



## A Conversation with Ambassador Peter W. Galbraith

*Matan Chorev*

Peter W. Galbraith is the author of ***The End of Iraq: How American Incompetence Created a War Without End***. From 1979 to 1993, Galbraith was a senior advisor to the U.S. Senate Foreign Relations Committee and is the author of published Foreign Relations Committee reports on ethnic cleansing in Bosnia-Herzegovina, the Iran-Iraq War, and the Iraqi Kurds. Galbraith served as the first U.S. Ambassador to Croatia and has held senior positions in the U.S. Government and the United Nations.

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What lessons did you draw from your experience in the Balkans that you think apply to moving forward in Iraq?

I think there are two major lessons. The central mistake that we made in Yugoslavia in 1991 was to focus on trying to hold the country together when that was impossible. What we did not do is try to avoid the war which was an achievable objective. We have made exactly the same error in Iraq. Paul Bremer [Administrator of the Coalition Provisional Authority] and the White House put all their efforts into the notion of a non-ethnic, unified Iraq. They insisted on federalism based on Saddam's governorates. It was never going to work. In fact, that American effort hardened the Kurdish position in favor of maximum independence. They didn't get it at

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the Transitional Administration Law because they felt they had to accommodate the Americans but when it came time to the permanent Iraqi constitution, when they were just dealing with other Iraqis, and when they felt more comfortable with their position, they made it clear that unless they get an arrangement that makes Kurdistan law superior to Iraqi law they were not going to agree to this constitution. So the first lesson to learn is that it was a mistake to try to hold the country together and not focus on preventing the violence. The second lesson flows from this: It's a fool's errand to try to hold together a country against the will of a people in a geographically defined area who don't want to be a part of it.

At this point, what step would you take to manage the conflict in Iraq and prevent it from de-escalating any further?

Well, let's deal in the areas where there isn't a lot of violence, which is between Kurds and Arabs. We have events in 2007 that could make for a lot of violence, namely the referendum in Kirkuk and other disputed areas. There are things that we could do, *now*, that could make a difference, such as, negotiating power-sharing within Kirkuk between all the communities, regardless of size, so they all have a role in the future of the city or the province. This would be true regardless of whether Kirkuk is in Kurdistan or not. We should also, for example, be negotiating the borders of Kirkuk. Once the referendum is held, and assuming the Kurdish position won, you could agree that districts that didn't vote to be part of Kurdistan would go to adjacent Arab governorates. Similarly, if the non-Kurdish position won, Kurdish districts of the city could join with Kurdistan. Those are easier things to do before the event than after the event. But so far as I know, nothing is happening. This is an

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Could you comment a bit about the regional dimension? What is the

role of Kurdish minority populations in neighboring countries and how do they factor into the future of Iraqi Kurdistan? And what do you think are the strategic calculations of the Iranian and Turkish governments in particular vis-à-vis the future of Iraqi Kurdistan?

The Iraqi Kurds' aspirations are for a Kurdistan which they define as being a geographic entity bounded by the northern and eastern borders of Iraq and then the border between them and Arab Iraq. They do not aspire for a greater Kurdistan which would include territory in parts of Turkey, Iran, Iraq, and Syria, which is totally unachievable and incidentally has little appeal to the Iraqi Kurds because in that context they would be a minor part. In some sense, this is the Moldova problem where everybody thought that once the Soviet Union broke apart, Moldova would rejoin Romania. But they figured out it was better to be an independent country than the most distant province of Romania.

The Kurdish situation is different in each of these countries. In Iraq, there was the most brutal history culminating in genocide, although the Kurdish identity was recognized. But there it has *de facto* independence and now wants full independence, and that is just a reality. In Turkey, it is principally a civil rights problem. The government defeated the insurgency in 1999 and the Kurdish struggle has redefined itself. It now focuses on the right to use the Kurdish language and to teach Kurdish in schools. The fact that Turkey is on the path to joining the European Union also makes membership in Turkey not only the realistic option but a much more attractive one than independence for the Turkish Kurds.

There has always been a natural affinity between the Kurds and the Iranians because they are the most similar peoples. Traditionally, the Iranian Kurdish agenda has been for autonomy within Iran. Would that morph into an independence movement? That's possible, mostly because the Kurds are overwhelmingly Sunni and Iran is a Shi'a state. If they saw independence as a possibility, I think they might want it. In Syria, the Kurdish population in the west, they are Syrian citizens and are quite well integrated. In the east, the Syrians maintain the

Kurds are migrants from the 1950s, so the Kurds' demands are citizenship, as they are basically stateless.

In terms of the attitudes of neighboring states, none of them of course want to see an independent Kurdistan in Iraq because they all see it as a threat. Syria is not much of a factor. Turkey is the most important and there are people in Turkey for whom the word "Kurdistan" sends up all sorts of red flags. But there is also a widespread recognition in the Turkish military and diplomatic circles that a *de facto* independent Kurdistan actually exists and that there isn't much that Turkey can do about it. So Turkey is focused on two issues. One is the PKK [Kurdistan Worker's Party], which I think is more of a way to have leverage on the Kurds rather than them conceiving of it as a real threat. I think there is some PKK activity but it basically originates in Turkey and not in northern Iraq. Second, there is the issue of Kirkuk and the Turkmen. In 2002-2003 the Turkmen issue was a huge issue but then the elections were held. In the first elections, the Turkmen party received three seats and in the second elections, one seat. This suggests that the Turkmen population was not fifteen million, as some people in Turkey were claiming it was, but actually something much smaller. This is because the election was basically a census. So the number of people who identify as Turkmen was just a few hundred thousand, and that has taken a lot of the steam out of the Turkish effort to play the Turkmen card. I don't know that Turkey is really going to have a great option on the Kirkuk referendum. They can talk about it but there is not much they can do.

There is a view in Turkey, which I still think is a minority view, but a growing view nonetheless, that not only is an independent Kurdistan inevitable, but maybe it's not such a bad thing. The Kurds are secular, pro-Western, they aspire to be democratic. In short, they are a lot like Turkey. Kurdistan today, in fact, is a dependency of Turkey and therefore there are a lot of opportunities for Turkish companies to expand, including in oil. This school of thought also believes that Iraqi Kurdistan might be a useful buffer against an Iranian dominated Shi'a Iraq.

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The Iranian influence is less than the Turkish influence. They have employed tactics such as assassination and sabotage to undermine the Kurdish Regional Government but their real focus is on the Shi'a south and Baghdad. I think in the constitutional negotiations it became evident that their basic bargain is that if they get the south they are prepared to let the Kurds go.

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**Can the United States maintain its strategic**

**alliance with Turkey while supporting a policy of autonomy for Iraqi Kurdistan? Is this a zero-sum game in U.S.-Turkish relations?**

The perception that this is a zero-sum game is based on enormous ignorance of the reality of relations between Turkey and Kurdistan. There are enormous economic ties and there has been a certain amount of Turkish support for Kurdistan. I think the Turks have played this very well, which is to recognize that it's happening and working to make it a dependency of Turkey rather than pushing the Kurds away from Turkey. There is a natural relationship there.

**How would you evaluate the United States' policy towards the Iraqi Kurds since the fall of Saddam Hussein? Is there, in your mind, a coherent Kurdish strategy since 2003?**

There is a clear Kurdish strategy which is in two parts. First, is to try to accommodate the Americans in any way possible except on issues that are existential to Kurdistan. For example, they fought with the Americans in the 2003 war. Incidentally, they generally supported Bremer in the occupation, even though they didn't think much of him. In fact, one Kurdish politician tells me every time I see him that they will build a statue of Bremer because he did more to break up Iraq than anybody! And to satisfy the Americans they agreed to all sorts of things in the Transitional Administration Law (like that the *peshmerga* [Kurdish militia] would be disbanded and that the central government would control the oil and borders) that they never implemented. When the Americans tried to take down the Kurdish flag at the border, Nerchivan Barzani [Kurdish leader and current Prime Minister of Kurdish Regional Government] told the American general, "You can take it down, and tomorrow there will be six, and if you take

those down, the following day there will be sixty, so go ahead!" The general decided not to do it.

The Americans have not been very smart on this, but they also have not been smart on many things. The Kurds have been their natural allies. The Americans have gratuitously insulted them. The funniest thing to me was that in July 2005, they needed the Kurds to make a constitution. President Bush wanted it by the August 15 deadline. So they kept coming up to Kurdistan to urge them to accept central control of oil and give up the *peshmerga*. The Kurds then decided to invite the Americans to a Fourth of July party. There are no other people in Iraq that would hold a July Fourth party in honor of the Americans. They sent out invitations and so on, and the U.S. embassy in Baghdad, having accepted the invitation, said it would not go because the Kurds would not fly the Iraqi flag. Now, they knew the Iraqi flag would not fly there and that it hadn't flown there in years. It was hardly the kind of issue the Kurds would budge on. The U.S. picked an unnecessary fight and the day before the ceremony the Kurds were forced to cancel the event. Then they had to come back to the Kurds and ask for their help with the constitution. Needless to say, they were not very forthcoming. There was just incident after incident of that nature.

The Kurds, nonetheless, have been reasonably strategic, and their attitude is basically, "we don't want to be the ones blamed for the breakup of Iraq." Of course, they say this with the look of certainty that it will happen. They adopted a fairly shrewd policy of playing an outsized role in Baghdad, but focusing on those ministries that are relevant for Kurdistan.

**In your view has Kurdish nationalism changed over the course of the 1990s and into today?**

As people have become more confident about where things are heading they've become more nationalistic and more open about the desirability of independence. The referendum was a watershed event. I see no evidence that it is withering – it is wishful thinking on some people's part.

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**How economically sustainable will an independent Iraqi Kurdistan be?**

Presuming that Kirkuk will become part of Kurdistan, which most people think it will, then you have the control over the region's oil. In addition, they are working to develop their own oil resources. There is also some significant foreign investment. If they are going to maintain their current standard of living they are going to need a share of the oil resources of Iraq. There are three exit routes – Syria, Turkey, and Iraq, and they will need access to these to get the oil out. They are discussing building a new pipeline that goes north through Kirkuk to Kurdistan and straight to Turkey. The irony is that during Saddam's time, Kurdistan was viewed as insecure so they didn't want to put a pipeline there that could be attacked by the Kurds. So the pipeline goes from Kirkuk southwest to Baiji and then up to Turkey and that's because the Sunni area used to be the secure area. Now the situation is exactly reversed.

**Are you at all concerned that the breakup of Iraq will have a regional spillover?**

I don't see it as spilling over. It will be like Yugoslavia, the Soviet Union, or Czechoslovakia.

It is likely to be contained. The Iraqi Kurds do not have ambitions that go beyond their borders. The situation in the other states is just different. The Kurds are a relatively small population in Syria. In Turkey it is a civil rights issue. Of course they are much better off in a Turkey that is going into the European Union. If Iran can make reforms I don't think it will have a spillover effect there, although that is the most likely place for it to happen.

I think that there has been an enormous strategic shift in the Middle East as a result of the Iraq War. The principle one is the triumph of Iran. Since 1639, the current boundary between Iraq and Iran was between Arab and Persian but also between Sunni and Shi'a. That line has been crossed and now Iran is on the other side. That could have an impact on the eastern province of Saudi Arabia, which has a substantial Shi'a population, or Bahrain. But I don't see a spillover beyond that.

*The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School*



## Lessons From the Interior: Insurgency and Counter-Insurgency in Syria

Ethan Corbin

The role of Islam in Syria today is changing and a key instrument behind this change is the President Bashar al-Asad. Hama, Halab, and Homs, the traditional centers of conservative Islam in Syria, are no longer the only arenas for outward civil expression of adherence to the tenets of Islam. Syrian Islamic revival is evident from the city centers of Damascus to Aleppo and from the plains of Al-Hasaka into the mountains of the Jabal ad Druze. Increased sensitivity to the state of the global *umma*,<sup>1</sup> often referred to as re-Islamization, is taking hold large and crosscutting swathes of the Middle East.<sup>2</sup> Re-Islamization is particularly prominent among the large numbers of economically and politically frustrated Arab youths increasingly concentrated in urban centers throughout the region. This fact can be troubling when taken in tandem with regional demographic pressures, from which virtually no Arab state is spared. It is not uncommon in the region for over fifty percent of a state's population to be below the age of twenty.<sup>3</sup> Syria is no exception to these increasingly interconnected trends. What is exceptional about Syria is the fact that the changes are happening under the watchful eyes of the powerful and ardently secular members of the Syrian Ba'th party who have a long history of showing very little tolerance for any forms of expressions of Islam on a grand scale.

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In many ways, however, the Syrian Ba'th party, long the bulwark of regional secularism and champion of the near obsolete notion of pan-Arabism, is beginning to show distinct signs of change under the rule of President Bashar al-Asad. The son of the former dictator Hafiz al-Asad, who ruled Syria with an iron fist from 1970 to 2000, is proving to be a more skilled statesman than many would like to think.<sup>4</sup> President al-Asad's incorporation of a brand of state-sponsored Islam is part of a concerted counter-insurgency effort that is changing the character of Ba'thist Syria and reaffirming the al-Asad family's grip on power.

In the decades following the 1963 Ba'th party coup and the subsequent Corrective Movement of Hafiz al-Asad in 1970, designed to erase the Arab shame of the defeat in the Six Day War by seeking strategic parity with Israel through a massive arms build-up, Damascus tended to have an approach to Islam that bordered on apathetic. The secular Ba'th ruled the day, often citing the adherence to Islam and its inability to embrace modern science and technology as the reason behind the Arabs' lack of success in the war.<sup>5</sup> The embrace of Islam shifted to more of a nod to cultural heritage than societal piety. Nonetheless, fear certainly factored into public expressions of Islam following the brutal crackdown in Hama of the 1976 to 1982 Muslim Brotherhood-led Islamist insurgency that left anywhere from 5,000 to 10,000 dead at the hands of government forces.<sup>6</sup> Today, the streets of Damascus are replete with examples of these changes in the heretofore,

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relatively secular city. The number of restaurants withdrawing alcohol from their offerings is on the rise. Women are increasingly wearing headscarves from the *souks* in the heart of the *medina* to the bourgeois neighborhoods. Previously nonexistent traffic jams are a common affair during the Friday call to prayer.<sup>7</sup> These phenomena in even the most secular and hard-line of states in the Middle East lead many to question not only the stability, but the longevity of the ruling Ba'th party as well.

Much of the literature today on Syria portends the coming dissolution of the state at the hands of long dormant sub-state pressures such as political Islam. Bashar al-Asad faces a stiff challenge in the face of growing popular support for Islamic expression, but by all indications, the al-Asad regime remains resilient. President al-Asad's real challenge lies in balancing between Islam and his discrete battle against the subversive forces of political Islam. The tendency to speak of a growing chance for civil disorder is often, in part, specious journalistic and government speculation that is easily exacerbated by the closed nature of the regime, and fueled by the warnings of long-exiled members of the scattered Syrian Muslim Brotherhood.<sup>8</sup> Articles on the handful of violent attacks from Mezzah in 2004 to the most recently foiled attempt at the American Embassy on September 12, 2006 reveal the dual nature of these phenomena. In one sense, these attacks signal a potential prelude to the rise of Islamist forces against the Syrian state; in another, they may mark a clear measure of continuity between Hafiz al-Asad and his son Bashar in their effectiveness at waging counter-insurgency campaigns. The gradual shift in the nature of the regime from less Ba'th-focused to a hybrid socialist state caught between gradual political and economic reform, measured acceptance of Islam and continued regional realpolitik underscores the personal effects the leader has upon the Syrian state structure. Syria is now the state of Bashar al-Asad and the manipulation of Islam is one of many tactics in the strategy of regime survival.

A state-led embrace of Islam is in full effect in Syria. It is being used as a preemptive means of countering the threat of renewed radical Islamic elements in the country, elements long dormant in the wake of the 1982 Hama massacre and the subsequent draconian legal and security measures taken against them. Throughout the past decade a vast network of state-sponsored *imams* have appeared delivering a message of tolerant Islam,

and hateful speech has always been directed outwards – most often at the United States or Israel. Their continued growth in popularity has led to a new nickname for the state-endorsed clerics, *mushayikh al-sultan* (Sultan's Clergy).<sup>9</sup> Salah Eddin Kufaro best exemplifies this phenomenon. Kufaro's mosque, Abu Nour, is the most popular in Damascus, receiving over 10,000 weekly worshippers at his services. Kufaro is considered the most high profile of Bashar's Clergy.<sup>10</sup> The Syrian state also recently added religious programming on television, is constructing new mosques, and is establishing new religious schools – changes deemed shocking by many Syrians given the virulently secular history of the Ba'thist state.<sup>11</sup>

Still, in an historical review of what constitutes authority and the degree of underlying legitimacy it brings, President al-Asad's increasing tolerance of Islamic expression is a gamble that history shows to be quite dangerous. A study of the waves of pressure upon the state by sub-state Islamic forces reveals not only the strategy and goals of the Islamic insurgent forces but also the general effectiveness of the Syrian state at quelling these forces within its borders.

## A HISTORY OF ISLAMIC REBELLION – PRECURSORS TO HAMA

The history of the twentieth century in Syria reveals that Islamic forces challenge the state with surprising regularity. Beginning with the Arab revolt in 1925, a form of an Islamic-led insurgency occurred approximately every twenty years. With this in mind, it is not shocking to see the state so involved in a pre-emptive counter-insurgency campaign. After the collapse of the Ottoman Empire and during the contentious reorganization of Syrian territorial and ideational identity, Islamic groups such as the Muslim Brotherhood rose up as a force to challenge the state and, until their decimation in 1982 at the hands of Hafiz al-Asad, managed to improve the efficiency and effectiveness of their campaigns with each successive attempt.

In 1925, the Great Revolt broke out in the remote Jabal ad Druze among a geographically confined religious minority, the Druze, with tenuous ties to the existing nationalist forces clamoring for the establishment of an independent Arab state on the historic bilad al-sham. The bilad al-sham, the 'northern region' in Arabic, but which also encompassed the concept of Suriya al-Kubra or, Greater Syria, in modern day Lebanon, Israel, Jordan as well as parts of Iraq and Turkey, was the Arab nationalist conception of statehood in the region for the post-Ottoman era. Following the

lead of the Druze, the Turkoman captain in the Syrian Legion, Fawzi al-Qawuqi, led a rebellion out of Hama against the French occupying forces. The French had always been wary of Hama as it was the most religiously conservative and anti-French town of all of their mandate territory. Aiding al-Qawuqi was a newly formed legion of disaffected Hama religious leaders. The group had established contact with an extensive network of nationalist leaders throughout the country, hoping to establish an Islamic state after France's expulsion. They called themselves Hezbollah.<sup>12</sup>

When reinforcements from Damascus and Aleppo arrived, the French counter-insurgency campaign was brutal. The French air force bombed the commercial center of Hama, killing hundreds and devastating the infrastructure of the city's center. The French also used Senegalese *tirailleurs* as colonial troop reinforcements to burn the houses of local notables. Within three days French troops emptied the city of insurgent fighters. Al-Qawuqi fled with his men and Hezbollah separated from the insurgent forces rising up in other regions of the country.<sup>13</sup> Lacking a common political goal, cohesive popular support, and external funding or sanctuary, the Great Revolt was crushed by the following year, never again to challenge the boundaries or structure of the French Mandate.

Less than twenty years later, political Islam emerged in the Syrian Parliament under the elected bloc al-Gharra, the party of the deceived. The bloc was in direct opposition to the secular regime of Syrian president Al-Quwatli and presented a list of demands calling for, among other things, the end to gender mixed public transportation, the prohibition of serving of alcohol, and the elimination other vice establishments – all was to be policed by a moral police force under the

aegis of the state.<sup>14</sup> The *Goutte du Lait* ball, where local Damascene politicians and notables' wives would attend unveiled provided the necessary spark for the ensuing violence.

Animosity was so strong it sparked street rioting, pushing al-Gharra leaders, along with local clerics, to threaten the unleashing of a greater popular uprising.<sup>15</sup> With the nascent Syrian paramilitary forces lacking arms, the methods used by the Quwatli government to quell protests are a clear demonstration that popular

support can be used to confront popular resistance.<sup>16</sup> Al-Quwatli sought to turn supporters against the clerics by publicly discrediting them. With most al-Gharra supporters living in the poorer neighborhoods of the city, Quwatli terminated the government hand-out programs (primarily milk and flour). When the people came to collect, they were told to see the sheikhs that were inciting them against the state for their provisions.<sup>17</sup> The popular resistance soon faded as the people no longer saw a reason to support the al-Gharra movement. The first, albeit small, attempts at a form of political Islam in Syria by the al-Gharra bloc are interesting for several reasons. Most important among them was that it was able to penetrate the nascent Syrian governing system and articulate the grievances of the population that felt marginalized by the state's secular policies. Yet al-Gharra ultimately failed to sustain any form of resistance to the Syrian state once drained of its popular support by the state's actions.

