sees it as a specific product of realpolitik as such. He irrevocably highlights this intervention as an important element in the US post-Cold War strategy in which the US sought a suitable arena for the successful advancement of its own agenda by (1) undermining collective European efforts for containing the Yugoslav crisis, (2) addressing the aggressive German diplomatic attitude and preventing Germany from becoming the most influential European power, and (3) setting up NATO as the most powerful military Alliance, which is ready and willing to act out of its immediate area of interest.

In addition, Gibbs’ insightful portrayal of the crisis revisits some of the most controversial aspects of the Balkan quagmire. Hence, the author also deals with the issue of the exaggeration of the Serb atrocities and the erroneous media interpretations of the conflict. He concludes, after having analysed the decade-long international press coverage of it, that (1) the level of international media attention the crisis received was unusually high, and (2) the press coverage was by and large inaccurate in respect to both the repeated usage of terms such as ‘genocide’ and ‘holocaust’ (for actions that by their very nature did not truly fall under these categories) and the exaggerations of the numbers of victims (which were arbitrary at best). Accordingly, the author underscores that the media played a significant role in the distorting of public perceptions and influenced the Western public so that it would become more supportive of the intervention. In that way, Gibbs’ writing de-mystifies, or at least aspires to demystify, the issue of the war crimes (in terms of both scope and number) that have been predominantly assigned to the Serb side.

With a skilfully conducted analysis and many sources that substantiate his claims, Gibbs introduces a book which is easily followed and understood. Based on his large-scale research of different sources, the writer manages to concisely and methodically argue in support of his claims by examining a considerable amount of
data. The author’s approach is certainly very demanding in terms of presenting a sufficient substantiation for the presented argumentation, yet this obstacle has successfully been overcome. He addresses a variety of different sources which allow him to define the given intervention from various divergent perspectives. Hence, this very diversity in references provides a direction for the extensive information not only on the topic at hand, but also on the related issues. Thus, the reader can use the list of references in the book to independently explore the given topic(s).

Lastly, it needs to be stressed that Gibbs’ volume certainly makes a very positive impression simply because it paves the way for a reevaluation of the Western intervention and does not resort to already established and accepted, though rather debatable, attitudes. Most importantly, it raises questions about the grounds for intervention as well as the aims and costs of such actions, thus directing a challenge to policy-makers to provide clarification to the aforesaid concerns. For that matter, the book fills a major gap in the literature on the topic at hand. It achieves its target and, moreover, stands as an indispensable source of information on the Yugoslav crisis of the 1990s. Thus, I warmly recommend it as an extremely useful and rather interesting volume of political literature.

Vladimir Đorđević
FREDRIC STANTON: GREAT NEGOTIATIONS. AGREEMENTS THAT CHANGED THE MODERN WORLD


In recent years, we could witness the great growth in multilateral diplomacy. While power is dispersed between new actors, international diplomacy remains essential. It is a central pillar of the international society of states because all of them are doomed to diplomacy. In the course of history, words as much as weapons shaped the destiny of humankind, bringing great triumphs and bitter failures. The whole world was fundamentally changed by decisions made at the negotiation table. Great Negotiations presents the stories of eight ‘key episodes’ in modern diplomacy, which are discussed individually as each chapter deals with a different case.

The first chapter, which is called ‘Franklin at the French Court’, recalls the American War for Independence. When the United States declared independence, the newly born state was in great need of money, military supplies, and even food. The Americans naturally turned to Europe in this matter, or more specifically to France, England’s traditional adversary. While France already provided covert help, her open declaration of such actions would ‘compromise her openly’ (p. 5) and such an action could serve as a legitimate motive for war for Britain. The success of the American Revolution was dependent on the support the Americans would (and after all did) receive from France. Fredric Stanton shows in this chapter what a skillful negotiator Franklin was when he persuaded French representatives to promise not only to finance the war but to continue the conflict until American independence was secured. In conclusion the author also conveniently points out that the cost of this war drove France deeply into debt and led to the taxes that provoked the French Revolution in 1789.