## A HISTORY OF ISLAMIC REBELLION – THE HAMA DILEMMA

In their two large-scale encounters with the Muslim Brotherhood, the Ba'thist governments of Salah al-Din al-Bitar (1963 to 1970), and Hafiz al-Asad (1970 to 2000), found their regimes mired in violence in the same city – Hama. Though it changed its outward appearance over the years after the armed uprising against the French in 1925, the essential characteristics of Hama remained the same – it was the fourth largest city in Syria, by far the most religiously conservative (Sunni) and a long-standing symbol of the oppression of the rural poor.<sup>18</sup> Hama was the most anti-Ba'th of all regions.

Shortly after the 1963 coup that installed the Ba'th party, the Muslim Brotherhood rose up against what it considered an apostate, and therefore illegitimate, government in Damascus. While the Ba'th was distracted with the events of its affiliate party in Iraq, a campaign of incendiary anti-Ba'th sermons spread across urban centers in Syria, resulting in street riots. External support for the growing Muslim Brotherhood insurgency flowed in from sympathetic regimes in Iraq and Egypt. As a result, splinter cells such as the Islamic Liberation Movement in Aleppo and the Fighting Vanguard (*al-Tali'a al-Muqatila*) in Hama burst onto the fray.<sup>19</sup>

By April 1964, the rioting, now buttressed by an external support network as well as action cells, developed into an ostensible religious war in Hama.<sup>20</sup> Banding together, the extreme elements of the Muslim Brotherhood erected roadblocks and

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stockpiled weapons and provisions. Upon encountering stiff military resistance from the Ba'th military, Marwan Hadeed, the leader of the Fighting Vanguard, moved the fighters into the Sultan Mosque where they positioned themselves for a stand-off. Believing that other militias around the country would soon engage the military as well, thereby forcing a government collapse, the Fighting Vanguard unleashed all of their firepower on the government forces.<sup>21</sup> Faced with the prospect of a nationwide insurgency, the Prime Minister, General Amin al-Hafiz, ordered air raids and full-scale shelling of the mosque.<sup>22</sup> The severe measure worked, as the Fighting Vanguard and other fighters surrendered. The government killed over seventy Muslim Brotherhood fighters and captured hundreds more. Though the bombing of the Sultan Mosque sparked outrage throughout the country, it served as a sufficient warning to stymie agitators in other cities. A lack of organization, clarity of message, and popular support throughout Syria crippled the chances of the insurgent forces against the state.

When Hafiz al-Asad assumed power in 1970, his Corrective Movement imbued the country with renewed enthusiasm and bolstered the Ba'th's popular support. The series of elections and economic reforms infused al-Asad's regime with levels of legitimacy unmatched in modern Syrian history.<sup>23</sup> His state building strategies exploited the naturally bifurcated Sunni majority, commanding loyalty from each with either patronage vis-à-vis the urban elites or continued land reforms for the rural poor.<sup>24</sup> Al-Asad further bolstered his legitimacy in the eyes of the Syrian population by his relative successes against Israel in the war of 1973 – not only was he a Syrian hero, but he was an Arab hero as well.

As an 'Alawi, and therefore of a minority ethnicity within Syria, such skilled state consolidation was particularly necessary for al-Asad. Among the Syrian sectarian mosaic, the 'Alawi were particularly disliked by the majority Sunni population. They had been used by the French in the *troupes spéciales du Levant* as a method of calming the interior.<sup>25</sup> Though they claimed to be a Shi'a offshoot, specifically of the Twelver Shi'a branch, the rest of the Syrian Islamic community viewed them as heretics.<sup>26</sup> By issuing a *fatwa* in 1973 declaring the 'Alawis to be a Shi'a

derivative of Islam, prominent Lebanese Shi'a cleric Imam Musa al-Sadr eased the tensions between al-Asad and his Sunni critics in general, and the Muslim Brotherhood in particular. Though Sadr's move further aided al-Asad with the continued sectarian claims against his regime, the *fatwa* was of dubious conciliation to those who viewed the 'Alawi as apostates.

As the appeasement of the Sunni radical elements was still far from reach in Syria, the period between 1964 and 1976, therefore, must be looked as a time during which the Muslim Brotherhood opposition sought to reorganize, rearm, and draw upon the lessons learned from their previous defeat. In addition to having recovered materially and morally, four other key precipitants to the renewed Muslim Brotherhood outbreak in 1976 existed. The first was economic.

Though al-Asad rode on the shoulders of giants at the beginning of the decade due to genuine economic success, the Corrective Movement, in the words of Patrick Seale, "began to look tarnished."<sup>27</sup> Inflation, unemployment, and a loss of strategic rent sent the Syrian economy into the doldrums. The loss of rent was due to the Gulf States' reluctance to continue to support al-Asad, because of his decision to side with the Maronite Christian Phalangist militia in the confusion of the nascent Lebanese civil war. Second, as the realms of regional realpolitik clashed with the realms of domestic sensitivity, the general Muslim population was outraged at the idea of Syria entering the Lebanese civil war on

the side of the Phalangist militia. The third assumes that in the massive waves of Ba'th party recruitment during al-Asad's presidency, significant infiltration by the extremist elements occurred. The fourth is the fact that the Muslim Brotherhood had been very effective at creating a sort of monopoly over the Syrian school system for long enough to have a near generational effect.<sup>28</sup>

Assassinations and bombings shattered the relative tranquility of Syrian life following the Syrian intervention in the Lebanese civil war. Reminiscent of the Front de Libération nationale's (FLN) tactics in Algeria under the leadership of Ben Bella, in the virtually impenetrable urban terrain of the *medinas* and *casbahs* of the northern cities of Hama and Aleppo, insurgents could execute an attack and then disappear into the warren of the city that had become their sanctuary.

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The attacks continued for three years and remained relatively small scale until the June, 1979 attack on the Aleppo Artillery School. Also known as the Aleppo Massacre, the attack on the school, at which a majority of the students were 'Alawi, killed upwards of 83 cadets when a staff member assembled the cadets in the dining-hall and opened the doors to gunmen.<sup>29</sup> This was a declaration of war by the Muslim Brotherhood on the 'Alawi-Ba'th state.

In October 1979, the Muslim Brotherhood moved quickly to rally a support base by sending letters to the *ulama*, or the community of religious scholars, calling for a united front against the state. The letters specifically asked them to support the Syrian *mujahedeen* by serving as a single trench of moral and even material support for them (*al-khanaq al-wahid*). Another plea was sent to the armed forces in the hopes of fracturing military unity.<sup>30</sup> Muslim Brotherhood propaganda eventually reached the whole country through outlets such as *An-Nadhir*, a newspaper containing information about the insurgency's motivations. By March, 1980 the insurgency was able to hone its tactics and apply further pressure on the state by organizing massive urban uprisings that paralyzed cities across the country. Specifically, the riots spread from their center in Hama to Homs, Idlib, Dayr al-Zur, and to the Kurdish region capital, al-Hasaka.<sup>31</sup> By late 1980 the Islamic Front in Syria (*al-Jubhah al-Islamiyya fi Suriyah*) was formed as a broadly based union of diverse Islamic and pro-Islamic secular elements in Syria with the Muslim Brotherhood at its core. In many respects, the Muslim Brotherhood viewed this as a strategic victory over the Ba'thist state. Not only had they broadened their support network, but with the variance of the groups forming the front, they believed they had expanded the breadth and depth of their popular support network in addition to having secured sufficient external support.<sup>32</sup> Still, the leader of the struggle, Abu Nasr al-Bayanouni, remained vague in his demands of the

state and his visions of the future. References to Salafist thinkers such as Hassan al-Banna and Sayyid Qutb abounded in the proclamations of the Brotherhood, quotes from *Social Justice in Islam* figured among the proclamations that the Brotherhood would emulate the Iranian revolution and establish *Shari'a* law. Yet this rhetoric was not sufficient to convey a clear idea to the masses of

what the post- al-Asad regime in Syria would be like.<sup>33</sup>

At the Seventh Ba'th Regional Conference (December 23, 1979 to January 6, 1980), Hafiz al-Asad's brother, Rifa't, marked the tenor of the government's position vis-à-vis the solidifying insurgency by stating, "He who is not with the Ba'th at this phase is against it."<sup>34</sup> The socialist nature of the Ba'th party, and testimony to the success of their organization, allowed for another extremely effective, but simultaneously dangerous, vehicle for the state counter-insurgency program – Ba'th party civil militias. The arming of local militias forced the people to face the choice of fighting with the government or against it. Fortunately for al-Asad, the majority decided the insurgency had not proven itself enough for the militias to switch sides.<sup>35</sup> On June 26, 1980, an assassination attempt by the Muslim Brotherhood on al-Asad, thwarted only by a swift kick of one grenade by the president and the self-sacrifice of a personal bodyguard as he pounced on the other, added a very personal dimension to the insurgency.<sup>36</sup> A direct result of the attempt on al-Asad's life was the establishment and application of Law 49, whereby membership to the Muslim Brotherhood became a capital offense.

The fighting in Hama reached its peak in February, 1982 when an army unit fell upon the cell of a young fighter named Omar Jawwad, who, in a panic, launched the call for *jihad* against the Ba'th party. Thousands of *jihadi* fighters throughout the city of Hama soon found themselves pitched in a fierce battle with approximately 12,000 government troops. Within a week the fighters were scattered, and for two more weeks those fighters still alive were hunted down and killed. Though some members of the 21<sup>st</sup> and 47<sup>th</sup> Brigades deserted to join the insurgent forces, the military remained unified, even in the face of massive indiscriminate killing of civilians.<sup>37</sup> The death toll in the wake of the Hama fighting was estimated between 5,000 and 10,000 – the government forces often lacking discrimination between civilian and insurgent fighters.<sup>38</sup> In the wake of Hama, the membership of the Muslim Brotherhood disbanded into surrounding regional countries, particularly seeking shelter in Jordan and Iraq, after it was decimated.

The insurgent fighters had been formidable opponents for the Ba'thist forces. Their levels of training and foreign support at both the political and financial levels were by far the most advanced of any organized insurgency in the country's history. Their sophisticated communications networks, the size of their arms caches and security of their redoubts were yet another layer of sophistication that the Ba'th

The Syrian Islamic insurgencies of the 20<sup>th</sup> century were consistently fractious, regionally contained, and lacking necessary countrywide popular support for strategic depth

realized later had been built-up under their noses. Yet, despite the advanced character of their organization, size of their arms caches, and depth of their external support, the Muslim Brotherhood revealed themselves to be politically inept. Their campaign of terror had long reached the tipping point by the time of the arming of the Ba'th local militias, thereby generating a paucity of popular will to reject government militias. The levels of violence initiated by the terror campaigns allowed al-Asad to incorporate both a powerful response and message of solidarity in his ruthless campaign against the Muslim Brotherhood. The vague Islamic message, comparisons to Iran, and

subsequent alignment with anti-Ba'th secular forces sent mixed messages at best. The popular support they garnered ultimately proved to be insufficient for protracted conflict with the Ba'th. In addition, the campaign remained an urban phenomenon with the rural plains and hills under al-Asad's tight control.

**The rationale behind the Syrian state's embrace of Islam may, in part, be due to the realization that the Islamic forces are changing their tactics and are increasingly capable of challenging the state**

#### **LESSONS LEARNED AND NOT LEARNED**

The Syrian Islamic insurgencies of the 20<sup>th</sup> century were consistently fractious, regionally contained, and lacking necessary countrywide popular support for strategic depth. The movements were also often deficient in external support due to mixed messages and divided leadership. As such, with a confused overriding political message, the Islamic insurgents found themselves repeatedly unable to protract the conflict. Engaging the state in geographically limited, asymmetric warfare without an external center of gravity for re-supply and sanctuary has shown itself to be an ineffective method of confronting the Syrian state. Yet, there is reason to believe that this is no longer the case. The rationale behind the Syrian state's embrace of Islam may, in part, be due to the realization that the Islamic forces are changing their tactics and are increasingly capable of challenging the state. As one student in Damascus put it, "Since their defeat [in Hama], the Islamists have adopted a strategy of infiltrating society from below."<sup>39</sup>

Today, indications are that there is an amount of truth to this potential for Islamist infiltration in Syrian Society. For example, even government officials now estimate that almost 30 percent of Syrian men regularly attend Friday prayers, up

from an almost negligent figure two decades before.<sup>40</sup> The Syrian public and private sectors are only able to channel about 80,000 of the 250,000 to 300,000 new entrants into the work force per year and, as unemployment continues to rise unabated, many young men are turning to the mosque for guidance.<sup>41</sup> The population of unemployed, idle young men in Syria is therefore growing at high rates. One readily available channel for these young men has been the Iraqi insurgency.

Syrian fighters in the Iraqi insurgency, with a tacit degree of complicity on the part of the government, are filtering back into the country.<sup>42</sup> Syrian fighters are reported to be the second highest number among the Arab volunteers in Iraq.<sup>43</sup> These so-called 'third generation' fighters, veterans of the Afghanistan and Iraq conflicts, have been inspired by the teachings and sermons of Abu Mus'ab al-Suri.<sup>44</sup> His book on Syria, *The Syrian Experiment*, underscores two principle reasons for Islamic action against the Syrian state: the perception of the heretical 'Alawi control over a Muslim country; and, the state apparatus as a whole being supported by the West in their regional machinations to maintain the Israeli hegemonic presence.<sup>45</sup> The presence of a growing number of Syrian 'third generation'  *jihadists* is inherently destabilizing for the al-Asad regime. Further, a failed state in Iraq could serve as a necessary external sanctuary for a Syrian insurgency.

A well-established Syrian network for foreign fighters flowing into Iraq already exists.<sup>46</sup> External supply networks for the insurgency in Iraq find a safe haven in Syria as it is within reason to believe that a U.S. failure in the region is in the interests of a state like Syria.<sup>47</sup> Once inside Syria, the foreign  *jihadis* receive basic training in the use of AK-47s, Rocket Propelled Grenades and Improvised Explosive Devices.<sup>48</sup> One estimate in 2005 cited the arrival of 150 non-Syrian foreign fighters per month. The number of Syrians entering the western regions of Iraq is less clear.<sup>49</sup> Under significant pressure from the U.S., the government has made efforts within the past year to block these movements.

There are two types of Syrian fighters currently flowing into the mêlée of the insurgency in Iraq: tribal members on the eastern Syrian border with Iraq sharing a kinship with Sunni tribes in western Iraq, and young, Salafi-inspired  *jihadists*.<sup>50</sup> A key inspirational figure in the recruitment of these young fighters is Abu al-Qaqa, a preacher known for his incendiary, Salafist rhetoric.<sup>51</sup> A U.S. victory in the region would put Syria in an almost impossible regional vice-grip with only Iran to serve as a regional pillar of

support of the country remaining. Iranian relations with Syria have only strengthened since the outbreak of the war in Iraq; in addition to Shi'a kinship, the two countries have a keen strategic relationship with one another in the ongoing struggle against Israel as Iran uses Syria as a funnel for arms to Hezbollah in southern Lebanon. Yet, in another example of the delicate balance of the super and sub-state pressures in Syria, the threat of a Sunni-inspired insurgency in Syria mirroring that of Iraq looms large. If al-Asad is too complicit in his sponsorship of homegrown radicalized, Salafist fighters he faces the internal threat of a significant base of returned *jihādists*.

Such a base of idle, battle-hardened young men would not take long before turning their attention to what they consider to be the illegitimate, apostate regime of the 'Alawi ruling president. An example is the June 2, 2006 failed attack by a cadre of ten armed masked men on Umayyad Square in the heart of Damascus. Surprised in the morning before their planned attack by Syrian security forces, the young men exchanged fire with the guards before surrendering. The young men were said to have been carrying copies of al-Qaqa's sermons.<sup>52</sup> If these were in fact genuine protagonists displaying true signs of Salafi-inspired political violence against the state, then the indicators could point to the existence of radicalizing insurgent cells within Syria. Underscoring the delicate balance inherent to the long-standing indirect approach of Syrian involvement in regional affairs, it would now seem that Bashar faces the challenge of the destabilizing effects of such actions within Syria's borders.

Yet, there are also many indications that the Syrian opposition remains unsure of its direction, organization, and message. A serious internal-external leadership gap remains between the Muslim Brotherhood in exile, led by Ali Sadreddin Bayanouni from its headquarters in London, and its internal counterpart within Syria. Bayanouni admits to having very little real knowledge of the character of Islamic events taking place within Syria.<sup>53</sup> The recent alliance of the Muslim Brotherhood with former Vice President Khaddam's secular – and rather personal – resistance to the al-Asad government, called the National Salvation Front has mixed a secular message into the Brotherhood's formerly Islamic-only message. Such actions have distanced the exiled Muslim Brotherhood from the nascent internal Islamic networks forming in the wake of Iraq and in the light of the growing government acceptance of an Islamic presence in Syria.<sup>54</sup> The recent handful of attacks from Mezzah in 2004, when two bombs exploded near the Damascene neighborhood's notorious political prison, to the

foiled September 12, 2006 attacks on the U.S. embassy bear the hallmark of Mukhabarat orchestration. Mukhabarat, meaning intelligence or intelligence agency in Arabic, has a rather special meaning in Syria. Not only does it signify the internal intelligence agency in Syria, but more specifically its enforcement division. The character of the attacks, and their timely failures, more likely serves as a method of the Mukhabarat demonstrating to the public the climate of terror and fear that any kind of Islamist movement would bring down on the country if allowed to challenge the state.<sup>55</sup> Confusing and potentially terrifying for the Syrian public, these actions further undermine attempts at coordination within the opposition circles both at home in Syria and abroad. A key indicator of this fact is the nebulous character of the group reportedly behind the small numbers of attacks, Jund al-Sham.

From the attacks at Mezzah to the shootout on Mount Qassioun to the most recent failed attack on the U.S. embassy in Damascus, the mysterious Jund al-Sham appears at convenient times for the Syrian government and is foiled in its attempts with uncanny accuracy.<sup>56</sup> Muslim Brotherhood leader Bayanouni stated in a recent interview that he was unaware of the existence of such a group.<sup>57</sup> Government countermeasures, coupled with the political mistakes of the Muslim Brotherhood, bode well for al-Asad but not the Islamists.

President al-Asad is well aware of the popular impression of the moribund character of Arab nationalism and of the ascendancy of extremist Islamic ideology, particularly in the wake of the strategic victory of Hezbollah this past summer against Israel. This is quite significant as probably the primary pillar upon which Ba'thism rests is the pan-Arab nationalist ideal. Yet, much like his father, President Bashar al-Asad adopts a very pragmatic approach to the problems facing Syrian society today. In a 2004 interview, he went so far as to practically negate the importance of the Ba'th in Syria today stating that prosperity was his only goal. In a rebuke to questions of the continued relevance of the Ba'th, he stated, "If it contributes to prosperity in Syria, we can call it socialism."<sup>58</sup>

In the run-up to his accession as president in the

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**By proving himself as the defender of the interests and values of Islam, he is able to coalesce his anti-Western campaign with his state-endorsed Islamification at home**

wake of his older brother's death in 1994, Bashar hurried home from his residency program in London to be groomed to follow in the footsteps of his father. After the requisite year's mourning period, public spaces all across Syria soon became covered with posters of the al-Asad trinity of Hafiz, Basil, and Bashar with captions reading, "Qa'idna, Mithalna, Amalna"

(Our Leader, Our Ideal, Our Hope).<sup>59</sup> During the remaining years of his father's rule, Bashar remained in the background, showing up at the appropriate Ba'th ceremony when necessary and speaking only of the necessity of party unity and the secular state, the dream of pan-Arab unity and the defeat of Israel. While all of these elements remain today, in a seemingly antithetical twist of fate, Bashar al-Asad has also begun to tout himself as defender of Islam, the new Arab defender in the face of continued aggression and large territorial footprint of the West on Arab lands. By proving himself as the defender of the interests and values of Islam, he is able to coalesce his anti-Western campaign with his state-endorsed Islamification at home.

Bolstering this image is the emergence of a new sort of trinity on view in the omnipresent iconographic salutes to President Bashar al-Asad, Hezbollah Secretary General Hassan Nasrallah, and Iranian President Mahmoud Ahmadinejad, the image of the rise of the powerful and successful Shi'a crescent.<sup>60</sup> Such images are striking examples of Bashar al-Asad's ability to manipulate popular aggression outward, focusing it toward Lebanon, Israel and the United States – much like his father, but in a way that fits the circumstances of the day. This underscores the remarkable degree, at least by Syrian standards, that Bashar al-Asad is willing to adapt the Syrian state apparatus in order to contribute to regime survival. With the counter-insurgency effort in full swing, and the Islamic face of Syria changing, it remains to be seen how successful Bashar al-Asad's gamble, with historically dangerous forces, ultimately proves to be for long-term regime survival.

*The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.*

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- <sup>1</sup> Arabic for community or nation, the word *umma* is now commonly used to denote either the collective nation of Islamic states or (in the context of pan-Arabism) the whole Arab nation.
- <sup>2</sup> Olivier Roy, *Globalized Islam: The Search for a New Ummah*, (New York: Columbia University Press, 2006), 19. A major theme of *Globalized Islam* is the socio-political dynamic of the Arab civil society's attention to the global *umma* and the subsequent disassociation with traditional regional expression of Islam, or *deterritorialization*. This trend is apparent in Syria in several ways. The most obvious being the proliferation of Syrian fighters in Iraq and Afghanistan as a means of 'going to the front' of the global Jihad as well as the high number of Syrians involved in the echelons of Al-Qaeda. Other examples would be the outer expression of traditional Islamic dress in non-traditional places such as Damascus and Latakia.
- <sup>3</sup> *Ibid*, 18-20.
- <sup>4</sup> See for example, Eyal Zisser, "Will Bashshar Al-Asad Last?" *Middle East Quarterly* 7, (3) (2000) 3-12, or, "What does the Future Hold for Syria?" *Middle East Review of International Affairs* 10 (2) (June, 2006), 84-107.
- <sup>5</sup> Hashim, Ahmed, "Iraq: Profile of a Nuclear Addict," *The Brown Journal of World Affairs* 4 (1) (Winter/Spring, 1997), 103-126.
- <sup>6</sup> Umar F. Abd-Allah, *The Islamic Struggle in Syria*, (Berkeley: Mizan Press, 1983), 191.
- <sup>7</sup> Scott Wilson, "Religious Surge Alarms Secular Syrians; Islam's Clout Among Frustrated Youth Challenging Governments Across Mideast," *Washington Post*, January 23, 2005. See also *Agence France Press*, "Islam on rise in Syria 25 Years after revolt crushed," January 31, 2006.
- <sup>8</sup> Maham Abedin, "The Battle within Syria: An Interview with Muslim Brotherhood Leader Ali Bayanouni," *Terrorism Monitor* 3, (16) (August 11, 2005): 8-11; and Murad al-Shishani, "Abu Mus'ab al-Suri and the Third Generation of Salafi Jihadists," *Terrorism Monitor* 3, (16) (August 11, 2005), also Sami Moubayed, "The Islamic Revival in Syria," *Mideast Monitor* 1, (3) (September-October, 2006).
- <sup>9</sup> Anthony Shadid, "Syria's Unpredictable Force: The State-Sponsored Clergy," *the Washington Post*, May 27, 2005.
- <sup>10</sup> *Ibid*.
- <sup>11</sup> Wilson.
- <sup>12</sup> Philip S. Khoury, *Syria and the French Mandate: The Politics of Arab Nationalism, 1920-1945*, (Princeton: Princeton University Press, 1987), 170-1.
- <sup>13</sup> *Ibid*.
- <sup>14</sup> Salma Mardam Bey, *La Syrie et La France: Bilan d'une equivoque*, (Paris: L'Harmattan, 1994), 137-140.
- <sup>15</sup> *Ibid*.
- <sup>16</sup> As a means of maintaining a semblance of control over their former possession, the French had been able to control the amount of arms in the country to the point where the Syrian domestic forces were virtually unarmed at the time of the Damascus riots.
- <sup>17</sup> Moubayed, Sami, "The History of Political and Militant Islam in Syria," *Terrorism Monitor* 3 (16) (August 11, 2005).
- <sup>18</sup> Seale, Patrick, *Asad, The Struggle for the Middle East* (Berkeley: University of California Press, 1995), 317.
- <sup>19</sup> Moubayed.
- <sup>20</sup> *Ibid*.
- <sup>21</sup> *Ibid*.
- <sup>22</sup> Hafiz al-Asad commanded the Air Force in its raids over the Sultan Mosque in 1963, which would serve as an eerie precursor to his actions in the same city during his rule 18 years later.
- <sup>23</sup> Raymond Hinnebusch, *Syria, Revolution from Above*, (London: Routledge, 2001), p. 147.
- <sup>24</sup> *Ibid*, 53-56.
- <sup>25</sup> Khoury, 80-1.
- <sup>26</sup> Abd-Allah, 42-48.
- <sup>27</sup> Seale, 317.
- <sup>28</sup> Moubayed.
- <sup>29</sup> Seale, 316.
- <sup>30</sup> Abd-Allah, 116.

<sup>31</sup> Seale, 325.

<sup>32</sup> Ibid., 117-18.

<sup>33</sup> See Seale, 336-7, also Abd-Allah, 145.

<sup>34</sup> Moubayed, 2.

<sup>35</sup> Seale, 327

<sup>36</sup> Ibid.

<sup>37</sup> Ibid, 333.

<sup>38</sup> Abd-Allah, 191.

<sup>39</sup> *Agence France Presse*.

<sup>40</sup> Ibid.

<sup>41</sup> The Economist Intelligence Unit, Country Profile, Syria, November, 2006.

<sup>42</sup> Ahmed Hashim, *Insurgency and Counter-Insurgency in Iraq*, (Ithaca: Cornell University Press, 2006), 140-1.

<sup>43</sup> Murad Al-Shishani, "Aub Mus'ab al-Suri and the Third Generation of Salafi-jihadists," *The Jamestown Foundation, Terrorism Monitor* 3, (16) (2005): 1-3.

<sup>44</sup> Al-Suri was captured in Pakistan in November, 2005. Though Pakistani officials deny his capture, U.S. officials have stated that he has been captured. Al-Suri's name has subsequently been taken off of the State Departments list of Most Wanted Terrorists, yet his name has not been added to the capture list.

<sup>45</sup> Al-Shishani.

<sup>46</sup> Abdul Ahad Ghaith, "Outside Iraq, but deep in the fight: A Smuggler of Insurgents Reveals Syria's Influential, Changing Role," *Washington Post*, June 8, 2005.

<sup>47</sup> A good example of this is the 'French Connection' discovered in February of 2005 when the DST (the French equivalent of the FBI) discovered a well-established, *jihadi* recruitment center in the 19<sup>th</sup> *arrondissement* of Paris that was funneling young, Salafist-inspired recruits into Iraq through Syrian Mosques. See Feurat Alani, "Le réseau de trois français," *Le Point*, February 10, 2005.

<sup>48</sup> Hashim, *Insurgency and Counter-insurgency*, 141.

<sup>49</sup> Richard Beeston, "Following the Trail of Death: How Foreigners Flock to Join Holy War," *The Times*, London, June 25, 2005.

<sup>50</sup> Hashim, *Insurgency and Counter-insurgency*, 141.

<sup>51</sup> Ibid.

<sup>52</sup> Moubayed.

<sup>53</sup> Abedin.

<sup>54</sup> The Open Source Center, "*Syrian Opposition Pushes Forward Despite Division*," Washington, March 29, 2006.

<sup>55</sup> Moubayed.

<sup>56</sup> Ibid.

<sup>57</sup> BBC Worldwide Monitoring, "Syrian Islamist leader, analyst discuss attack on U.S. embassy," September 13, 2006.

<sup>58</sup> Leverett, Flynt, *Inheriting Syria* (Washington, D.C.: Brookings Institution Press, 2005), 70.

<sup>59</sup> David Lesch, *The New Lion of Damascus: Bashar al-Asad and Modern Syria* (New Haven: Yale University Press, 2005) 67.

<sup>60</sup> Leverett, 114.



## **Rising in the Gulf: How China's Energy Demands Are Transforming the Middle East**

*John Keefer Douglas, Matthew B. Nelson, and Kevin L. Schwartz*

As a major oil consumer, the People's Republic of China (PRC) has turned outward, cultivating bilateral relationships with states that can literally fuel China's rapidly growing economy. This paper deconstructs China's foreign policy toward supplier states in the Middle East—specifically Iran and Saudi Arabia—in an effort to assess China's grand energy strategy. It rejects the view that China can successfully pursue a neo-mercantilist strategy of securing reserves and will evaluate whether China's "no strings attached" commercial relationships with unsavory regimes threaten global security.

China's disregard for the human rights abuses and other violations of international norms by oil supplying states such as Sudan and Iran, and its opposition to the imposition of sanctions by the United Nations on these states, has prompted some western powers to criticize the PRC for exploiting what has been termed the 'morality gap.' The PRC's uncritical engagement of Syria, Iran, and Sudan has raised questions about Beijing's ability to be, in the words of Former U.S. Deputy Secretary of State Robert Zoellick, a "responsible stakeholder."<sup>1</sup> Indeed, so long as Beijing pursues commercial interactions without regard to the odious behavior of its foreign partners, it will be perceived in some quarters as defying international moral standards and contributing to instability and lawlessness.

China has shown no interest in exploiting the political leverage it might have to influence the policies of Iran, Syria, and Saudi Arabia. During his 2006 visit to the United States, President Hu Jintao reportedly defended his country's disinterest in pressuring its partners by explaining that the PRC is focused on its internal reforms and construction and does not wish to distract itself by meddling in the affairs of other

states.<sup>2</sup> The PRC is adamant about the inviolability of sovereignty and reaffirms that principle when its relations with other states are at issue. China is calculating that those states will refrain from supporting interventionist policies if ever the PRC is the focus of international opprobrium. However, as the confrontations over human rights violations in Sudan and nuclear weapons in Iran continue, the PRC may find itself less able to avoid taking a stance on matters of international concern.

### **THE DEMAND FOR OIL IN CHINA**

In 2004, driven by unprecedented growth of the Chinese industrial, petrochemical, and manufacturing sectors—all of which are oil-intensive—and the rapid expansion in the use of the personal automobile, the PRC passed Japan to become the world's second largest consumer of oil.<sup>3</sup> The U.S. Department of Energy estimates that China consumed 7.4 million barrels per day in 2006, representing nearly a half million barrels per day increase from 2005.<sup>4</sup> By 2025, China's consumption is forecast to increase to 14.2 million barrels per day.<sup>5</sup>

If the PRC could meet its rapid increase in oil demand by exploiting domestic reserves, oil would not be a major factor in Chinese foreign policy. Until 1992, China was a net exporter of oil, but domestic production has leveled off and production has not increased with demand.<sup>6</sup> This gap must be met by imports, which, at 3.6 million

**The PRC's uncritical engagement of Syria, Iran, and Sudan has raised questions about Beijing's ability to be a "responsible stakeholder"**

barrels per day, currently represent approximately 50 percent of consumption. By 2025, imports are forecast to more than triple to 10.9 million barrels a day and will exceed 70 percent of total consumption.<sup>7</sup> Furthermore, more than 50 percent of current imports travel through the Straits of Malacca, one of the least secure shipping lanes in the world, and the PRC lacks the naval power to defend these straits against an economic blockade.<sup>8</sup> Thus, the PRC's oil demand has become a strategic liability.

**Faced with the challenge of meeting a voracious appetite for oil, the PRC has worked to diversify its supply**

Faced with the challenge of meeting a voracious appetite for oil, the PRC has worked to diversify its supply. It has tried to develop an Asia-based, regional capacity for oil production that makes the country less dependent on international shipping, and its oil firms have become

major players in African energy development.<sup>9</sup> The fruit of this investment appears to have paid off, as Angola surpassed Saudi Arabia as China's largest oil supplier in 2006.<sup>10</sup>

China's oil imports from Kazakhstan more than doubled in the first four months of 2006, compared with the same period in 2005. Crude imports from Russia climbed 36 percent during the same period, making the country China's fourth-biggest oil supplier.<sup>11</sup> Despite potentially prohibitive costs and lingering political hurdles, construction has reportedly begun on China's first cross-border pipeline from Kazakhstan, and discussions continue on a branch line from Russia's East Siberia fields.<sup>12</sup>

Despite aggressive pursuit of supply diversity, as much as 70 to 80 percent of China's future oil imports will have to come from the Middle East and North Africa.<sup>13</sup> China's three major state owned oil companies—CNPC (Petrochina), China Petrochemical Corp (Sinopec), and China National Offshore Oil Corp (CNOOC)—have invested significantly in the Middle East.<sup>14</sup> In 2004, Sinopec outbid most of the American oil majors for the right to develop a new oil field in Saudi Arabia.<sup>15</sup> More recently, CNPC partnered with an Indian firm to buy a significant stake in one of Syria's few oil fields.<sup>16</sup>

Three years ago, the head of China's National Reform and Development Commission (NDRC) and Iran's oil minister, Bijan Namdar Zanganeh, signed a Memorandum of Understanding regarding bilateral energy cooperation, which included China's right to develop Iranian oil fields.<sup>17</sup> In 2006, Sinopec

reportedly signed an agreement with Iran to develop jointly the Garmsar oil block, one of 16 oil blocks that Iran offered for international tender in 2003.<sup>18</sup> In 2007, CNOOC moved forward with a \$16 billion agreement to drill for gas in Iranian waters, despite a U.S. threat to impose sanctions on the Chinese firm.<sup>19</sup> Iran is China's third largest oil supplier, according to Chinese figures.

Iranian and Saudi exports together now represent almost two-thirds of China's Middle East oil imports, meaning that relations with these two countries are of crucial importance. Chinese imports from other countries have also expanded, but partnerships with Saudi Arabia and Iran have increased even faster. Whereas in 1994, Iran accounted for just one percent of China's total imports, a decade later, Beijing purchased 13 percent of its oil from Tehran.<sup>20</sup>

## CHINA AND IRAN

China and Iran first established diplomatic relations in 1971. Though the two nations have both experienced revolutionary change in the intervening decades, their continued relationship demonstrates that both countries value political pragmatism, strategic imperatives, and economic trade above differences in ideology and religion. China views Iran as a regional power, whose strategic location and economic importance will remain significant in the years to come.

The Chinese chose to maintain close relations with Iran through the 1980s, during the Iran-Iraq War, due to the PRC's new reading of the international system. As the Soviet Union's projection of power began to wane, China recognized that the gravest threat to its security and stability in the Middle East would be the preeminence of a singular hegemon, the United States. According to John Calabrese, the early 1980s marks "the gradual unraveling of the Sino-U.S. "strategic partnership" and, not coincidentally, also marks the point of divergence between the Chinese Gulf policy and the U.S. Gulf policy."<sup>21</sup>

In 1990, bilateral trade between China and Iran totaled approximately \$314 million, but by 2003 it had reached \$5.6 billion.<sup>22</sup> The Iranian press asserts that trade reached \$29 billion in 2005 and that Iran's imports from China increased by more than 360 percent from 2000 to 2005.<sup>23</sup> While arms remain an element of this trade, between 1993 and 2004 China's average share of the Iranian arms market was only 18 percent; Iran purchased most of its weaponry from Russia.<sup>24</sup> The rapidly growing trade relationship between



Iran and China primarily results from China's expanding demand for Iranian oil.

The persistence and expansion of Sino-Iranian relations in the 1990s and the early twenty-first century indicates that both countries share a desire for long-term partnership and value the other's importance as an economic, strategic, and political ally.<sup>25</sup> While the relationship is driven by the sale of Iranian oil and China's military and, at least until 1997, China's nuclear assistance to Iran, Sino-Iranian relations, at a more fundamental level, are grounded in a mutual worldview. As John Garver points out in *China and Iran*, both countries recognize the other as a one-time global power with a rich history that contributed enormously to the progress of civilization. They see Western imperialism and infringement in their internal affairs as having retarded their progress as nations. Consequently, both have maintained a steadfast commitment to opposing interference in other countries' internal affairs. Put simply, China and Iran have convinced one another of their commitment to a multi-polar world and an anti-hegemonistic struggle.<sup>26</sup>

**The rapidly growing trade relationship between Iran and China primarily results from China's expanding demand for Iranian oil**

Iran views China as a powerful ally among the world's leading nations—a country that, because of a shared interest in stemming the dominance of the United States, will advocate on its behalf. Iran hopes that its relationship with a global economic powerhouse like

China will attract business from other countries wary of Iran's pariah status.

Furthermore, Iran has looked to China, as well as Russia, to counter calls in the UN Security Council and elsewhere for economic sanctions in response to Iran's nuclear program. According to Iran, what is good for the Islamic Republic is also in the best interest of the PRC. As an editorial in Iran's conservative leaning *Shoma* newspaper put it, "any cooperation China enters in security, political, economic sectors with the region's leading nations like Iran and Saudi Arabia that supply China's energy as well would represent a great victory for Chinese politicians over their Western counterparts."<sup>27</sup>

While such a position is by no means uniform, many Iranian editorials on the subject have echoed similar claims, going so far as to warn China and Russia that their economic and political livelihood in the Middle East depend on defying international pressure against Iran.<sup>28</sup> The reformist daily *Aftab-e Yazd* plainly laid out the

*quid pro quo*, stating that since "we have assured China that its energy and oil needs will be met, we should ask that country to complete its position and go beyond mere expressions of opposition to the referral of Iran's dossier to the Security Council."<sup>29</sup>

In December 2006, China voted to pass UN Security Council Resolution 1737, which imposed sanctions on the trade of all items, materials, equipment, and technology that could contribute to Tehran's uranium enrichment program. Even with its passage, Iran has been unwilling to question the strength of Sino-Iranian relations. Iran recognizes that potential Security Council action has thus far been lukewarm in advocating for more meaningful (i.e., oil or gas) sanctions. Indeed the passing of Resolution 1737 has not deterred Sino-Iranian energy cooperation. Less than a month after the Resolution's passing, CNOOC moved forward with a \$16 billion agreement to drill for gas in Iranian waters, despite a U.S. threat to impose sanctions against the Chinese company.<sup>30</sup> As R. Nicholas Burns, U.S. Under Secretary for Political Affairs, indicated on the day of the Resolution's passing, perhaps stating the obvious for Iranian and Chinese policymakers, Resolution 1737 "does not involve oil and gas sanctions ... The Chinese deal ... would not—would definitely not come under these particular sanctions."<sup>31</sup> It is perhaps instructive to note that when Iran was given a one-month deadline to end uranium enrichment or face possible sanctions in July 2006, a similar process unfolded. While the PRC was voting to support that resolution in the Security Council, China's head of central planning, Ma Kai, was in Tehran trying to finalize plans for Sinopec to develop Iran's rich Yadavaran oil-field.

If sanctions against Iran's oil exports ever do become a major issue, Iran believes that China, and perhaps Russia, would prevent their implementation. Iran's Foreign Ministry Spokesman, Muhammad Ali Hosseini, though speaking a month before the passing of Resolution 1737, nonetheless summed up Iran's long-standing reading of the Security Council dynamic when he noted: "Splits between the parties are very visible, that is to say between the United States and the Europeans on one side and Russia and China on the other ... Russia does not want sanctions and does not want to close the path of negotiations, and the Chinese have a similar position."<sup>32</sup>

The current Iranian government of President Mahmoud Ahmadinejad has placed Iran on a far more aggressive track than his predecessor, Mohammad Khatami. Believing that the U.S. is unwilling to undertake another war in

the Middle East, Iran has concluded that conditions are set to force the issue of its 'inalienable nuclear rights.' No longer, Tehran has reasoned, is it necessary to court the European nations and prevent them from presenting a unified front with the U.S. in the Security Council. With the seeming lack of any real military threat from the U.S., and with Chinese and Russian allies in the Security Council, Iran reasoned such conditions would be enough to safeguard against intense international sanction regarding its energy sector.