The next chapter picks up the story twenty five years later by describing the Louisiana Purchase. When France secretly bought the Louisiana Territory from Spain in 1803 it threatened the safety of all the Southern States and, remotely, the independence of the whole Union. The American negotiators James Monroe and Robert Livingstone very well understood the situation in Europe and knew that France needed money to finance European wars. Stanton proves himself to be a skilled author by presenting the American fears of this purchase as it could just as easily have brought destabilization as well as stabilization. Monroe and Livingstove, by manipulating the tensions between France and Britain (which was also interested in the territory), were able to convince Napoleon to sell it. The United States thus doubled its size in what has been described as the ‘best real estate deal in history.’ Stanton competently shows here how manipulation and a background game can in fact lead to a desired agreement.
The third chapter deals with the Congress of Vienna. In this section the author stresses the importance of the related secret meetings and their effect on the later form of the treaty. He also provides valuable insight into the various shifts in negotiations that were complicated not only by the huge number of participants but also by the very conflictual ideas of each party. This chapter thus serves as an example of the complexity of congressional diplomacy. A great appreciation is also given to the French foreign minister Talleyrand. Thanks to his patience and perseverance he was able to gain a seat at the negotiation table and ensure that despite its military defeat France’s interests were protected. The author sees the significance of this conference in the resulting balance of power that ‘largely held, and Europe would not see a major, continent-wide conflict until World War I, nearly a hundred years later’ (p. 63).

The fourth chapter presents the case of the Treaty of Portsmouth. In the summer of 1905 the American president Theodore Roosevelt brought Japan and Russia together and secured peace between them. Fredrik Stanton reveals the hidden motives behind President Roosevelt’s effort to mediate the peace as he feared the global impact of this conflict. As the two sides had ties to European countries, their conflict could have turned into a world war (however, Roosevelt’s success was only temporary as World War I still took place ten years later). Stanton focuses on the issue of trust between negotiators in this chapter and proves that without trust there can hardly be any progress. 1 The second important issue raised in this chapter is the problem of choosing the place of actual meetings. Portsmouth was chosen as a quiet spot that was not in the centre of the affairs (Europe was rejected as a meddler in the Far East). Stanton also points out the cultural differences that were made evident when the delegates were about to discuss the matter of financial compensation. 2 Although this treaty was a tremendous success (and President Roosevelt became the first American to win the Nobel Peace Prize in 1906) the author does not forget to mention Roosevelt’s prediction that removing Russia as Japan’s natural rival in the Pacific would eventually lead to war between Japan and the United States, and that Roosevelt also believed that an American victory would take place but at the cost of ‘the most disastrous conflicts the world has ever seen’ (p. 93). His prediction came true since the Treaty of Portsmouth sealed Japan’s status as a great power and established it as the dominant power in Asia.

The next chapter, which is called ‘The Paris Peace Conference’, focuses on events from November 1918 to June 1919. The scope and ambitions of the Paris Peace Conference went beyond anything that had come before, since it was to redraw the boundaries of the known world. It is also clarified that long suppressed nationalistic ambitions rose and took hold from the Baltic to the Middle East during this time period. The author succeeds in presenting interesting events behind the surface (for ex-
ample, the project called ‘Inquiry’, p. 97). He also stresses the high importance of being prepared for upcoming meetings. On one side, there were European countries that knew exactly what they wanted and on the other side stood Americans who came to Paris absolutely unprepared and without a notion of what to do and how to act. Language skills also proved to be of a great importance.3 With Wilson leaving the conference (to settle domestic problems), the draft Covenant of the League of Nations, Wilson’s most important project, was finished in a hurry, which largely affected its utility afterwards. Stanton proves that the key element of this prolonged conference was the desire to be able to know what is going on under the surface and behind the scenes. Each delegation calculated where the setback was in order to gain more negotiating power for another pressing matter. It was also an opportunity for supporting figures (less prestigious members of the negotiating group) so that they would stand out more. Although this conference aspired to be open and transparent, all the arrangements were made behind closed doors, which revealed the true nature of the negotiations.4 This conference can be described as ‘a peace with vengeance’ (p. 124). American Secretary of State Lansing agreed: ‘This is not Peace... It is an armistice for twenty years’ (p. 128). His prediction was off by only sixty five days. On this case study the author is able to demonstrate that the Paris Peace Conference failed in its central purpose of averting another major war since its outcomes planted seeds of conflict on two continents.