Iran, however, appears to be over-estimating China's ability and desire to safeguard Iranian interests by confronting the U.S. and the West. In moving toward sanctions over Iran's nuclear program, Iranian analyses at the government and civil-society level have been slow to pressure China, which has never vetoed a Security Resolution relating to the Middle East. Thus far, Iran has not proven to be an exception. Yet, Iran has been unwilling to critique China's role in acceding to Security Council pressure, instead reaffirming the strength of Sino-Iranian relations and reserving its ire for the U.S. and Europe. For example, at the end of the *Aftab-e Yazd* editorial cited above, which strongly beseeched China to stop Iran's nuclear dossier from reaching the Security Council, the following statement appeared:

In the last working hours of the daily, we received the comments of the Chinese foreign minister, which indicate that we should not set many hopes in China in the Security Council. So the matter should be taken into account in our relations.<sup>33</sup>

Already in 2004, when the editorial was published, China seemed to know it would be voting alongside the rest of the Security Council. The interim period (2004 to 2006), one suspects, was simply a matter of extracting maximum concessions both from Iran, such as the Sinopec and CNOOC deals, and the U.S. As Garver points out in *China and Iran* concerning the intersection of Sino-Iranian and Sino-U.S. relations, China is unwilling to prioritize the "anti-hegemony struggle" above its economic interest in maintaining friendly relations with the U.S. He explains, "When absolutely necessary, the secondary goal of moving the world toward multipolarity by supporting Iran's anti-hegemony resistance would be subordinated to the primary goal of protecting the Sino-U.S. relationship."<sup>34</sup>

China has thus far resisted comprehensive sanctions against Iran's oil and gas sector, thereby providing Iran time to settle the nuclear crisis on

its own terms. China has gone to great lengths in the Security Council, and elsewhere, to demonstrate to the Iranians the importance of Sino-Iranian relations. In July 2006, after voting in favor of a one-month deadline for Iran to end its enrichment of uranium or face Security Council sanction, Ambassador Liu Zhemin of China stated, "Whether now or in the future, the Council could not handle the issue single-handedly. Dialogue and negotiations were the only way out ... Any measures adopted by the Council should serve the purpose of diplomatic efforts."<sup>35</sup> Again, in 2007, President Hu called on Iran to make a serious response to Resolution 1737, but in the same breath spoke highly of Iran's pledge to further ties and improve bilateral cooperation.<sup>36</sup>

Such statements, coupled with Chinese votes against Iran in the Security Council, encapsulate the delicate balance of Sino-Iranian relations. China is eager to maintain its close relationship with a Middle Eastern regional power, but not at the expense of its relationship with the U.S. or at the cost of being labeled a supporter of a rogue regime. Red lines in Sino-Iranian relations do exist. China hopes that the political capital it garnered from arms sales during the Iran-Iraq War, assistance in nuclear technology, economic partnership, and proven mutual trust is enough to maintain Iran's willingness to look east, especially in the energy arena. Considering Iran's current predicament, this may well succeed.

The scope and trajectory of China's behavior concerning Iran's nuclear program and Sino-Iranian relations is best seen as a microcosm of the PRC's larger balancing act in pursuing economic and political advantages without upsetting Western, particularly American, sensitivities. On the one hand, the Security Council is the forum where China attempts to meet both Western and Iranian expectations. On the other, while PRC support for Iran is crucial to the latter's bid to stave off international isolation, Iran is only one strand among the complex web of energy relationships China is currently pursuing.

**China has thus far resisted comprehensive sanctions against Iran's oil and gas sector, thereby providing Iran time to settle the nuclear crisis on its own terms**

## THE SHANGHAI COOPERATION ORGANIZATION

To understand how energy and security needs are influencing the relationship between China and Iran, it is important to assess their diplomatic relations. In the past year, no aspect of diplomacy has received more attention than the Shanghai Cooperation Organization (SCO). According to former Iranian Foreign Minister, Akbar Velayati,

In the framework of the Shanghai cooperation agreement, Russia, China, India and Iran, together with other Asian countries, are busy establishing a new political bloc in the world, which in addition to confronting any one-sided attempt at hegemony by NATO, are also trying to establish a secure and stable climate throughout Eurasia.<sup>37</sup>

Since 2005, the six member SCO—including Russia, China, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan—has emerged from relative obscurity to be viewed in some circles as a serious counterweight to American power in Asia and even, in the words of Cambridge University's David Wall, “an OPEC with bombs.”<sup>38</sup> In reality, the SCO is a young organization with few current capabilities. Its operating budget is less than \$30 million and it employs only a few dozen people.<sup>39</sup>

Despite its limited effectiveness at the current time, the SCO is receiving extensive attention from western experts because of its potential. In 2005, the SCO added Mongolia, Pakistan, Iran and India as official observers. As Iranian President Mahmoud Ahmadinejad stressed in a speech at the SCO in June 2006, nearly half the world's population lives in SCO

member or observer countries.<sup>40</sup> If SCO participating states emerged as a united force diplomatically, economically, or militarily, they would be a potent player in the international arena.<sup>41</sup>

**Chinese analysts increasingly talk about using the SCO to turn the old Silk Road across Central Asia into an 'energy road'**

### The Role of Energy in the SCO

Though it was initially formed to deal with border disputes, terrorism, and separatist threats, energy cooperation has emerged as SCO's primary focus. In particular, Chinese analysts increasingly talk about using the SCO to turn the old Silk Road across Central Asia into an energy

road.<sup>42</sup> Like China, Russia views the SCO as a tool to promote energy development, as expressed in a 2005 op-ed by the deputy foreign minister: “Cooperation in fuel, energy, and transport may bring great benefits. Potentially, the SCO members can pool their efforts in geological prospecting, and jointly develop Central Asia's vast resources.” He argued that the SCO could facilitate energy projects, some of which would be “the projects of the century.”<sup>43</sup> Similarly, Pakistani President Pervez Musharraf used recent SCO meetings to propose that his country serve as an energy corridor between producers and consumers, a suggestion believed to be alluding to a possible oil pipeline from Iran to China or India through Pakistan.<sup>44</sup>

Iran also views the SCO as a tool for expanding energy exports. In his speech at the SCO in June 2006, President Ahmadinejad said, “the presence of both the energy consumer and producer states in the organization has prepared a proper ground for energy cooperation within the SCO.” He proposed a summit for energy ministers of the member states “to study avenues for better cooperation in various grounds such as exploration, extraction, transportation, transformation and improved and joint exploitation of energy.”<sup>45</sup> President Ahmadinejad also emphasized that Iran's large reserves of crude oil provide “conducive grounds” for these countries to cooperate with Tehran.<sup>46</sup> At the SCO meeting in June 2006, Iran and Russia held bilateral talks in which they discussed an “energy club,” and in February 2007, energy company representatives from member states held an SCO Roundtable to explore setting up the “energy club.”<sup>47</sup> This term, which has eluded definition, has raised fears that these oil producers are considering a new form of cartel.<sup>48</sup>

It is clear that these relationships go beyond political rhetoric. Since 2004, China, India, Russia, and Iran have signed energy deals with each other valued at about \$500 billion.<sup>49</sup> In the immediate aftermath of the 2006 SCO summit, Sinopec reportedly signed an agreement to develop Iranian oil fields.<sup>50</sup> China's oil imports from Kazakhstan more than doubled in the first four months of the year, compared with the same period in 2005. Crude imports from Russia climbed 36 percent during the same period.<sup>51</sup>

Western analysts are increasingly alarmed that the economic endgame of the SCO is “to dilute Washington's hold over the Caspian Sea's energy reserves,” as Robert Karniol, Asia-Pacific editor for *Jane's Defense Weekly*, put it. China and India, the world's fastest-growing energy

consumers, want to divert Central Asia's energy resources toward their own economies, and Iran and Russia, the region's largest energy suppliers, are keen to reduce their dependence on sales to the West, Karniol argues.<sup>52</sup>

Despite this concern, the SCO is not a mercantilist tool for China to lock up the oil reserves of unseemly governments in central Asia.<sup>53</sup> In a global market, locking up oil is exceptionally difficult. Lieutenant-General William Odom (retired), a professor at Yale University and former director of the National Security Agency, explains, "I've never been of the view that you have to be highly influential in a region to get it to sell you oil."<sup>54</sup>

First, China's overseas activities are not on a scale that would warrant the level of international concern and condemnation it has received. The Energy Information Administration explains: "For all the attention given to Chinese firms' investments in overseas oil assets ... their total current contribution to China's oil imports is well under 300,000 barrels per day as of mid-2005, a small amount compared to imports currently running at around 3.5 million barrels per day."<sup>55</sup>

Second, major development projects between SCO states have not proceeded without difficulty. For instance, a 2004 Memorandum of Understanding between Iran and China, to establish a 25-year agreement for LNG exports worth \$100 billion, has so far only led to further negotiations, despite the big splash when signed.<sup>56</sup> Similarly, a plan to build a pipeline from Russia to China was announced in 2003, yet the two governments continue to negotiate the terms of this agreement.

Most importantly, it is vital to understand that the only way for China to lock up oil in today's market, even with its SCO partners, is to sign long-term purchase agreements after outbidding the other firms in the race. Chinese state firms can consistently win bidding wars only if (a) they are willing to pay more for oil than private firms from the U.S., India, and Europe believe the resource to be worth, or (b) oil rich SCO states are willing to accept reduced financial reward in order to sell their oil to China. If China wishes to burden its economy with fuel costs above market value, the U.S., as an economic competitor, would have a comparative advantage over oil intensive industries in China.

China's attempt to secure a long-term oil supply is better viewed as a hedging technique. Chinese oil companies, and their private investors, are willing to pay higher prices because the demand for fuel in China is growing rapidly, and the firms believe that a market for

their product will exist even at prices above the world average.

## CHINA AND SAUDI ARABIA

Sino-Saudi relations are a relatively new development with China and Saudi Arabia having only established relations in 1990. 2006 was a landmark year in Sino-Saudi relations, witnessing the visit of President Hu to Saudi Arabia and the visit of Saudi King Abdallah to China. King Abdallah's visit to China was his first trip outside of the Middle East since ascending the throne in August 2005.

According to Arabic sources, the exchange of visits between King Abdallah and President Hu point to the seriousness of Sino-Saudi relations. First, Hu's trip to Saudi Arabia occurred only three months after Abdallah's trip to China.<sup>57</sup> Indeed, during his trip to Saudi Arabia, President Hu himself pointed out that head-of-state exchanges in such a short amount of time are extremely rare.<sup>58</sup> Second, President Hu was only the second foreign president to address the Saudi Consultative Council, after Jacques Chirac.<sup>59</sup> Third, the President Hu's visit ended with tangible results, not only in regards to energy, but also in other fields, such as health and trade.<sup>60</sup> Accordingly, Chinese Middle East envoy Sun Bigan pointed out that the visits "laid a solid foundation for the growth of bilateral ties in the years ahead."<sup>61</sup> A Saudi Arabia Information Resources report from April 2005 states:

... Abdullah Al-Mubti, head of the delegation and chairman of the Abha Chamber of Commerce and Industry, said the Arab-China Business Conference in Beijing was successful as it helped strengthen mutual confidence. He said the organizers have agreed to hold the second conference in an Arab country. More than 200 Arab businessmen took part in the conference ... He added Saudi-Chinese trade exchange grew from \$300 million in the beginning to \$10 billion (SR37.5 billion) last year.<sup>62</sup>

The greatest challenge China faces in expanding the scope of Sino-Saudi relations is allaying Saudi Arabian fears over the nature of relations, as well as China's close relationship

**The greatest challenge China faces in expanding the scope of Sino-Saudi relations is allaying Saudi Arabian fears over the nature of relations, as well as China's close relationship with Iran**

with Iran. Indeed in his speech to the Consultative Council of the Kingdom of Saudi Arabia, President Hu strove to calm Saudi fears over expanded ties with China in these two key regards.

First, President Hu stressed the importance of China's non-interference policy, not only in an effort to maintain peace and stability, but also in terms of a country's internal security. He explained that countries "should respect and maintain each country's right to independently choose its social system and its road of development."<sup>63</sup> By reiterating China's long-standing commitment to non-interference in the context of Sino-Saudi relations, China wishes to distinguish Sino-Saudi relations from the current trend in U.S.-Saudi relations, namely the effort by the U.S. government to push for political liberalization in Saudi Arabia since September 11<sup>th</sup>. Indeed, Saudi Arabian government officials have already expressed appreciation for China's commitment to a policy of non-interference, especially in times of unrest in the Middle East.<sup>64</sup> Put simply, Chinese companies are not constrained in their overseas activities by the political commitments of their home country in areas such as human rights and nuclear non-proliferation, as their American counterparts are.<sup>65</sup>

Saudi Arabia is seeking to diversify its cooperation with Asian companies not only in export markets but also technical know-how, arms and ammunition, and education for the elite. Such new partnerships have been welcomed by Saudi Arabia since these areas neither advise the Saudi government on how to run its internal affairs, nor contain any 'strings' on how the Saudi Royal Family should rule.<sup>66</sup> As Prince Turki Al-Faisal, the Saudi Arabian Ambassador to the US., noted in a discussion with *USA Today*, China is "[n]ot necessarily a better friend [than the United States], but a less complicated friend."<sup>67</sup> While Turki went on to state that Saudi Arabia does not see China as a counter-weight to the U.S., his comment can be read as a realization by many in Saudi Arabia of the negative aspects of too close an association with the U.S.

The second key point in the Chinese President's address concerned regional rivalry among states in the Middle East. "Different civilizations of the region should take a peaceful and magnanimous attitude toward each other's differences," President Hu said. He continued by

**For Saudi Arabia, the increased cooperation with China may signal an attempt to end the kingdom's overwhelming reliance on "one big friend" and "one big product," i.e., the U.S. and oil**

stating that "[d]ifferences should not become the root cause to regional conflicts and contradictions, but should become each other's reference and a force for integration of the region."<sup>68</sup> By speaking specifically about civilizational differences as a source of contention in the Middle East, namely among Persians and Arabs, President Hu not so subtly hinted that Sino-Saudi relations will not be subservient to China's close relationship with Iran, a country Saudi Arabia views with extreme concern and skepticism.

For China, with its sensitivity to volatility in oil price and supply, the stability of Saudi oil supply is enticing, as is the level of influence the Saudis are seen as having over both OPEC and non-OPEC oil producers. Chen Mo, a researcher at the Chinese Academy of Social Sciences, went so far as to say, "In the future ... Saudi Arabia will be China's largest source of oil."<sup>69</sup> Though 2006 saw the prospect of high-profile expansion of Sino-Saudi relations, it is important to place the China-Saudi Arabia relationship in its proper global context. China's commitment to strengthening its relationship with Saudi Arabia is not simply a matter of locking up vast oil reserves. Nor, from the Saudi perspective, is it simply a matter of replacing an American export market with a Chinese one.

For Saudi Arabia, the increased cooperation with China may signal an attempt to end the kingdom's overwhelming reliance on "one big friend" and "one big product," i.e., the U.S. and oil.<sup>70</sup> Saudi Arabia has recognized that increased diversity of its oil exports and movement away from its heavy reliance on the American market has both economic and political benefits. Saudi Arabia cannot ignore the increased energy needs among Asian countries, such as China and India because the prospect for revenue is simply too large. As advisor to the Saudi Minister of Commerce and Industry, Fawaz al-Alami, pointed out, "[t]he growth in our oil exports and petrochemicals will be China and India. Five years ago our trade with China was only \$200 million. Now it's \$14 billion, and in five years we expect it to be \$45 billion."<sup>71</sup>

Based on preliminary assurances by China on the direction of Sino-Saudi relations and the possible cooling of Saudi-U.S. relations, the expanded ties between China and Saudi Arabia appear primed to move forward. However, Sino-Saudi relations are still in their infancy, making the precise direction they will take uncertain. It is unlikely, for example, that now or in the

immediate future Saudi Arabia would seek to use China as a viable strategic and military alternative to the U.S. Security and stability of the Saudi regime remains of the utmost importance to the Saudis and, in that regard, U.S. military might in the Gulf remains the House of Saud's final guarantor.

China's aim in expanding Sino-Saudi relations is very similar to the Saudi rationale for expanded relations—diversification. In Saudi Arabia, China sees a way to diversify its Middle Eastern oil suppliers and depend less on Iran for Middle Eastern oil. Additionally, a closer economic relationship with Saudi Arabia may be absent of the possible political consequences and image concerns that are involved in Sino-Iranian relations. The PRC sees a great economic opportunity in expanded relations with Saudi Arabia, but not a replacement for their political and strategic partnership with Iran. Thus, the expansion of Sino-Saudi relations satisfies the same need for both countries: the mitigation of reliance on one main oil supplier/consumer, rife with political and image concerns, with a less complicated and less dramatic economic partnership.

### ASSESSMENT OF CHINESE ENERGY POLICY

In the aftermath of the Cold War, with the emergence of the U.S. as the sole superpower, the Chinese leadership concluded that in the area of energy, the best strategy was to compete with the U.S. at its own economic game, sending out Chinese companies to secure supplies in the same way that U.S.-based multinationals routinely do.<sup>72</sup> This strategy avoids direct confrontation in favor of economic engagement.<sup>73</sup> China would much rather hide its strength and build commercial relationships, believing that such a strategy can be just as effective in thwarting U.S. dominance. Especially in the Middle East, continued erosion of U.S. influence is understood by Chinese leaders as facilitating its ability to pursue energy supply wherever it can. With the belief that U.S. criticism of China for doing business in places like Iran, Syria and Sudan is increasingly falling on deaf ears in the international community,<sup>74</sup> China feels emboldened to ignore U.S. pressure, as it becomes harder for America to garner support for sanctions or other means to punish or isolate China and its energy suppliers.

#### Chinese Energy Policy

In a 2005 white paper titled *China's Peaceful Development Road*, the PRC explained its official energy policy as follows: "Through dialogue and cooperation regarding energy, China is working

with other countries to safeguard energy safety and stability. China considers energy saving one of its basic state policies."<sup>75</sup> The origins of this policy rest in China's clear need for oil, combined with its desire to continue a non-interventionist philosophy of foreign affairs and its recent awareness that a "rising" China could be perceived as a threat. Recognizing the need for imports from overseas, Deng Zhonghong, Enterprise Manager for Sinopec, stated that China's overseas oil investments will be characterized by the following 'sixteen character guideline': "Consolidate the Middle East, develop the surrounding regions [i.e., border states], expand in Africa, and explore the Americas."<sup>76</sup> China is thinking globally, but it is not by accident that the Middle East is first on this list.

As oil imports have grown, China has been forced to formulate an energy security policy, especially concerning the Middle East. In practical terms, this has manifested itself in a major restructuring of the Chinese oil industry in 1998. The government aimed to refocus the major oil firms, end the division of labor between them, and push them to emulate the major multinationals, seeking upstream production rights overseas to complement and eventually replace stagnating domestic production.<sup>77</sup>

Despite an all-out diplomatic push to secure overland supply from Russia and Central Asia and recent deals with Venezuela,<sup>78</sup> China realizes most of its future imports will have to come from the Gulf and North Africa:

Taking into consideration global oil distribution, producing capacity, supply potential, import costs and other factors, most of China's future oil imports, accounting for 70-80% of the total, will have to come from the Middle East and North Africa, particularly from the Gulf nations. As today's international oil security is rooted in the uneven distribution of oil resources, China has to be able to cope with it and get out of it as much as possible. Although oil imported from Russia, Central Asia and other parts of the world would help China improve its oil security, there is no denying that Middle East and North African oil has been and will continue to be a big element in China's oil security formula.<sup>79</sup>

This means continued reliance on shipping lanes, in particular the Straits of Malacca. As with all points of geopolitical friction in the world, official Chinese policy maintains a strict stance of non-interference. China has gone so far as to say

that they will “never consider a military solution [to problems in the straits],” preferring instead to make guarded references to U.S. naval activity in the region and the need to respect the sovereignty of bordering nations.<sup>80</sup> Although improved relations with Russia and Central Asia, especially in the context of the SCO, are worthy of close attention, they do not yet demonstrate a policy shift for China. Chinese leaders remain acutely aware that a U.S. blockade of the Straits of Malacca could virtually paralyze their economy and that overland supplies will not replace ships in the foreseeable future.<sup>81</sup>

To many U.S. analysts, the rapid emergence of Chinese state-owned oil companies on the global stage is of major concern. They argue that the companies are enacting the foreign policy directives of the Chinese central government by pursuing exclusive, long-term oil supplies that need not be sold on open markets, but rather can be sold within a closed Chinese retail market.<sup>82</sup>

However, China’s leadership views its energy policy quite differently. As Zhang Guobao, Deputy Minister of the National Development Reform Commission (NDRC), explained, “Some people show they are biased against China’s economic development by blaming China for boosting international oil prices. Why are other

countries’ oil imports justified, but it is called ‘a threat’ when it comes to China?”<sup>83</sup>

To Chinese officials, their companies are only acting as any other major oil and gas firm by competing for supply contracts and expanding reserves. Zhang Weiping, an economist at CNOOC, explains:

Leading global powers are readjusting their energy strategies. The United States has managed to strengthen its strategic position in the Middle East in the wake of the Iraq War and increased threat deterrence along oil transportation passages through its military presence. At the same time, Washington has reinforced control over global strategic resources via giant multinationals’ activities worldwide.<sup>84</sup>

To Zhang and his Chinese colleagues, a Chinese oil and gas firm is no different from

Exxon Mobil. In the event of a crisis, they believe American firms would prioritize the U.S. market, and would be protected in this action by the strength of the U.S. Navy, a protection Chinese companies do not enjoy. There is strong evidence that China realizes the impossibility of locking up resources. Zhang Guobao’s recent comments on the willingness of Chinese oil firms to cooperate with U.S. firms in overseas upstream and downstream activities suggest that China is actively trying to allay U.S. fears of a neo-mercantilist policy.

## IMPLICATIONS FOR THE MIDDLE EAST

The PRC’s stated policy of peaceful development is intended to assure major oil producers and major consumers that a ‘rising China’ will be a non-threatening trading partner in troubled regions of the world. However, some argue that China’s energy policy poses a threat to international stability. The Bush administration argues that China’s neo-mercantilist strategies threaten American ‘oil security’ by ‘locking up’ resources, thereby threatening American access to this vital commodity. Other analysts point to the SCO as evidence of an emerging closed Asian energy club. These analyses are flawed for both economic and security reasons.

In today’s economic system, China’s oil companies could only lock up resources by consistently outbidding other international energy interests and paying above market rates. Such a policy, however, would strain China’s already heavily subsidized retail fuels market, lead to high oil prices, and harm China’s overall economy. There are enough producers in the global oil market that China’s efforts to lock up resources are unlikely to keep other consumers from getting what they need. To the contrary, China’s aggressive upstream investment activity will increase international oil supplies to the economic benefit of other consumers.

On a military level, China currently lacks both the means and the intention to intervene in defense of its overseas interests. In practical terms, any restriction in supply could bring serious consequences to China, especially since it lacks significant strategic oil reserves. China admits it will not have capacity to

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**With China’s state owned firms investing in the energy infrastructure of Middle Eastern states, the PRC’s ability to stand clear of the internal affairs of the places in which it invests will become increasingly difficult**

**Moves to restrict Chinese investment in oil fields controlled by pro-western regimes only serve to push China further away, possibly to the point of contemplating retaliatory moves, such as increased material military support for anti-western regimes**

project naval power to secure shipping lanes any time soon.<sup>85</sup> Overland routes mitigate this, but China's reticence to form strong military alliances, even in the context of the SCO, means that pipelines will be difficult to defend. Thus, China realizes its best hope in the current international climate is diplomacy, capitalist competition, and cooperative ventures to improve the quality and

efficiency of the Chinese oil industry.<sup>86</sup>

The second common indictment against China is that its appetite for oil has led to closer political relationships with oil rich regimes that Secretary of State Condoleezza Rice asserts is "warping" China's foreign policy.<sup>87</sup> Chinese oil firms' participation in overseas upstream activities integrates them into the global economy in a way that serves to shape and constrain Chinese foreign policy. As China diversifies its oil supply network, it has less incentive to expend energy defending or securing any one of those suppliers. For instance, China must be cautious in its support of Iran for fear of disrupting its relationship with Saudi Arabia. As a rising China enters into ever-deeper economic commitments, a multiplicity of viewpoints must be considered in the formulation of their foreign policy, which will give them a greater stake in regional stability.

Thus, the U.S. and China share an interest in promoting stability in the Middle East, but the two governments currently define stability in dramatically different terms. China is willing to provide economic and military assistance, in the form of arms sales, to brutal but stable regimes, but it has thus far been unwilling to guarantee governments with military force. If China put its military and diplomatic weight behind its oil suppliers, at a time when American power is being challenged in Iraq, this would pose a significant challenge to the power status quo in the Middle East today.

With China's state-owned firms investing in the energy infrastructure of Middle Eastern states, the PRC's ability to stand clear of the internal affairs of the places in which it invests will become increasingly difficult. Eventually, Chinese oil firms will be faced with internal policies in some states that harm Chinese

investments, and China will have to decide whether the principle of sovereignty—a core principle of China's foreign policy—should be sacrificed to protect economic investments.<sup>88</sup> Little serious attention has yet been given to the security implications of the stated goal to transform Chinese state-owned oil firms into true global players.

As Chinese commercial interests in the Middle East proliferate, Chinese power does not necessarily have to follow, as is demonstrated by the case of Japan, the third largest importer of Middle Eastern oil. To avoid the emergence of Chinese force in the region, Middle Eastern states need to provide Chinese policymakers with confidence in the security of Chinese investments. China may never be as satisfied with the current power dynamics as Japan; however, Middle Eastern states could do a considerable amount to build institutions that protect Chinese interests by nonmilitary means, thereby reducing Chinese pressures to intervene.

The U.S. has called for China to use its power and influence as a responsible stakeholder in the international system, but scolding China has proven ineffective in Sudan, Iran, and even Zimbabwe. Chinese officials proudly put their nation's own interests ahead of what they perceive to be America's goals, and thus they continue to import Iran's oil and welcome its President even as the UN Security Council implements sanctions. If China concludes that Iran has a determined interest in undermining the international economic and political system that has given rise to Chinese power, the country will be more interested in preventing an Iranian nuclear program. If Chinese leaders believe that Iran's nuclear ambitions threaten either the capitalist system or the preeminence of the UN Security Council, they will be less likely to defend Iran based on their mutual philosophy of multi-polarity. Historically, when faced with a decision between pragmatism and ideology, China's foreign policymakers in the Middle East have made practical decisions.

## CONCLUSION

Rapidly growing Chinese energy imports from the Middle East on their own do not constitute a threat to stability in the Middle East. China has exhibited pragmatism in choosing its oil supply sources that is a positive signal of their intention to diversify supply without making strong commitments of political or military support to one state over another. Moves to restrict Chinese investment in oil fields controlled by pro-western regimes only serve to push China further away, possibly to the point of



contemplating retaliatory moves, such as increased material military support for anti-western regimes. Engagement and cooperation with China on energy development is a far better option; it can help keep the price of oil stable and mitigate China's willingness to challenge the West through support of states like Iran. Fears, that China can "lock up" resources or create a military alliance within the SCO to rival NATO, are significantly overblown. While Chinese military buildup is cause for significant long-term concern, their activities in the Middle East do not yet constitute a real challenge to status quo interests in the region.

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<sup>1</sup> Zoellick expanded on this point, saying “China should take more than oil from Sudan—it should take some responsibility for resolving Sudan’s human crisis.” Robert B. Zoellick, Deputy Secretary of State, “Whither China: From Membership to Responsibility?: Remarks to National Committee on U.S.-China Relations,” New York City, September 21, 2005.

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<sup>12</sup> Robert E. Ebel, *China’s Energy Future: The Middle Kingdom Seeks its Place in the Sun* (Washington: Center for Strategic and International Studies, 2005), 44. See also Erica Strecker Downs, *China’s Quest for Energy Security* (Arlington, VA: RAND Corporation, 2006), 24-26.

<sup>13</sup> Wu Lei, “China-Arab Energy Cooperation: The Strategic Importance of Institutionalization,” *Middle East Economic Survey*, Volume XLIX (3), January 16, 2006.

<sup>14</sup> All three firms held initial public offerings between 2000 and 2002, and western oil giants ExxonMobil, Shell, and BP all purchased significant minority stakes. However, the PRC remains a majority stakeholder in all three, and the government still controls the retail fuel market. All three firms have significantly reduced their workforce, but CNPC runs much like a ministry of government.

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<sup>88</sup>China's foreign policy reflects two primary principles. First, the PRC wants to be seen as a responsible great power, not a threat to be challenged. Second, the PRC believes it is essential to defend the integrity of state sovereignty. Both of these principles help China's oil companies make major investments abroad without causing fear that Chinese interventionism will soon follow.



## Constructing a Legal Case Against Iran's Right to Enrich within the International Court of Justice

Jonathan Thomas

The Islamic Republic of Iran was in noncompliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) for 18 years. Its failure to acknowledge the development, or even existence, of a vast nuclear program clearly left Iran outside its obligations contained in its 1974 safeguard agreement. Noncompliance lasted until 2003 when a group of Iranian dissidents provided information to the International Atomic Energy Agency (IAEA) regarding the true nature and scope of Iran's nuclear activities. Since then, the international community, led by the U.K., Germany, and France (the EU-3), tried to reach an agreement acceptable to all parties involved. Their goals were both to bring the Islamic Republic back into favorable status under the NPT and to lay to rest the international community's fears about Iran's pursuit of nuclear technology.

These efforts have been hampered by a number of issues including Iran's perceived security threats, economic and energy concerns, and, notably, its insistence that it has the right to enrich uranium for peaceful purposes under the NPT. On several occasions, the president of Iran, Mahmoud Ahmadinejad, has asserted that Iran has the "right to develop its nuclear program."<sup>1</sup> He claims that because Iran's intentions are peaceful,

and its nuclear technology industrial, its activities are protected by its status as a party to the Treaty. Any offer to settle the current crisis that has not explicitly recognized Iran's right to uranium enrichment has been rejected by Iranian negotiators on this ground.

For its part, the EU-3 have expressed, at different times, varying opinions on the alleged right. During the initial stages of negotiation, the group was careful to avoid direct confrontation. Under the Paris Agreement, signed in November 2004, the European negotiators allowed language in the agreement that termed Iran's suspension of enrichment activities as voluntary. The implication of such language, and its acceptance, is that the right to enrich does exist. If there had been no such right, the EU-3 would presumably have been on firmer ground to extract such a concession without Iran's cooperation given its non-compliant status of its safeguard agreement.

Almost a year later, that opinion seemed to have changed. In a September 2005 letter to the *Financial Times*, Robert Cooper, Director-General for External Relations and Political-Military Affairs in the European Council Secretariat, concluded: "[T]here is no such right. The Treaty gives its adherents the right to benefits from the peaceful uses of nuclear energy."<sup>2</sup> Whether this opinion has been held by the EU-3 throughout its negotiations with Iran, or has been precipitated by Iranian recalcitrance, a determination regarding the disputed right to enrich may help resolve the present impasse, as well as those that may arise in the future.

**Under the Paris Agreement, signed in November 2004, the European negotiators allowed language in the agreement that termed Iran's suspension of enrichment activities as voluntary**

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## ESTABLISHMENT OF THE RIGHT TO ENRICH: THE IAEA

In order to determine whether the right to enrich uranium does exist within the NPT, reference must be made to the intentions of the Treaty's drafters. First, an examination of the context in which the document was created is necessary. Indeed, the Treaty was preceded by the creation of the IAEA, largely due to President Dwight D. Eisenhower's "Atoms for Peace" policy. After witnessing the horrific and destructive capabilities that nuclear technology had created, President Eisenhower was determined to construct an international system that would, instead, facilitate its peaceful uses. His original proposal envisioned an international body that would serve as the repository of fissionable material and the guarantor of its peaceful use. He recognized that, "[i]f at one time the United States possessed what might have been called a monopoly of atomic power... the knowledge now possessed by several nations will eventually be shared by others, possibly all others."<sup>3</sup>

In fact, secrecy did not prevent the spread of the dangerous technology, as the UK and Soviet Union successfully tested nuclear weapons in 1949 and 1952, respectively. Eisenhower's prediction eventually became reality. For example, espionage during the United States' secretive "Manhattan Project" greatly accelerated the production of the Soviet Union's nuclear arsenal.<sup>4</sup> Later, although it too possessed nuclear technology, the Soviet Union opposed the creation of an IAEA-type agency before a universal ban on nuclear weapons "because the widespread use of nuclear power would result in the proliferation of weapon-grade material."<sup>5</sup>

In the meantime, discussions shifted from creating a "bank" for fissile material to one which would facilitate cooperation among the parties and provide controls for the safe production of nuclear energy. Although Soviet concerns were shared by the U.S., planning continued for the creation of the agency without a universal ban. In 1955, during the run up to deliberations over the IAEA Statute, the newly-created U.S. Atomic Energy Commission "pointed out to the State Department that reactors fueled with slightly enriched uranium produced significant quantities of plutonium, which could be diverted to nuclear weapons."<sup>6</sup> At the time, however, it was recognized that as long as states were in the business of using atoms for peace, they would always be creating the capability to use atoms for war. Moreover, the U.S. was concerned that if the regulations of the new agency appeared too

stringent, non-nuclear states would be discouraged from joining.<sup>7</sup>

Besides such political concerns, it was recognized that any proposals for "the safeguards of diversion of nuclear material would be effective [only] over the next decade, as... the United States could not predict what technical developments might take place [in the future]."<sup>8</sup> In other words, given that the same processes were used in both creating military and peaceful nuclear material, and that nuclear technology was still a nascent science, it would be impossible to restrict the former without infringing on the latter. To do so would have also implied that the list of prohibited activities was comprehensive, thereby creating the possibility that future innovations leading to the production of nuclear weapons would be outside the realm of safeguards.

After years of discussion and preparation, the IAEA Statute finally entered into force on July 29, 1957. The self-proclaimed "Atoms for Peace" agency began its work of "promot[ing] safe, secure, and peaceful nuclear technologies"<sup>9</sup> amidst a recent history of nuclear weapons proliferation and an emerging nuclear science. Further, the proposition that countries should give up all domestic capabilities in regard to nuclear research and development had been explicitly rejected in favor of a system that would supervise the nature of each country's nuclear program in return for non-military assistance.<sup>10</sup>

## THE THREAT OF THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The NPT was created as a direct result of proposals made by the Irish delegation to the UN over the course of seven years. The second of two resolutions produced by these efforts was General Assembly Resolution 2028 (XX), which came before the General Assembly in 1965, suggesting the adoption of a treaty dealing with the nonproliferation of nuclear weapons.<sup>11</sup> The resulting Treaty, it was hoped, would facilitate peaceful nuclear technology while simultaneously stemming the proliferation of nuclear weapons. The grand bargain – or balance – the Treaty sought to make was to codify the non-nuclear-weapon status of the vast majority of states in return for their ability to enjoy nuclear technologies. The final version of the Treaty was concluded in 1968 and came into force in 1970.

The first drafts of the Treaty (submitted by the U.S. and Soviet Union) did not reflect the eventual outcome. In fact, they did not include reference to "peaceful uses" at all. Article IV (which specifically addresses this subject) was only later added at the insistence of the non-nuclear-weapon states to safeguard their right to

enjoy nuclear technology. The final version of Article IV, number 1, codified the right as follows:

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.<sup>12</sup>

The terms *develop, research, production, and use* do not provide explicit insight into which technologies are afforded to non-nuclear-weapon states. Rather, the right remains relatively undefined, giving way to different interpretations. As early as 1977, the U.S. became concerned about such open ended language and its consequences. Its efforts to elicit similar concern, however, were resisted by several non-nuclear-weapon states at that year's Salzburg International Conference on Nuclear Power and its Fuel Cycle.<sup>13</sup> Further, enrichment was listed as among the peaceful uses of nuclear technology at the Geneva Conference of Non-Nuclear-Weapon States in 1968,<sup>14</sup> and so could have been understood as such, by all parties, at the ratification of the Treaty.

The principle that non-nuclear-weapon states may undertake enrichment processes can be found in the Treaty's preambulatory language:

[A]ll Parties to the Treaty are entitled to...contribute *alone* [emphasis added] or in co-operation with other States, to the further *development* [emphasis added] of the applications of atomic energy for peaceful purposes.<sup>15</sup>

While the Treaty does codify non-nuclear-weapon states as such, it was clearly not meant to relegate them as exclusively recipients of nuclear technology. Instead, they are entitled to develop such technology on their own and in accordance with the terms of the NPT. Given that peaceful uranium enrichment technology did exist when the Treaty was ratified, it follows that this was included in this allowance. Therefore, since General Assembly Resolution 2028 (XX) stated that the Treaty created "should be void of any loop-holes,"<sup>16</sup> it is difficult to argue, as has President George W. Bush and IAEA Director General Mohamed ElBaradei,<sup>17</sup> that the parties to the NPT have only been able to enrich uranium by taking advantage of such a "loop hole."

If enriching uranium is not prohibited under the IAEA Statute, and is even implicitly granted as an inalienable right under the text of the NPT, countries that insist they enjoy this right – such as Iran – must be correct. Although it seems like an inconceivable allowance that all members of the NPT would have been given this right at

ratification, it may have been the only way to ensure the required support for the Treaty from the beginning. The benefits derived from this one article were, for the non-nuclear-weapon states, "the most tangible counterparts to their renunciation to acquire nuclear weapons."<sup>18</sup>

The principles first set forth in President Eisenhower's "Atoms for Peace" policy make up half of the grand bargain enshrined within the NPT. The Treaty, in turn, ensures that all countries will have the opportunity to enjoy the benefits of nuclear technology, whether alone, or with the assistance of the nuclear-weapon states. Like many rights, however, these too are limited by complementary obligations. In this case, non-nuclear-weapon states give up their pursuits of nuclear weapons and use this technology solely for peaceful purposes.

### LIMITS ON THE RIGHT TO ENRICH

"Four decades ago," Graham Allison writes, "President John F. Kennedy predicted that by the end of the 1970s, 25 countries would have nuclear weapons."<sup>19</sup> Fortunately, this prediction did not materialize. The number of states with nuclear weapons has nevertheless nearly doubled since the 1970s, with well over a dozen countries now possessing uranium enrichment technology.<sup>20</sup> This places many of them only a "screwdriver's turn" from weaponizing their nuclear programs. Some, including President Bush, consider it a fatal flaw that the NPT allows all parties to acquire the technological means to be able to build a nuclear weapon on very short notice. Capability, though, is only one component of a military program; and, it is largely allowed (within the right to enrich) for all non-nuclear-weapon states under the terms of Article IV. In fact, this language is broad enough to interpret the grant of "capability" to extend to all activities short of those prohibited in Articles I and II.

Whereas the allowance for nuclear technology is made "to the fullest possible"<sup>21</sup> extent in order to allow for the "further development of the applications of nuclear energy,"<sup>22</sup> under the Treaty, explicit prohibitions fall only on nuclear weapons. While one purpose of an enrichment program might be to construct nuclear weapons, such activities are merely

**If enriching uranium is not prohibited under the IAEA Statute, and is even implicitly granted as an inalienable right under the text of the Nuclear Nonproliferation Treaty, countries that insist they enjoy this right – such as Iran – must be correct**



**By creating a system in which the right to enrich is dependent on a state's ability to prove its peaceful intentions, proliferation has been curtailed by controlling access to the nuclear fuel cycle**

circumstantial and do not, themselves, constitute a weapons program. However, because such a literal reading might lead to the conclusion that quantities of uranium enriched even to 100 percent  $U^{235}$  are permissible – a situation that would be clearly contrary to the object and purpose of the Treaty – there also must exist a defining element used in the determination of the legality of an enrichment program. Under the NPT that element is simple: *intent*.

Although determining the objectives of even the most transparent states can sometimes be difficult, that intentions are important in determining the legality of a nuclear program is alluded to under Articles II and III. Under these articles, not only is a state prohibited from manufacturing a nuclear device, its compliance will be monitored under a safeguards agreement negotiated between the state and the IAEA. Such oversight allows the international community to monitor the nuclear programs of all parties for the possible diversion of nuclear materials. Further, Article IV makes the right to enrichment (as a peaceful use of nuclear technology) dependent on compliance with Articles I and II. Even the sequence of the articles – the operative part of the Treaty begins by stating obligation – might suggest that the rights given by the Treaty are dependent on fulfillment of a party's responsibilities. Therefore, only when a state has adequately proven its peaceful intentions is it allowed to pursue enrichment activities. In other words, the burden falls on a state to prove that it has complied with its explicit obligations before it can enjoy any of the rights granted implicitly by Article IV.

Such an interpretation seems also to be in line with that which was originally held by the U.S. Senate at the time of NPT ratification:

[I]t is doubtful that any general definition or interpretation, unrelated to specific fact situations could satisfactorily deal with all such situations...facts indicating that the purpose of a particular activity was the acquisition of a nuclear explosive device would tend to show noncompliance...while the placing of a particular activity under safeguards would not, in and of itself settle the question... [Enrichment] would not be a 'per se' violation of the NPT.<sup>23</sup>

This is not substantially different than what has been established under international law. "Fact situations" have been frequently determined by the IAEA in the form of reports on the compliance of states with their safeguard agreement.

Under these premises, the IAEA and the international community have overseen an acceptable, even desired, level of proliferation in the form of enrichment technology. In fact, in spite of what President Bush has described as a willingness of cynical regimes to exploit a loophole in the Treaty, it has only been through the implicit acquiescence and sometimes overt assistance of the international community that some countries have been able to obtain sensitive nuclear technology, while others have been labeled international pariahs because of their pursuits. By creating a system in which the right to enrich is dependent on a state's ability to prove its peaceful intentions, proliferation has been curtailed by controlling access to the nuclear fuel cycle.

At various times since the inception of the NPT, several states have appeared to approach the limits of legality under this paradigm. In most cases, however, the extent of the enrichment program's legality was never addressed. Only one state, Brazil, has ever successfully defended its intentions in the face of substantial international criticism. In this instance significant parallels to the present impasse are found. By examining Brazil's case, insights into the relevant criteria used to determine Iran's right to enrich can be drawn.