The sixth chapter focuses on the Egyptian-Israeli Armistice Agreement of 1949. In this chapter Stanton demonstrates how a fear of hidden meanings behind a person’s actions could have an impact on the character of the corresponding negotiations. Egypt refused to recognize Israel or acknowledge its right to exist. The involvement of the UN was essential because Egypt feared that one-on-one negotiations between itself and Israel would imply its recognition of ‘the co-called State of Israel’ (p. 137). The parties were at war, and none of their representatives would look at, speak to, or even shake hands with those of the other side. The author thus explains the difficulty of such negotiations as those in which Ralph Bunche took over as United Nations mediator in Palestine. For many people he ‘was the incarnation of belief in the UN’ (p. 147). This chapter also serves as an explanation of how important the success of this negotiation was. For the UN, established three years before, this situation was its defining moment. The armistice negotiation was its first major test in matters of war and peace. It was, moreover, a matter of the future of the Middle East in view of the fact that the treaty produced by this negotiation would have an impact on other Middle Eastern countries and their behavior towards Israel. Stanton also points out that a break in negotiations can sometimes be the best solution to problems of how to proceed as well as outside pressure or threats. Through meticulous diplomacy over a period of several months, Bunche was able to bring the countries to a secure agreement and end the crisis.5
The last two chapters deal with situations that occurred during the Cold War. The first situation is the Cuban Missile Crisis, when Kennedy and Khrushchev managed to avoid the potential crisis and averted a nuclear war that could have destroyed mankind. The author relies mostly on the memoirs of Robert Kennedy in this part, as he served as the U.S. Attorney General during this time. His insights and remarks are very valuable and help the reader to understand the tensions and fear of nuclear confrontation. Stanton also refers to the fact that both sides used each other’s influential citizens to pass secret messages and notes to make the communication faster. He also suggests that Kennedy and Khrushchev’s possible fear of losing control over the situation and over their own governments could have helped in the efforts to find a solution. The last chapter describes the Reykjavik Summit in 1986, where the American President Ronald Reagan and the Soviet premier Mikhail Gorbachev agreed to reduce nuclear weapons. This summit marked a turning point in the conflict between the superpowers. In this chapter Frederic Stanton is more than capable of explaining the motives of each party, what each party brought to the negotiating table, what the obstacles to success were and how they were overcome. He is able to give details about the actors’ weaknesses as well their strengths. Besides that, Stanton gives notice to the fact that the liking that the actors felt for each other and their good personal relations paved the way for the reaching of the agreement.

The presented book draws on primary sources, letters, diaries, transcripts, memoirs, and interviews, so it is well researched. The book itself is easy to read, well structured and able to provide the reader with a broader understanding of each topic. Stanton offers the reader many different perspectives. Although the author does not explicitly pinpoint the important features of each case of negotiations, the reader can easily see what they are. Because Stanton worked with primary sources the picture of the negotiations is complex. However, my first bigger reservation relates to the introduction. Stanton fails in explaining his choices of case studies, as he merely states that he chose those that he considers to be ‘great’. Although those stories prove to be well chosen, Stanton explains their importance in advance, which may influence the way the reader perceives each case. Thus, in a way, in this book the conclusion comes first. The second reservation relates to the ending of the book and the ending of each chapter. Although the author considers case studies to be the very core of this volume (which is, without a doubt, an excellent intention), he does not provide any broader conclusion or summary in the chapters or at the end of the book. Stanton ‘only’ explains the developments that came about after each case, letting the reader decide in what aspect the case was unique and what comes of it. Also, by taking several pages to describe each negotiator, including his biography, Stanton could help the reader to understand the negotiator’s character, but it makes the text more fragmented and the reader is forced to concentrate more in order to follow the line of the negotiations themselves. He offers good insights but
his stories are often simplified (in the case of the Paris Peace Conference Stanton misses the fact that people from Central Europe fought and died in the war as well, and thus their claims were not completely unjustified).