#### **DIFFERENT "PEACEFUL NUCLEAR PROGRAMS": BRAZIL & IRAN**

After conducting a nuclear weapons program throughout the 1980s, the Brazilian government publicly renounced its efforts in 1990 and signed the NPT in 1997.<sup>24</sup> Nevertheless, it did not give up nuclear technology altogether. Like Iran, it later announced its intentions to enrich uranium for peaceful purposes. Additionally, it eventually barred IAEA inspectors from certain facilities, leading to an impasse over what were perceived as uncooperative measures. In both instances, Iran and Brazil insisted on the legality of their activities, including enrichment. In Brazil's case, however, its right to enrich uranium was never challenged.

Basic comparisons between the programs do not answer the question of why the international community has disputed the legality of Iran's program while Brazil's existed unfettered. It was not the size or sophistication of either program that led to this conclusion. While even recently

Iran's ability to construct a single nuclear warhead was estimated to be at least five years away,<sup>25</sup> Brazil's Resende facility could have produced dozens of weapons per year.<sup>26</sup>

In spite of its potential weapons technology, Brazil continually insisted that its program was solely for peaceful purposes. The plausibility of such statements was supported by several mitigating factors, including Brazil's active role in creating, and current membership in, the Treaty of Tlatelolco, which prohibited nuclear weapons throughout Latin America and the Caribbean. This treaty was consistent with the later creation of the Bilateral Agency for Nuclear Account and Control between Brazil and Argentina in 1991.<sup>27</sup> Further, although Brazil's military dictatorship had pursued nuclear weapons (and even provided nuclear assistance to Iraq in the 1980s), Brazil's most recent constitution stipulates: "[A]ll nuclear activity within the national territory shall only be admitted for peaceful purposes."<sup>28</sup> Finally, and perhaps most importantly, there was no evidence to suggest Brazil was seeking to enrich uranium for nuclear weapon use. Since its democratic government took power, the country had compiled a record of compliance with the nonproliferation regime that precluded doubts about its rejection of nuclear weapons.

While concern existed over the precedent that Brazil would set for future proliferators, then-U.S. Secretary of State Colin Powell stated:

We have no concerns about Brazil moving in a direction of anything but peaceful nuclear power, of course, and in creating their own fuel for their power plants. There's no proliferation concern on our part.<sup>29</sup>

Conversely, there has been substantial concern surrounding Iran's intentions. The IAEA itself adopted a resolution which noted that:

[An] absence of confidence that Iran's nuclear program is exclusively for peaceful purposes [has] given rise to questions that are within the competence of the Security Council.<sup>30</sup>

Harsher words have been delivered by representatives of both the U.S. and the negotiating European countries which cited specific discrepancies and made direct allegations regarding the existence of a military program.<sup>31</sup>

Iran has publicly insisted that its enrichment program is for peaceful purposes and

that the country stands against the creation or use of any kind of chemical, biological, or nuclear weapon.<sup>32</sup> In spite of such pronouncements, its actions have suggested otherwise. Iran remains one of the most prominent sponsors of terrorism in the world. It has funded radical Islamist groups such as Hezbollah, Islamic Jihad, and Hamas, and continues to encourage similar activity in Iraq. Last year, Prime Minister Tony Blair singled out Iran with a stern warning to cease operations in Iraq after it was suspected that Iran had been providing training for suicide bombers at bases inside Lebanon.<sup>33</sup> Also, recent statements by President Ahmadinejad that Israel must be "wiped off the map"<sup>34</sup> have made the thought of a nuclear-armed Iran unacceptable. Although senior Iranian officials later backed-off such harsh rhetoric, Ahmadinejad recently stated that Israel is "heading toward annihilation," that it amounts to a "permanent threat" to the Middle East, and that it will be "eliminated."<sup>35</sup> These are ominous words from a state that had previously pursued a covert nuclear program for 18 years in defiance of its international obligations.

As to its status as a party to the NPT, Iran acknowledges it has not fully met the requirements of its safeguard agreement in the past. It maintains, however, that since 2003 when its nuclear program was revealed, it has gone beyond the standards of necessary compliance and undertaken a series of steps to regain international confidence that have not been reciprocated. Nevertheless, the IAEA, in its report from March 8, 2007 regarding the implementation of the safeguard agreement in Iran, continued to cite at least three issues that have not been adequately resolved:

1. The inadequacy of the information available on its centrifuge enrichment program;
2. The existence of a generic document related to the fabrication of nuclear weapon components; and
3. The lack of clarification about the role of the military in Iran's nuclear program, including, as mentioned above, about recent information available to the Agency concerning alleged weapon studies that could involve nuclear material.<sup>36</sup>

**Iran has demanded that its absolute right to enrich be recognized by any proposed solution, while EU-3 negotiators are careful not to do so explicitly**

NPT Safeguards Agreement would clearly constitute grounds for the Security Council to pursue corrective action against the Islamic Republic.<sup>37</sup> The three points contained in the March 8 report, however, may also be used to establish forfeiture of enrichment rights and may prove more crucial for the EU-3 and the U.S. in resolving the current crisis. Although Iran normally would enjoy the right to enrich uranium as a party to the NPT, it may not currently exercise that right until it has fully satisfied the IAEA Board of Governors' inquiries on these outstanding matters. In sum, Iran has lost the right to enrich.

### THE PRESENT CRISIS: ANOTHER WAY FORWARD

Many of the legal questions at issue have been lost amidst the virulent political rhetoric surrounding the current crisis. Iran has demanded that its absolute right to enrich be recognized by any proposed solution, while EU-3 negotiators are careful not to do so explicitly.<sup>38</sup> Moreover, in the U.S., rumors persist that the administration has stepped up covert operations within the Islamic Republic and may be preparing for military strikes.<sup>39</sup> Such circumstances make it is easy to understand why diplomacy has so far been unsuccessful. Now that the dossier of Iran's nuclear activities has been sent to the Security Council, a diplomatic solution seems even less likely. It is nevertheless premature to assume that all measures short of coercion have been exhausted.

As Iran remains defiant in the face of a second round of Security Council sanctions, negotiators will have to be creative in order to avoid further escalation of the security situation in the region. Substantial hurdles to a resolution remain, such as the fractured nature of the Council on this issue and the fact that the EU-3 has implicitly recognized Iran's right to pursue an enrichment program when it accepted its promise not to do so as voluntary. However, the Security Council does, for example, have the ability – even responsibility – under Article 36(3) of the UN

Certainly, Iran's actions and statements cast doubts on its intentions for an enrichment program. Further, the IAEA Board of Governors' finding in September 2005 that Iran is in breach of its obligations under its

Charter, to refer legal matters to the International Court of Justice (ICJ).<sup>40</sup> While Iran is not among the countries that submit to the compulsory jurisdiction of the ICJ, the Security Council may request an advisory opinion crafted to provide insight into the legality of Iran's current enrichment program. The argument of those opposed to Iran's enrichment activities would be based on the limited right to enrich.

A state has enrichment rights as a party to the NPT, but these rights are predicated on maintaining good standing before the IAEA. A formal indication by the IAEA that there are outstanding issues or questions regarding the peaceful nature of a country's intentions means that it forfeits those rights – even if those issues do not constitute a material breach. In this case, the report of March 8 could easily be used to demonstrate that such issues exist. With an ICJ opinion in hand, the Security Council, under the authority of Article 39 to maintain international peace and security, could instruct Iran to cease enrichment activities. Such instructions would be given with the understanding that, although Iran did at one point have the right to enrich, it lost that right because of its failure to satisfy fully all questions regarding the peaceful nature of its nuclear program. By determining that Iran has a right – even though temporarily lost – to develop nuclear technology, there may open a small window of opportunity for both sides to return to negotiations. Indeed, the move represents a gamble. Given the circumstances at this juncture, though, it may be this option that yields the most benefits.

### WHAT IRAN GAINS

Iran has deprived the ICJ of jurisdiction over its actions both by virtue of its non-consent to compulsory jurisdiction under Article 36 of the ICJ Statute and by stipulating an alternative dispute settlement mechanism under Article 22 of its Safeguards Agreement with the IAEA. By attempting to obtain an advisory opinion that outlined a right to enrich that is contingent on a state's benevolent intentions, however, such action need not be either explicitly directed against Iran or adversarial in nature. This is also important since a major goal must be to keep Iran party to the Treaty – especially since, in recent

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months, Iran has stated that if it is the target of collective action by the Security Council, it would withdraw from the NPT.<sup>41</sup>

Under the ICJ Statute, the Security Council would be able to formulate a question for the court specifically tailored to the present crisis. Article 36(2) states:

Questions shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.<sup>42</sup>

Specifically, the Court might be asked to address whether a right to enrichment exists under the NPT and, if it does, what the limitations to that right are. Given the above analysis, it seems highly possible that a response might be partially favorable to all parties to the present dispute.

It is likely an opinion would be delivered reading at least some right to enrich into the NPT and that prior IAEA findings of noncompliance would be sufficient to suspend Iran's enrichment rights. Iran would have no direct recourse against the decision to seek an opinion of the ICJ. Such an opinion would also deprive Iran of its claim that the West is seeking to stymie the development of non-nuclear states.

Ironically, if this argument was successful, Iran would achieve what it has sought all along: official recognition of its legal right to pursue uranium enrichment. It would also follow, however, that it has lost this right temporarily. The incentive to regain its enrichment rights would provide a new carrot, in addition to the already-looming sticks, that might lure Iran back to the negotiating table in hopes of regaining what it had at least

temporarily lost. Rather than risk Security Council paralysis, this option would send the parties back to negotiations under new circumstances. Iran had recently hinted that it might be willing to return to talks with the EU-3<sup>43</sup> and such a change might be just the instigation it needs. In the past, however, negotiations have been hampered by the unwillingness of either side to offer

concessions if they enjoy a position of strength. While Iran would be negotiating from a position of less power, so too would the EU-3. Iran would also have more to gain from the potential outcome of the talks than is presently offered.

The larger question is whether Iran would comply with the ICJ's interpretation of the limits on its enrichment rights or directions of the Security Council. Given the benefits involved with cooperation in such an interpretation, it might take the opportunity to step down from its bellicose rhetoric to pursue a legitimate nuclear program and improved relations with the international community. This may be the last face-saving option available for Iran to avoid what might otherwise be a path toward inevitable conflict.

### WHAT THE INTERNATIONAL COMMUNITY GAINS

Since it currently seems the U.S. will not tolerate inaction indefinitely, and Iran is similarly unwilling to give up its nuclear program, military strikes against the Islamic regime loom over all attempts to resolve the present situation diplomatically. Since strikes are not guaranteed to be successful and sure to be met with widespread international criticism – even resistance

– it could do more harm than good in the long-term. Iran has recently said it would respond to any such provocation “with double the intensity,” having the ability to strike the U.S. anywhere in the world.<sup>44</sup> Unless military strikes achieved regime change, strikes might only set back Iran's program by a few years while at the same time solidifying public opinion around its nuclear program.<sup>45</sup> More emphasis should be given to diplomatic means than has so far been allowed. This is especially true if, as this solution would potentially provide, an opportunity remains to negotiate. If President Bush is sincere in his claim that all options are on the table, he would do well to consider this among them.

For the West, this may mean the paradox of nonproliferation is that they must recognize the right of all parties to the NPT to enrich uranium if it is to be controlled. Uncontrolled, ElBaradei predicts, “We will see the addition of 30 or 40

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countries... who are virtual nuclear weapon states in the next 10 to 20 years."<sup>46</sup> With nuclear enrichment technology already widespread, it will be impossible to stop it from spreading further. Therefore, it will be imperative that this process be tightly managed as it occurs. To this end, enrichment must be addressed explicitly by the international community; and an advisory opinion from the ICJ is perhaps the least controversial way to begin. Assuming that the arguments in favor of a limited right to enrichment have merit, and that Iran would be willing to comply with the advisory opinion, it would hold significant benefit for those on the other side of the negotiations.

EU-3 negotiators would not be in a worse situation if a limited right to enrich were found by the ICJ. Since the burden of proof would fall on Iran, and since it has failed to meet the threshold set by the IAEA, it has not proven its prima facie case. This is enough to disallow the continuation of enrichment activities. Iran would therefore have to approach the negotiations under the premise that it is under a legal obligation not to conduct enrichment activities.

This would also, at least temporarily, keep Iran as an NPT member and provide negotiators with the opportunity to work indefinitely without the threat, or even the legal possibility, that Iran walk away and restart its enrichment program. Worse, in recent months, President Ahmadinejad has threatened to withdraw from the NPT.<sup>47</sup> The recognition of tangible benefits would demonstrate that this is not in Iran's best interests. If the U.S. and Europe push too hard on Iran, the alternative could end up being that the Islamic Republic moves forward enriching uranium outside of the NPT or any IAEA safeguards oversight.

While Iran enriching uranium under any circumstances might seem like an intolerable situation, a limited right to enrich may be the best option in the short to medium term. The U.S. has stated that safeguards against nuclear proliferation currently embodied within the NPT are insufficient and unsustainable.<sup>48</sup> Even if it were successful at negotiating a new agreement on nonproliferation, however, Iran would most likely not join – or the U.S. would not allow it to under the current circumstances. It must be ensured that Iran's entire program be indefinitely conditioned on the legal obligation that it maintain good standing before the IAEA and under a sufficient system of inspections to be negotiated over the next several months. In the meantime, the international community would be able to devise a strengthened nonproliferation regime to which it might be made compulsory that Iran accede.

Mounting a legal case against Iran also postpones the decision on coercive actions (either sanctions or military strikes) until a greater degree of cohesion can be formulated around the appropriate steps forward. There is certainly no consensus among Security Council members to authorize military action at this time. Russia and China have even expressed their aversion to sanctions.<sup>49</sup> If such opposition continues within the Council, the only option available to the U.S. would be unilateral action. Recognizing this, President Bush recently stated: "Diplomacy is my first choice and [it's] just beginning."<sup>50</sup> While this proposal does not solve the Iranian nuclear crisis, it does halt Iran's march toward nuclear weapons capability while negotiations continue. Creating a limited right to enrich could begin this process anew by luring all parties back to the table. If these negotiations were unsuccessful, they would also begin to provide the legal grounds on which the U.S. could base future actions.

President Bush has publicly conceded the right of Iran to have a peaceful program, saying:

Some of us are wondering why they need civilian nuclear power anyway. They're awash with hydrocarbons. Nevertheless, it's a right of a government to want to have a civilian nuclear program.<sup>51</sup>

A legal solution could recognize and encompass the right to enrich under the NPT. The question then becomes, as Robert Cooper has put it: "Is Iran's program peaceful?"<sup>52</sup> Iran's cooperation is crucial in answering this question. If it is offered, the West may have the opportunity to satisfy itself of its security concerns, while at the same time, create safeguards that will ensure no diversion of enriched material occurs to Iran's military program or terrorist operations. The program would not only have to be proven peaceful now, but presumably, maintain that designation or risk future revocation of its legitimacy.

Finally, the possibility remains that Iran continues to be recalcitrant and fails to comply with the directions of the Security Council. In this case, the gambit will not have affected the ability of the Council to make a determination on Iran's previous breach of its safeguard agreement. In fact, the case for a harsher posture against Iran will be strengthened if the determination is made that Iran's enrichment program is illegitimate due to its conception under deceptive circumstances. Iran's disregard for international law would be

**EU-3 negotiators would not be in a worse situation if a limited right to enrich were found by the ICJ**

highlighted and the futility of attempting to cajole it into agreement would be exposed.

## CONCLUSION

The NPT has been criticized for its creation of two classes of states: those trusted with nuclear weapons and those that may never pursue them. The U.S. has not conceded anything, however, in the present crisis, demanding that Iran never be allowed to have nuclear technology. IAEA Director General ElBaradei rejects such a subjective claim:

We must abandon the unworkable notion that it is morally reprehensible for some countries to pursue weapons of mass destruction yet morally acceptable for others to rely on them for security - and indeed to continue to refine their capacities and postulate plans for their use.<sup>53</sup>

By establishing the limited right to enrich, the negotiators may get as close as is possible under the current nonproliferation regime to allowing for such moral judgments. Under such a doctrine, those who did not satisfy the IAEA, and in turn the P-5-controlled Security Council, would not enjoy full rights under the NPT. In other words, Iran would have to placate the IAEA or face the loss of its enrichment rights.

This solution, of course, does not change the fact that Iran has proven itself to be a belligerent and disruptive force throughout the Middle East. This will probably be the case the into foreseeable future. Secretary of State Condoleezza Rice has even gone so far as to say that the U.S. faces “no greater challenge from a single country” than the one posed by Iran.<sup>54</sup> The thought that the world’s “most active state sponsor of terrorism”<sup>55</sup> and member of President Bush’s Axis of Evil might attain near nuclear-weapons status seems intolerable to many in the U.S. Short of regime change, however, the possibilities for discontinuing Iran’s enrichment technology are limited. After 18 years of concealment and covert assistance the program is well underway. However, the Security Council now might have the opportunity to change Iran’s behavior, if not its nuclear course. How this is done, and how the beginnings of a new nonproliferation regime will move forward, are in the balance.

*The views and opinions expressed in articles are strictly the author’s own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.*

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## Hamas: Pragmatic Ideology

Shai Gruber

Since Hamas won control of the Palestinian Authority (PA) in January of 2006, it became imperative that its Islamic ideology be better understood. Hamas' Charter "is anchored in religious principles of holiness, divinity, and eternity, with no option for amendment."<sup>1</sup> At first glance, this assessment is not very promising, especially considering that the Charter outlines Hamas' long-term goal as the establishment of an Islamic state in all of historic Palestine, from the Jordan River to the Mediterranean Sea. Although it appears that this ideology is not followed strictly in practice, it remains uncertain what combination of ideology and realpolitik drives Hamas' decision-making. In seeking to uncover this balance, this paper focuses on the two major elements fortifying Hamas' long-term goal: the holiness of Palestine and the exhortation to *jihad*. First, Hamas' long-term goal, approach, and interpretation of Palestine and *jihad* are explained, and then compared to more traditional Islamic interpretations. Second, Hamas' positions and actions during the three main phases of its existence are explained to demonstrate that, to a degree, Hamas is pragmatic and flexible in the implementation of its ideology, if for nothing else, than to retain its base of public support.

### ULTIMATE GOAL

In August 1988 "Hamas presented an Islamic platform that blatantly appropriated the PLO's [Palestinian Liberation Organization] national values. . .[and cast them] in Islamic terminology

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and the Islamic belief system."<sup>2</sup> This Charter haphazardly proclaimed Hamas' views on a number of topics in order to provide an ideological explanation of its long-term goal of an Islamic state in all of Palestine. Three quotes from the Charter introduce the basic elements of Hamas' ideology. First, the Charter quotes from the Qur'an (Q 3:110-2), calling for Muslims to return to the faith. The return to Islam and the religious and military superiority of Muslims over "People of the Book"<sup>3</sup> are central pillars of Hamas' ideology.

Second, the Charter quotes from Hassan al-Banna, the founder of the Muslim Brotherhood in Egypt: "Israel will be established and will stay established until Islam nullifies it as it nullified what was before it."<sup>4</sup> This is important for several reasons. First, it locates Hamas ideologically within the scope of the Muslim Brotherhood. Similar to other Islamic movements, a core component of Hamas' diagnostic frame is the conception that "the true path to development and success is outlined in the sources of Islam."<sup>5</sup> Second, Al-Banna's quote emphasizes the destruction of Israel as a precondition for achieving Hamas' long-term goal of an Islamic state in all of Palestine, and emphasizes violence as the primary tool for reaching this goal. It also vaguely underlines the significance of the land of Palestine.

Third, Hamas quotes Amjad al-Zahawee, a Muslim Brotherhood leader in Iraq, to emphasize that "it is obligatory on every [Muslim within the Islamic world]"<sup>6</sup> to participate in the struggle to achieve an Islamic state in all of Palestine." This transforms the Israeli-Palestinian conflict from a political conflict in which all members are responsible for the outcome. In so doing,

**Hamas' long-term goal remains to create a Palestinian Islamic state on the territory of Palestine that would replace Israel**

Hamas manipulates an unorthodox interpretation of *jihad* for the purpose of mass mobilization, even appealing to Muslims outside Palestine.

Hamas' long-term goal remains to create "a Palestinian Islamic state on the territory of Palestine that would replace Israel."<sup>7</sup> Its short-term goals are more pragmatic, including ensuring its political and military position in Gaza and the West Bank, maintaining its strong domestic support by ameliorating daily living conditions through improvements in the economy, infrastructure, and governance, as well as strengthening its international position. Recognizing the overriding importance of Hamas' long-term goal helps place much of its contemporary policy and strategy in context. Despite its active struggle to achieve its immediate objectives, the long-term aim of establishing an Islamic state in Palestine "remained central to Hamas even as its political position evolved."<sup>8</sup> From the foundation of the movement in 1987 to the present day, the vision of an Islamic Palestinian state remains the definitive characteristic of Hamas' ideology.

## PALESTINE

Hamas justifies the struggle for an Islamic state in Palestine by characterizing Palestine as a *waqf*, or an Islamic trust. Article 11 of the Charter claims that the *Shari'a* forbids anyone from relinquishing any part of Palestine "because the land of Palestine is an Islamic Trust upon all generations until the day of Resurrection."<sup>9</sup> This means that Palestine is a part of God's sovereign territory and is, therefore, sacrosanct. Hamas claims, in Article 13, that to give up any part of Palestine is to give up part of Islam. Traditionally, a *waqf* is "an unincorporated trust established under Islamic law by a living man or woman for the provision of a designated social service in perpetuity."<sup>10</sup> Once a property is transferred into a *waqf*, that property no longer belongs to any person, party or state; the principal becomes inviolable. Under numerous Muslim empires, the "sacredness of the *waqf* gave it considerable protection against confiscation,"<sup>11</sup> because such an act was seen as extremely impious. It is this impiety that Hamas emphasizes in relation to Palestine.

That all of Palestine is sacred territory is a controversial assertion. While Mecca and Medina are considered sacred within Islam and Jerusalem contains many holy sites, the idea that the entirety of Palestine is sacred may come from the slightly ambiguous Qur'anic "citations referring to *Bilad al-Sham* of which Jerusalem was a part, as 'The Holy Land.'"<sup>12</sup> The exact boundaries of the Holy Land are not agreed upon by Muslim scholars, but

estimates range from including everything between the Euphrates and Egypt to including only select holy sites somewhere in between. At least, it seems clear that part of the territory of Palestine, in addition to Jerusalem and its environs, is included in this designation and, therefore, can be considered holy.

Jerusalem's religious stature is enhanced by its long and distinguished place in Islamic history, both as territory under Muslim rule and as an important religious location threatened by external, non-Muslim enemies. Jerusalem was first under Muslim rule following the initial expansion from the Arabian Peninsula in the seventh century. However, beginning with the Crusades, Jerusalem became a focal point for religious struggle. Throughout this period Jerusalem was seen as the jewel of Palestine by the Christian crusaders, and they eventually captured it with great bloodshed and suffering on the part of its resident Muslims and Jews. Salah Ad-din recaptured the city almost 100 years later, and Hamas memorializes him in the Charter for returning the Holy City to Muslim control.<sup>13</sup> In 1917 General Allenby conquered the city for Christian Britain; and British rule lasted into the late 1940's, when plans for Muslim rule were again disrupted. In 1948, Jerusalem was divided between Jewish Israeli and Muslim Jordanian rule. The city was reunified by Israel in 1967. This long history of bloody struggle centering on the Holy City served to enhance the status and intangible aura of Jerusalem, both religiously and popularly. Combining this history with the more recent Palestinian frustration in the twentieth century helped elevate Jerusalem from city to symbol.

This history is significant beyond its mobilizing role in war. As a prized and contested territory with substantial religious, emotional, and historical connotations, the religious significance of Palestine transformed into a nationalistic sentiment for Palestinians. The Charter states that "[n]ationalism from the point of view of the Islamic Resistance Movement [Hamas], is a part and parcel of religious ideology."<sup>14</sup> Hamas deviated from its Islamist background in this regard. It shifted from stern opposition to the Western notion of a territorially-based nation-state, to accepting Palestine as the only rightful home for Palestinians. Armed conflict over Palestine directly shaped Hamas' religious ideology. The modern "confrontation with the Jewish doctrine embodied in the state of Israel seems to have made necessary this innovation in traditional Islamic thought."<sup>15</sup> The sacralization of Palestine is an innovation from Hamas' Islamist roots that produces an unusual blend of nationalism and Islam. Hamas rejects the incompatibility of Islam and a territorial nation-

state by adopting Palestinian nationalism as “part of the Islamic creed, [meaning that] to give up any inch of Palestine would mean abandoning part of the creed.”<sup>16</sup> This mix of nationalism and religion is one way that Hamas justifies pragmatic action in spite of an otherwise rigid ideology.

## JIHAD

After establishing Palestine as a holy territory, Hamas needed to demonstrate the legitimacy of waging a mandatory, individual, and violent religious struggle against Israel. It does so using a sophisticated interpretation of the concept of the lesser *jihad*, often associated with asserting justice in the outer world (as opposed to within oneself). In Article Seven of the Charter, Hamas describes its *jihad* as a historical continuation of the *jihad* in Palestine begun by Izz al-Din al-Qassam in the Arab Revolt in 1936, and continued by the Muslim Brotherhood during the 1948 War and after 1968. Drawing on these historical connections provides a historical legitimacy to the organization.

The Charter even eschews peace conferences as useless: there is “no solution to the Palestinian Problem except by *jihad*. The initiative, options, and international conferences are a waste of time and a kind of child’s play.”<sup>17</sup> Instead, Hamas

emphasizes violence as the primary tool to achieve its aims. It allies itself with “all the *mujahedeen* who strive to free Palestine.”<sup>18</sup> Promotion of violence and physical resistance permeates the Charter. Article 15 reinforces this by pronouncing *jihad* as mandatory and requires the adoption of Islamic

education by Palestinians in Palestine. Hamas views the struggle with Israel from an integrated, long-term perspective that considers the preconditions for victory to be both military success and the supremacy of Islam in government and society. *Jihad* and the Islamization of Palestinian society share a common starting point: “the spread of the Islamic consciousness”<sup>19</sup> through society via lesser *jihad*. Therefore, Hamas’ goal is to “use all available means [not just violence] to keep *jihad* and the issue [the liberation of Palestine] alive until such time as the requirements for victory materialize”<sup>20</sup> and are achieved.

Hamas’ interpretation and exhortation of *jihad* to its followers relies on the unique circumstances of the Palestinian struggle for statehood, and the clear applicability of the modernist concept of defensive *jihad*. This non-traditional school of

thought limits the declaration of a legitimate *jihad* to a range of circumstances such as “positive oppression or obstruction in the exercise of their faith. . . [or] an attack on the territory of Islam.”<sup>21</sup> An attack on the territory of Palestine is the most prominent element in the *jihad* espoused by Hamas. As Andrea Nüsse argues, the “right to *Jihad* in the Palestinian case is even admitted by the most defensive, apologetic trends in modern Islamic thought.”<sup>22</sup> Therefore, it is sensible for Hamas to emphasize the defensive aspects of *jihad* and to utilize the legitimacy these bring, for broad political mobilization.

Hamas often justifies specific acts of violence that violate the traditional tenets of *jihad* protecting civilians as responses “to the various massacres committed by the Zionists against the Palestinian people.”<sup>23</sup> Its preferred and most common tactics against Israel explicitly target civilians and contradict the limitations on violence during a *jihad*. Traditional interpretations of *jihad* delineate which wars are legitimate, and, even within a legitimate war, limit the use of force against an adversary. These interpretations forbid “warriors to kill non-combatants like children, women and old people.”<sup>24</sup> Hamas also deviates from a modernist interpretation limiting the need to wage *jihad* if the odds of victory are slim. This view originates in the Qur’anic statement (Q 2:195) saying: “cast not yourselves by your own hands into destruction.”<sup>25</sup> Generally speaking, Hamas’ use of violence seems to fit with modernist interpretations of defensive *jihad*, however, the permission of self-defense is not focused solely on military force. On the contrary, the “use of force should be avoided unless it is, in just war parlance, a ‘last resort.’”<sup>26</sup> That Hamas does not share this perspective is evident in both its promotion of violent struggle as the primary means of resisting the Israeli occupation and the almost categorical rejection of peace conferences.

Hamas innovates when combining the view of *jihad* as an individual duty with the nonviolent element of the lesser *jihad*. In the case of a defensive *jihad*, “*jihad* becomes obligatory for all people capable in a certain region if this region is attacked by the enemy.”<sup>27</sup> The connection to Palestine is obvious. Hamas innovates from this classical interpretation by including in its call to *jihad* those not usually considered capable of fighting, such as the elderly, women, and children. Generally, their inclusion is limited to a nonviolent element of *jihad* known as *dawa*. *Dawa* is traditionally interpreted as an “obligation to spread true Islam [that] covers a

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**The sacralization of Palestine is an innovation from Hamas’ Islamist roots that produces an unusual blend of nationalism and Islam**

wide spectrum of outreach activity,<sup>28</sup> mainly social welfare that is not directly connected to violence. Hamas' violent rhetoric often overshadows its strong emphasis on this element of *jihad*. Providing social services and seeking social justice falls under the concept of the "lesser *jihad*" of which war is only one part.<sup>29</sup> Concrete figures are difficult to obtain, but one estimate states that Hamas "allocates almost all its revenues (95 percent) to its social services."<sup>30</sup> Yet, this spending demonstrates a disparity between ideology and practice. Despite the emphasis on social services in practice, ideologically, Hamas' Charter focuses heavily on the violent nature of *jihad*. Further, Hamas' leadership dedicates its time, political capital, and often lives to pursuing the violent struggle, not the mission of *dawa*. Social services ensure popularity, but violence provides a means to winning the struggle.

### IDEOLOGY IN APPLICATION

Hamas' ideology is not simply an abstract mantra. On the contrary, Hamas has rigorous internal debates over collisions of ideology and policy. Hamas has been very innovative in applying its ideology while addressing practical concerns on the ground. The three periods of Hamas' organizational life, its founding during the first *intifada*, the Oslo Process, and the post-Oslo period, offer salient examples where Hamas altered its ideology to permit pragmatic action.

#### First Intifada

Prior to the outbreak of the first *intifada*, the Muslim Brotherhood did not reject the doctrine of armed struggle to liberate Palestine, but it refrained from actively participating in violence. The *intifada* was "a catalyst for a process of differentiation and debate"<sup>31</sup> within the Brotherhood between the cautious older leadership, and the younger leaders who were involved in active resistance and demanded a role for nationalism. Hamas traces its lineage to the Palestinian branch of the Muslim Brotherhood, whose leadership created Hamas as a separate, affiliated wing in 1987. Notably, ideological conviction was not the primary impetus for establishing the new wing. Instead, popular pressure on the Brotherhood from competing groups exacerbated pre-existing differences within its leadership cadre over the role of violent *jihad*.

Even before the outbreak of the *intifada*, pressure rose on the Brotherhood to adopt a more active policy. Well-publicized and widely-supported violence carried out by the Palestinian Islamic *Jihad* and, to a lesser extent, Fatah "spurred the Muslim Brothers to follow suit."<sup>32</sup> The *intifada*

increased the prominence of active resistance and the internal split deepened until it "eventually resulted in a compromise between the communal-educational reformist approach [of the older leadership] and the combatant activist approach of defensive *jihad*"<sup>33</sup> advocated by the younger leadership. The result formed the Islamic Resistance Movement, Hamas, as an independent wing of the Brotherhood. As the *intifada* escalated, nationalism and religion intertwined even more closely, and "it became clear that for Hamas the concept of *jihad* was strongly related to the objectives of the Palestinian national movement."<sup>34</sup> This dual explanation of popular pressure and divided leadership places immediate doubt on the rigid centrality of ideology as the determining factor underlying Hamas' strategic decision making.

In founding Hamas, the leadership demonstrated that their concerns for political power, not solely their ideology, influenced policy-making. Initially, the leadership was driven by fear of an Israeli response that would threaten both its own physical well-being, and the well-being of the Brotherhood's institutions. These fears were not unfounded: Hamas' spiritual leader, Sheikh Ahmed Yassin, was imprisoned in 1989, shortly after the start of the *intifada*. The political and religious compromise was a means for reducing the risk to the Brotherhood. Creating Hamas as a new organization was a way of joining the *intifada* "without putting their future and the future of the movement [The Muslim Brotherhood] in jeopardy."<sup>35</sup> The Brotherhood enjoyed a level of popularity and had an established position in society to protect. This offered benefits to Hamas. It ensured an immediate and substantial following. The leadership invested heavily to earn such respect through its network of social service institutions, so it was reluctant to risk its investment solely to participate in the resistance. A separate organization also provided the benefit of plausible deniability. Ultimately, Hamas overshadowed and absorbed the Palestinian branch of the Brotherhood, but the leadership's initial concern for the survival of the Brotherhood's institutions demonstrates limitations in its adherence to the ideology.

#### The Oslo Process

When Hamas' ideology presents a threat to the organization, it is willing to deviate from that ideology, though not necessarily contradict it. The signing of the Declaration of Principles (DOP) on September 13, 1993 between Israel and the PLO represents "the great challenge faced by Hamas"<sup>36</sup> since its inception, both ideologically and pragmatically. Ideologically, the DOP inherently

challenged Hamas' long-term goal of establishing an Islamic state in all of Palestine to be achieved via *jihad*. The DOP renounced violence and effectively relinquished the Palestinian claim to 78 percent of British Mandated Palestine, thereby violating Hamas' ideology on Palestine and *jihad*. On the pragmatic level, devolving Israeli power to the PA implicitly threatened Hamas' legitimacy, military capabilities, and provision of social services by legitimizing the PA and its infrastructure. The PA's overwhelming popularity prevented Hamas from mounting a direct challenge; instead, it was forced to moderate. This pressure to moderate provided Hamas with cover for adopting policies driven by self-interest and self-preservation, rather than ideological conviction.

Hamas realized that events were overtaking its ideology. As a popular political movement, Hamas "was bound to respond to, and interact with, changing political realities."<sup>37</sup> In response to the PA's and its majority party Fatah's popularity, Hamas was obliged to subdue its criticism of Oslo. It refrained from directly denouncing the individuals affiliated with Oslo, and from using overly inflammatory language. Yassin wrote from prison that Oslo was "ignominy, capitulation, and abasement of the Palestinian cause," and that the security arrangements were "treasonous."<sup>38</sup> Not once did Hamas call to overthrow Arafat.

Cognizant of the lack of public support for its position, Hamas used its welfare services to increase its influence and popularity at the expense of the PLO.<sup>39</sup> Addressing the daily needs of Palestinians fostered loyalty among the Palestinian population and provided a clear sense of its political as well as practical limitations. At this time of great optimism and hope for major change in Palestinians' way of life, blind adherence to ideology would have cost Hamas dearly. During the height of Oslo in 1996, Fatah could claim the support of 55 percent of the Palestinian people compared to only 13 percent for all Islamist groups combined.<sup>40</sup> Yet straying too far from Hamas' ideological roots threatened to alienate its more radical adherents. Therefore, to maintain its following across the political spectrum, Hamas steered a middle course.

When Arafat signed the DOP he took two major steps that brought the PLO into direct ideological conflict with Hamas. He effectively relinquished the majority of Palestine to Israel, and repudiated the doctrine of *jihad*. This led Hamas to employ two lines of criticism for these concessions:

**Cognizant of the lack of public support for its position, Hamas used its welfare services to increase its influence and popularity at the expense of the PLO**

religious and practical. It differentiated itself from the secular arguments used by the PLO and insisted on the "religious illegality of the agreement with Israel."<sup>41</sup> Hamas emphasized that any recognition of Israel violated Palestine's *waqf* status. By renouncing the Palestinian claim to 78 percent of Palestine, the PLO explicitly agreed that the eventual state of Palestine would comprise only the limited territory of Gaza and the West Bank. This contravenes the Charter, which clearly states that no one has the right to relinquish any piece of Palestine: "[i]t is not right to give it up nor any part of it."<sup>42</sup> On a practical level, Hamas criticized the PLO for gaining meager territory, and abandoning Jerusalem and the settlements to Israeli control. Further, Hamas publicly registered its expectation of the eventual failure of Oslo, characterizing Israeli ideology on Jerusalem as uncompromising. This practical criticism led Hamas to the conclusion that the DOP will only "delay the liberation"<sup>43</sup> of Palestine to an unknown future date.

Oslo established negotiations as the primary means for achieving a Palestinian state. In the exchange of letters accompanying the DOP, the PLO renounced violence as a tool for resolution of the conflict. This change brought Hamas and the PLO into direct conflict over ending violent operations against Israel. As explained above, *jihad* comprises a central element of Hamas' ideology, and this renunciation of violence entailed a direct attack on Hamas' fundamental values. With high public support for negotiations and a two-state solution, Hamas was forced to modify its ideology. "Hamas' deepest concern was for the future of *jihad* against Israel,"<sup>44</sup> but Fatah's political and military dominance forced Hamas to reduce its violence.

By challenging Hamas' emphasis on *jihad* as the primary tool for regaining Palestine, the PLO forced Hamas to reconsider its ideology. Using the premise that Oslo would eventually fail, Hamas proclaimed that *jihad* would continue permanently, "not [as] a political choice, but a religious duty and therefore cannot be negotiated."<sup>45</sup> This simplistic religious explanation was insufficient in the face of Oslo's broad popularity. Therefore, Hamas also justified the need for continued *jihad* on practical grounds: that the Israeli withdrawal was incomplete according to UN Resolution 242. The inherent contradiction, that 242 contravened Hamas' ideology because it recognized the State of Israel, did not present Hamas with an impediment to using it as a basis for criticizing Oslo.

The primary way in which Hamas modified its ideological and policy positions was through dual strategies of short and long-term goals. To retain mainstream support, Hamas developed a concept of the near-term in which the PLO was criticized, but not treated as an enemy for signing an agreement with Israel. Hamas accepted a temporary delay in *jihād* and made establishing a Palestinian state in the West Bank and Gaza the short-term goal. The long-term goal remained the same: establishing an Islamic state in all of Palestine, thereby ensuring that Hamas would retain its more ardent supporters. However, this was subordinate to the long-term goal “by emphasizing the transitional nature and temporary status of any political settlement with Israel.”<sup>46</sup> Developing a short-term goal provided Hamas flexibility, so its criticism could expand beyond the religious elements and demonstrate concern with concrete practical matters to “play the role of a “positive” opposition to the ruling power.”<sup>47</sup> In the aftermath of Oslo, Hamas “appeared as a pragmatic political force despite a sometimes flamboyant rhetoric”<sup>48</sup> by criticizing Oslo and the subsequent agreements for their failings in the political, economic, and governance spheres. Musa Abu Marzuq, the head of Hamas’ Political Bureau at this time, expressed flexibility by saying that tactics and policies could change, depending on the advantage to be gained while Yassin offered a long-term truce. Modifying its ideology of *jihād* was the only way for Hamas to avoid being perceived as an obstructionist force harming Palestinian society. During this period, Hamas demonstrates that the Charter was “written cleverly and can be interpreted in different ways.”<sup>49</sup> This pragmatism was also extended to relations with the PLO.

Following the DOP, Hamas and the PLO diverged even more in their strategic preferences. Cognizant of the mutual dangers of confrontation, they “adopted a strategy of cooperation.”<sup>50</sup> This became particularly important during the latter period of Oslo, as the PA accepted increasing responsibility for security in parts of the West Bank and Gaza. Such a responsibility made the threat of intra-Palestinian violence acute. Following the signing of the Oslo II Agreement on September 28, 1995, the PA came under great international pressure to crack down on Hamas in accordance with Article 14.3 of that agreement.<sup>51</sup> Hamas was torn between abandoning its dedication to *jihād* to liberate Palestine and coming into armed conflict with the PA. In response, Hamas developed a policy of controlled, calibrated violence that was formalized in a 1995 agreement with the PLO. The agreement stipulated that Hamas would refrain from attacks against Israel from PA-controlled

areas but left open the possibility of attacks from areas remaining under Israeli control. This allowed Hamas to continue using violence as an outlet for popular discontent. It claimed violent acts as retaliation for official or unofficial Israeli actions and thereby continued to demonstrate its strength internally and externally. Such agreements were “a function of internal Palestinian politics”<sup>52</sup> demonstrating Hamas’ pragmatism and sensitivity to political factors.

### Post-Oslo and Hamas Ascendance to Power

The period from the outbreak of the second *intifada* in September 2000 until the 2006 PA parliamentary elections can be characterized by Hamas’ short-lived retrenchment into ideology, and then a return to pragmatism. The Al Aqsa *intifada* helped create parity of popular support between Fatah and Hamas and resulted in Hamas’ victory in the parliamentary elections of January 2006. From 2000-2004 there was a “pattern of rising Hamas support paired with falling support for Fatah” that concluded with Hamas receiving 44.45 percent of the popular votes in 2006 compared to Fatah’s 41.43 percent.<sup>53</sup> With that, Hamas gained an overwhelming parliamentary majority: 74 seats compared to Fatah’s 45. With positive future prospects, Hamas reverted to the maximalist, long-term goal. A number of factors encouraged this retrenchment, including the Israeli withdrawal from Gaza and the assassination of Yassin, one of its most prominent and flexible leaders. Despite the powerful factors supporting retrenchment, the exigencies of political government once again demanded ideological and policy flexibility incompatible with the long-term goal. Ultimately, due to its need for popular support, Hamas showed remarkable flexibility by shifting back to the short-term objective with regard to *jihād* and Palestine.