Despite these reservations this book can be, without a doubt, recommended for those interested in international relations. In my opinion this book is not suited to be a relevant mandatory core text for IR courses (but it could still be on the list of recommended literature) because it is essentially written for a larger audience who do not have a general knowledge of the process of international negotiations. Nevertheless it allows for a comparison across the many years and situations. Even though the author did not provide any conclusion or summary he was able to show various aspects of negotiation. That is because the author demonstrates a clear and broad understanding of the topic. The book also succeeds in presenting various aspects of international negotiations in relation to the personal characteristics of the negotiators or the cultural dimension of the diplomacy. Plus, it is written in a highly readable style which will surely be enjoyable for readers.

Zuzana Krčálová

ENDNOTES

1 He proves this on the case of an American ambassador who often approached the Russian tsar directly as he did not trust the Russian delegation to pass all of his messages on to its monarch.

2 In Asia indemnities were taken as a right according to customs of war while in Europe indemnities were rare and considered to be humiliating.

3 The Italian premier Vittorio Orlando didn’t speak English, which largely limited his participation to issues that directly affected Italy.

4 The author suggests that this conference was yet another instance that proved the complexity of congressional diplomacy.

5 He became the first black American to win the Nobel Peace Price and the youngest ever recipient of it.
GEOFF TANSEY AND TASMIN RAJOTTE (EDS.): THE FUTURE CONTROL OF FOOD. A GUIDE TO INTERNATIONAL NEGOTIATIONS AND RULES ON INTELLECTUAL PROPERTY, BIODIVERSITY AND FOOD SECURITY


The Future Control of Food is an edited collection of essays and analyses provided by various academics and legal and policy experts focusing on ‘food policy’. In general, it looks at the forces and rules which shape the food system and who has control over it. The main accent is primarily put on the role of intellectual property – patents, plant breeders’ rights, trademarks, industrial designs, trade secrets, geographical indications and rights and copyrights¹ – and its influence on biodiversity in the 21st century when the control of food is becoming an increasingly crucial issue, and the rules of intellectual property are fundamental to the fight for wealth and power.

The book is divided into three thematic parts. The first section provides a brief overview of the contemporary food system and basic information about intellectual property which is essential for understanding its role in the food system. In the second part, which is the core of the book, the authors offer a manual for international negotiations and the main elements of the agreements and treaties. It shows how intellectual property has spread into agriculture by force of agreements, highlights the linkage to other negotiations on different levels (multilateral, bilateral and regional) and discusses the interconnections between various rules and agreements. Finally, it also provides a brief history and background to every agreement and treaty that is relevant to the issue at hand, including the key issues in each of them. The last section of the book offers a summary of the discussed analysis. It includes a summary of a discussion which has emerged in civil society reflecting the changes in global rules and their impact on different fields. The concluding chapter is particularly interesting because it deals with an alternative future and the nature of the necessary modernisation.

Part one, A Changing Food System, written by co-editor Geoff Tansey, includes only one chapter that can be considered as a useful and essential introduction. It gives us a short guided tour through the contemporary dominant food system with its actors, their interests and the tools which help them control it. Highlighting the crucial role of national and international laws and regulations it outlines the growing importance of intellectual property in food and farming and the concerns surrounding it. The last few years have shown that global leaders should take into account the growing importance of rules on patents and other parts of intellectual property as an inseparable component of the future food system and market econ-
omy. One of the most important aspects of the dynamism of the contemporary food system is the unsuitable division of food supplies, which is well illustrated by the accumulation in the number of people suffering from famine – more than 850 million people suffer from malnutrition. In addition to that, over 1 billion people are overweight and 300 million of them are obese. At the end of the chapter, Tansey offers a range of different terms (food security, food sovereignty, etc.) which must be clear to us before we start reading the following sections.

In part two, The Key Global Negotiations and Agreements, six essays focus on various international treaties and the background from which they arose. Even though at the beginning it seems that the authors deal with their key points separately, it reveals gradually that their key points are closely related to each other. Graham Duffield focuses on the development of plant breeders’ rights and the issues that arise from them nowadays. The crucial international agreement which discussed intellectual property as a part of agricultural structures for the first time was drawn up in Europe in the 1960s, and it is known as the UPOV Convention. This document established an organisation called the Union Internationale pour la Protection des Obtentions Végétales (UPOV; the official English translation is ‘the International Union for the Protection of New Varieties of Plants’). Its original aim was the harmonization of and support for existing national systems, which provided a solid background for upcoming negotiations. As the more developed Europe and the US imposed various forms of soft and hard pressure on developing countries to accept the intellectual property rights that they approve of, other agreements were essential. Pedro Roffe discusses the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which brought the demand for WTO Members to provide some form of intellectual property protection for plant varieties. How they will deal with this matter is up to them. This formal incorporation of intellectual property into the international trade network was one of the biggest steps on the field. Promotion and extension of these achievements is discussed in Maria Julia Oliva’s essay on the World Intellectual Property Organization (WIPO), whose roots go back to the Paris Convention for the Protection of Industrial Property from the end of the 19th century. The WIPO has a crucial role in the negotiations on tensions between powers which try to increase levels of international intellectual property protection and those which want a balance of it with other public policy objectives. The following chapter, written by Susan H. Bragdon, Kathryn Garforth and John E. Haapala Jr., gives us an overview of the United Nations Convention on the Promotion, Protections and Preservation of Global Biological Diversity (CBD). The authors also stress the importance of the Cartagena Protocol on Biosafety as a subsidiary instrument of the CBD. The protocol highlights various potential risks, including the possibility that a genetically modified organism might out-compete other organisms, become a pest and cause environmental or economic damage. After that, Michael Halewood and
Kent Nnadozie presents the International Treaty on Plant Genetic Resources for Food and Agriculture (PGRFA), which provides a general framework of sustainable use of plant genetic resources for food and agriculture. Furthermore, it creates an international genetic resources common principle based on a ‘multilateral system of access and benefit sharing’. Its members provide for each other (almost) free access to each member’s plant genetic resources for research, breeding and conservation. The last chapter of this section, written by co-editor Tasmin Rajotte, examines various linkages between the international negotiations in trade, agriculture and intellectual property that were presented in the previous five essays. The chapter then provides the strategies to deepen future cooperation and explains the problems connected with the search for balance between intellectual property protection and genetic resources exchange.

The third part of the book, Responses, Observations and Prospects, draws attention to the growing role of intellectual property and basically to its impact on private and public life. Furthermore, it focuses on how the new rules influence the balance of wealth and power between developed and developing countries. The chapter by Heike Baumüller and Tansey is particularly interesting because it examines a range of consequences of new agreements and negotiations. The authors describe the growing protests of civil society groups that learn about the implications of intellectual property protection. They are afraid that the changes favour commercial concerns over the public interests in food security, and that smallholder farmers and peasants will be handicapped by them. On the global level developing countries are afraid that their influence on international negotiations in their favour will be increasingly limited. The next essay, by Peter Drabos and Tansey, follows the course of the previous chapter. It examines experiences with international negotiations on biodiversity and food security and outlines the turning of the negotiations’ outcomes into real profit. It also stresses the ability of developing countries to organise coalitions through which they can possibly enforce their needs (the African Group, etc.). The following idea is highly valuable: ‘It is not necessary for every local system to go global, but it is important that it is part of a linked system. Perhaps the maxim we should practise for food and biodiversity systems is to build locally and link globally.’ The last chapter, also by Tansey, concludes the book with a summary of all the topics and prophetically points out that more emphasis on ethical criteria would bring more impartial results. It also discusses the response of civil society to the changing global rules. The essay is summed up by a short analysis of possible future developments of the food system and the influence of intellectual property on it.

According to Tansey’s remarks the 21st century will have to deal with hard challenges: population growth, climate changes, and the rise of new industrial and economic superpowers. The requirement of ensuring that populations will be provided
with sustainable food supplies and that less people will suffer from malnutrition is increasingly present in societies.

In any case this valuable book is a must-read for everyone who is interested in what is happening in ‘food policy’. After reading it, one can participate more in the global rule-making. The volume could also provide a wider insight into the commons and society groups in different countries. It is a contributing analysis of the global rules that are approved by world leaders and dominated by rich countries. The Future Control of Food might be a useful resource for students and scholars in the sense that it could enrich their discussions about biodiversity, food security and the role of intellectual property, and it could also serve as a complex summary for officials dealing with issues such as food access or food security. However, it is also a suitable book for non-academics who simply want to understand the development of the increasing control of food by global players.

Lucie Kadlecová

ENDNOTES


2 Ibid., p. 3.

3 Ibid., p. 15.

4 Ibid., p. 211.
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