During the Oslo process, the prominence of *jihād* in Hamas’ ideology and practice was diminished. As soon as Oslo failed and Hamas could defy Fatah outright, it returned to its long-term goal of an Islamic state in all of Palestine via *jihād*. However, as it became increasingly clear that it could not achieve its long-term goal via violence, Hamas’ concern for political power forced it to return to the short-term goal of a state in Gaza and the West Bank. Almost from the outset, violence during the second *intifada* reached unanticipated heights. In particular, Hamas demonstrated incomparable lethality. No other Palestinian

**The Al Aqsa *intifada* helped create parity of popular support between Fatah and Hamas and resulted in Hamas’ victory in the parliamentary elections of January 2006**

faction “executed as many suicide attacks, or generated as many casualties among Israelis”<sup>54</sup> as Hamas during the *intifada*’s first year. Violence during the *intifada* was characterized by increased religiosity and widespread support for attacks, in particular suicide operations. Hamas ensured a steady stream of volunteers for suicide attacks by giving martyrdom operations a more prominent role, and appealing to potential operatives with religious and economic incentives. Hamas provided financial support for the families of successful suicide operatives and helped funnel the funds of external actors willing to provide similar support.

By 2003 several factors produced the first major sign of flexibility from Hamas: the 45 day, unilaterally declared *hudna*, or truce, starting in late June 2003. Israeli incursions, intensification of targeted assassinations, and increased isolation of the Palestinians by President Bush in the “war on terror” raised pressure on Hamas to unbearable levels. Hamas sustained major damage, especially in Operation Defensive Shield in 2002, and these mutually reinforcing events forced Hamas to reconsider its emphasis on violent *jihād*. Israel was not bound to the *hudna*, so it continued operating

against Hamas during late June and August. Unsurprisingly, the *hudna* disintegrated in August 2003 and Hamas returned to violence. Despite its brief duration, the *hudna* was important because it demonstrated that Hamas

would act rationally, especially in the face of overwhelming odds and continued military defeats.

In January 2004, shortly before their assassinations, the two top Hamas leaders in Gaza, Yassin and Abdel Aziz al-Rantissi, independently offered Israel a 10-year *hudna*. On January 8, Yassin said, “Hamas is prepared to accept a temporary peace with Israel if a Palestinian state is established in the West Bank and Gaza Strip. The rest of the territories [of] Israel proper will be left to history.”<sup>55</sup> Despite opposing the ceasefire in 2003, on January 24, 2004, Rantissi made a similar offer based on the fact that Hamas found it “difficult to liberate all our land at this stage, so we accept a phased liberation.”<sup>56</sup> Notwithstanding these unusual offers, Israel assassinated both leaders within a month of each other in March and April 2004. Their deaths had two widely felt impacts. First, Yassin’s death created substantial popular sympathy for Hamas; for the first time, Hamas was the most popular movement in Palestine.<sup>57</sup> Second, the loss of Yassin and Rantissi shifted the locus of power to

the more extreme leadership of Hamas located outside the Palestinian territories. The effect was another temporary retrenchment into ideology. The external leadership, disconnected and unaffected by conditions and repercussions on the ground in the Occupied Territories, had less impetus to adopt more moderate policies. They continued to advocate violent *jihād* from the safety of Damascus, only lessening their rhetoric with the ceasefire of November 26, 2006.

Throughout the continued violence, the role and need for violent *jihād* changed enormously. Israel’s unilateral withdrawal under fire from Gaza in August 2005 reinforced the utility of violent *jihād* both popularly and within Hamas’ ranks. However, Hamas’ emphasis on violent resistance changed after the parliamentary elections in January 2006. As an elected government, Hamas became a more vulnerable organization. It inherited increased humanitarian responsibilities that increased pressure on the movement, especially as the halt in international aid to the PA and continued Israeli incursions caused widespread suffering. Hamas was no longer a non-state armed group that could evade blame for these circumstances. Further, as the majority party in the PA, Hamas became an easier target for Israeli operations. Hamas gained control over government buildings and institutions with clear locations. Hamas members could no longer hide anonymously among the population to seek safety from Israel. Rather, they became open and obvious targets for retaliatory Israeli operations, especially when directly connected to terrorism. This weakness led to an increase in pragmatism and ideological flexibility.

This shift in status led to a concurrent shift to protect Hamas’ personnel: obfuscating language to present a muddled picture of what is and is not acceptable. Leaders continue to refuse to grant Israel recognition<sup>58</sup> and reaffirm their dedication to *jihād*, only offering to “halt their rocket fire into Israel in return for Israel ending its military operations in both the West Bank and Gaza.”<sup>59</sup> These statements appear to indicate that Hamas is willing to take some reciprocal steps, but only after Israel acts first. Further, whereas in 1996 Hamas argued that participation in elections would validate the repugnant Oslo process and would mean implicit recognition of Israel, in 2006 Hamas’ desire to participate in the political process helped overcome these reservations. Despite participating in 2006, and negotiating with Israel over kidnapped Israeli soldiers using Egypt as intermediary, Hamas remains reluctant to take steps that would formalize this recognition. The farthest Hamas seems willing to go is to offer a *hudna* with the same conditions as those presented

**Hamas’ emphasis on violent resistance changed after the parliamentary elections in January 2006**

**Popular pressure appears as a major driving factor leading Hamas to treat Israel more like a potential partner rather than a committed enemy and illegitimate state**

by Yassin and Rantissi in 2004. In September 2006 Prime Minister Haniyeh offered “a Palestinian state on the 1967 borders and the return of refugees, and the condition will be a truce, not the recognition of Israel.”<sup>60</sup>

Hamas’ specific political positions on these issues are of less concern to the organization than its role and success in providing social services. As a popular organization, Hamas must retain public support. To this end it sought to ensure the well-being of the Palestinian population. Hamas partially learned this lesson from the Oslo period; Fatah’s corruption and inability to provide Palestinians with necessary services created an opening for Hamas to increase its popularity. The recent aid embargo reinforced the importance of continued services. Israel and the international community stated three conditions for a resumption of funding: recognition of Israel, acceptance of previous agreements, and renunciation of violence.

Hamas does not appear ready to overtly forsake its ideology but it is showing flexibility. Resuming the flow of aid is so important that Haniyeh offered “to resign if it would end the crippling Western aid boycott.”<sup>61</sup> Negotiations continue over a coalition or technocratic government that would be more acceptable to international donors but Hamas does not seem ready to meet the necessary conditions completely. Popular pressure appears as a major driving factor leading Hamas to treat Israel more like a potential partner rather than a committed enemy and illegitimate state.

## CONCLUSION

Hamas’ Charter presents rigid ideological views incompatible with the actual situation in Palestine. However, to date, these views have not only proven effective in gaining Hamas strong support among Palestinians, but they propelled Hamas into political power. Presciently, especially for a book published in 1994, Abu-Amr argued that “Hamas’s political pragmatism has become more evident as the movement’s strength versus the PLO has grown.”<sup>62</sup> Since its founding in 1987, Hamas has been unable to strictly adhere to its ideology, specifically its long-term goal of liberating Palestine via *jihad* and establishing an Islamic state. To retain its legitimacy, Hamas adopts pragmatic and flexible interpretations of the justifications underlying this goal. In each of the three periods described above the attendant

domestic political pressures forced Hamas to use this ideology for guidance, but not to drive its policies. During periods of stress, Hamas tends to retrench, but the need for political power and public support have forced it to act pragmatically.

The eventual outcome of Hamas’ flexibility is uncertain, but the most important question is if Hamas has reached its limit. Refusing to accept the three conditions of the international community to resume the flow of monetary assistance brought unprecedented suffering to the Palestinian population. Without strong public opposition to force change Hamas is likely stand firm in support of the long-term goal. During Oslo, a reluctant Hamas developed the concept of the short-term goal due to irresistible public support for Oslo. When such overwhelming hope for peace arises again, Hamas will have to find another religious solution to preserve its ideology or risk political irrelevancy. However, Israel’s precondition for resuming final status negotiations requires a permanent modification of Hamas’ ideology, including recognition of Israel and renunciation of violence. Reconciling these two needs, where each seems necessarily to precede the other, will be a monumental challenge.

*The views and opinions expressed in articles are strictly the author’s own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.*



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## Color Evolution: NGOs and Oligarchs Unite for Change in Kyrgyzstan

Chris Doten

Tear gas swirled and flash-bang grenades flew under Lenin's statue in the Old Square of Bishkek November 7, 2006. Rival groups in Kyrgyzstan's capital demonstrating for and against President Kurmanbek Bakiev almost came to blows as riot-suited police battalions struggled to separate them. Two days later, at 1:30 AM on November 9, opposition members of the *Jorgorku Kenesh*, Kyrgyzstan's parliament, pronounced themselves a Constituent Assembly and promulgated a new constitution. The following morning nearly all deputies joined in passing it.<sup>1</sup> Bowing to the pressure of the protests the next afternoon, Bakiev endorsed the document, signing away substantial parts of his own powers while declaring, "Deputies of our parliament have shown wisdom in the adoption of the new edition of the Constitution."<sup>2</sup> Kyrgyzstan had become the first predominantly parliamentary government in Central Asia.<sup>3</sup> Although the reforms were partially reversed in January 2007, the significance of the change lies in the effective alliance that drove it forward and its implications for other countries, as well as political liberalization for Kyrgyzstan.

The series of "color revolutions" that have toppled autocrats in Serbia, Georgia, Ukraine, and Kyrgyzstan itself back in March 2005 have a new variant in the November 2006 successes in Bishkek. This article examines how this new model differs from mass protest movements of the past and how it provides a blueprint for methods and strategies that

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international non-governmental organizations (NGOs) and political and business opposition leaders may be able to use to challenge illiberal governments around the world.

The term "color evolution" is useful to describe the November 2006 Kyrgyz power shift as the events, while short of a revolution, were clearly the successors of the color movements in inspiration and goals—with an effective new twist for democratizing forces. In the absence of nationwide unrest, protest-driven pressure from an alliance between Kyrgyz civil society and the support networks of wealthy businessmen and politicians resulted in constitutional change to liberalize an authoritarian government. This union of western and eastern forms of social capital is only likely to occur in a nation like Kyrgyzstan without the wealth of oil or gas reserves.

Government transformation in countries without developed democratic institutions has historically required revolutionary protest movements based on massive social discontent. Triggers have been things such as a devastated economy, egregious corruption, or excessive abuse of power by the government. In the color revolutions of Georgia, Ukraine, and previously in 2005 in Kyrgyzstan the perception of rigged elections provided the trigger.

Leading up to November 2006, Kyrgyzstan did not experience deteriorating social conditions or political chicanery that might have acted as a proximate trigger. According to Thomas Wood, Trinity College professor and former IFES staff expert on Kyrgyzstan, the economy was adequate by local standards, and government incompetence and corruption was no worse than normal. Despite the absence of these causal

**The fact that the previous government was toppled by mass protests has made clear to all the administration's vulnerability to demonstrations**

conditions, civil society with its organizing ability and wide networks, worked together with politically and financially independent, anti-establishment elites to gather and keep thousands of active supporters fed, motivated, and disciplined for days of protests which were able to rock the foundations of an autocratic presidency and reshape the country. (Please see map from the CIA World Factbook<sup>4</sup>)

Advocates for change working within the context of illiberal regimes can alter society only to the extent that they are able to overcome the central government's ability to maintain the status quo. Authoritarian governments possess a variety of coercive tools including co-opting potential opposition, suppressing civic organizations, or brutally crushing protest. However, when an alliance between opposition leaders and civil society organizations can marshal more support than the government, it can achieve dramatic results, as in the case of Kyrgyzstan.

While the prevailing economic conditions of a country in the throes of change may not matter as the November 2006 protests in Kyrgyzstan suggest, the underlying nature of the economy does. But Kyrgyzstan has no oil. In other countries flush with petrodollars, a rentier state that primarily makes its money from mineral exports to foreigners, is able to repress both civil society actors and independent elites. Oil wealth flowing through the country can be used to perpetuate an authoritarian government by buying off opposition and co-opting them into the system.<sup>5</sup> A full treasury and adequate social programs for health care, education and social security cut off the other potential leg of opposition: the administration is not beholden to NGO donors to satisfy the basic needs of its citizens.

## KYRGYZSTAN 101

Kyrgyzstan is a nation of supernatural beauty. Bisected by the towering heights of the Tien Shan (Celestial Mountains), this is a traditionally nomadic land where families still summer in *yurts* in upland pastures, milking horses for the fragrant fermented national drink *kymmys*. The vast majority of the population is rural, tending flocks or farming plots of land, and fragmented by the mountainous geography. Soviet industrialization was largely limited to environmentally destructive gold and uranium mining. With cotton, wool, and meat as the top three exports,<sup>6</sup> Kyrgyz society is far from urbanized.

As mentioned, an important distinction between Kyrgyzstan and its neighbors is that the

nation lacks oil or natural gas reserves. Sitting in the bottom quarter of the world's economies,<sup>7</sup> the government is incapable of providing the social services required by its people. In 2004, Kyrgyzstan received \$258 million in official development aid,<sup>8</sup> in comparison to its 2005 national budget expenditures of approximately \$530 million.<sup>9</sup> Civil society and NGOs provide the bulk of services funded by these grants.

The president is generally popular, though numbers vary by region, and the Kyrgyz have a generally optimistic attitude about the future.<sup>10</sup> Political awareness among the Kyrgyz populace is low; in this predominantly agrarian society, many are unaware of who their leaders are. Structurally, the president controls almost all the levers of power; the prime minister and parliament are quite weak. However, because of the general penury of the government described above, it is difficult for the administration to keep a tight grip on society. Power is centralized, but not strong. Furthermore, the fact that the previous government was toppled by mass protests has made clear to all the administration's vulnerability to demonstrations.

There is a fundamental power struggle between the offices of prime minister and president, as lines of responsibility are tangled and overlapping structures have led to institutional conflict. To the extent that the *Jorgorku Kenesh* is able to concentrate power away from the President, each Member of Parliament (MP) gains additional power to pursue his own interests—whether those are aimed at the greater good or private business.

The weakness of the government necessitates an openness to foreign assistance, creating the space for large international NGOs to operate such as Counterpart International, Freedom House, Internews, Transparency International, and the US-government funded National Democratic Institute and International Republican Institute.<sup>11</sup> The Kyrgyz people's needs in education, public health, economic growth, and political development have created a dramatic demand for civil society-delivered services. In 2005, USAID estimated that 2,200 NGOs were active

**Protest-driven pressure from an alliance between Kyrgyz civil society and the support networks of wealthy businessmen and politicians resulted in constitutional change to liberalize an authoritarian government**

in the country, almost all dependent on foreign funding.<sup>12</sup> This provides the civil society sector with a wide, popular base, organizational skills, and the ability to mobilize forces both inside and outside of Kyrgyzstan. The Bakiev government has attempted to reduce the threat posed by civil society organizations; Human Rights Watch documented 2006 as a year in which the Kyrgyz government put increasing pressure on NGOs.<sup>13</sup>

Wealthy Kyrgyz elites, the other partner in the reform duo, are typically self-made businessmen, albeit frequently of a corrupt or even criminal nature.<sup>14</sup> With limited resources, the cash-strapped government finds it difficult to co-opt those businessmen who possess private fortunes. Parliament is mostly comprised of such wealthy entrepreneurs;<sup>15</sup> immunity from prosecution and the ability to benefit their financial interests from their parliamentary seats provides them further independence from the president. There are a significant number who are generally opposed to the administration, though there are not formal parties and no official parliamentary opposition, as such. These deputies and civil society organizers came together under the banner of the For Reforms movement, a political alliance with various motivations but one goal: enacting constitutional reforms to weaken the power of the presidency.

Increasingly assertive behavior by Bakiev may have prodded parliamentarians and business elites to throw in their support with the For Reforms movement. Both groups had pragmatic reasons for weakening the presidency and uniting with NGO activists in their planned demonstrations. Many were becoming concerned by the fact that the President seemed to be walking in his predecessor's nepotistic shoes. His family and friends were doing suspiciously well in their business endeavors, and this posed a threat to the financial interests of many MPs. Leader of the Fatherland Party, Rosa Otunbaev, lamented this turn of events: "Today the family business of the president is blooming in the country. The kids of high officials are involved into "earning" money under the patronage of their parents. Our president appoints his relatives to the highest position."<sup>16</sup>

Bakiev's opponents in business and parliament were under increasing pressure, giving them incentive to act against him sooner rather than later. In one case that is reminiscent of the Keystone Kops and telling for the lengths to which the government would go to quash opposition, a leader of For Reforms was found by Polish customs officials with a Russian

nested doll in his luggage—filled with heroin. Edil Baisalov, another organizer of the For Reforms movement, held Kyrgyz secret services responsible, saying, "This provocation is to discredit not only the leader of the opposition but the whole of the opposition in the eyes of the international community and before the people of Kyrgyzstan."<sup>17</sup>

In other intimidating developments, one MP was detained at Bishkek's airport allegedly carrying \$100,000 in illegal and undeclared currency but claimed to have had one-tenth of that.<sup>18</sup> Photographs of another MP frolicking with a young girl in a sauna and a For Reforms letter purportedly asking for money from former President Akayev (now *persona non grata* in Kyrgyzstan) have received wide play on state-owned media.<sup>19</sup> Observers say that NGO leaders and parliamentarians have maintained a lower profile lately as a result.<sup>20</sup> Splits, perhaps encouraged by the government, have developed in the For Reforms block since the November events.<sup>21</sup>

## DEMOCRATIZATION THEORY

In *The Third Wave*, Samuel Huntington describes the massive advance of democracy after Portugal's democratic coup in 1977.<sup>22</sup> He sees one of the primary drivers for this progression as the demonstration effect: the idea that people are inspired by the actions of those elsewhere. The color revolutions, most notably in Ukraine and Georgia, have indisputably had a dramatic demonstration effect in Kyrgyzstan, as the November protests looked to them as a model. A Russian journalist described a meeting with a leader of Kyrgyzstan's movement, For Reforms, in a *yurt* in Bishkek's Ala Too Square:

There Rosa Otunbaeva sat at a computer. She had been [the] Kyrgyz Interior Minister several times, including for the first half year of Bakiev's rule. There was a large, colorful book on the Orange Revolution in one corner. "I brought that," Otunbaeva said cheerfully, "A Ukrainian minister gave it to me."<sup>23</sup>

According to Robert Putnam, a critical element in the health of a democratic society is social capital. The strength of NGOs and elites lies in their ability to mobilize that asset.<sup>24</sup> As

The weakness of the government necessitates an openness to foreign assistance, creating the space for large international NGOs to operate

Hannah Arendt observed, such groups are able to band together against the atomization of society and stand against the power of the state.<sup>25</sup> Kyrgyzstan's deep-seated clan and regional affiliations are often dismissed as pre-modern obstacles to democratization as they serve as conduits for patronage and government corruption.<sup>26</sup> However, these, too, are networks of social capital; one must be careful to avoid a blinkered approach that projects Western standards on foreign systems.

For business tycoons and political leaders, this social capital can be put to use. Elites and their supporters are in a symbiotic relationship; those who are successful provide perks to their followers, and a large and effective base can then in turn be mobilized. It was these direct ties of loyalty to leaders that brought their network of backers to the November protests more than any passion for abstract ideas of democracy or constitutional reform. One journalist, asking questions about motivations of the protestors on the scene, reported:

I asked one of the women-protesters from Naryn district why she was unhappy about the Constitution and which changes should be implemented. ... The reply was: "We don't know and don't bother us with that."<sup>27</sup>

Putnam discusses the important difference between "bonding" social capital, which links people who share an attribute such as religion, ethnicity, or ideology, and "bridging" capital, which connects disparate groups.<sup>28</sup> The brilliance of the For Reforms mobilization and protest strategy is its synthesis of types: the NGO alliance provided bridges between the bonded regional patronage networks of businessmen and parliamentary deputies, unifying them under the collective For Reforms banner.

#### YOU SAY YOU WANT A REVOLUTION...

Outside experts weighing the revolutionary prospects in Kyrgyzstan would have raised skeptical eyebrows; as discussed above, the scent of popular unrest was not in the air. How

the leaders of For Reforms were able to drive through a new form of government under these conditions makes a fascinating tale.

Inspiration for the protests can be found in March 2005. The open plaza of Ala-Too Square echoed with the same sounds as it would a year and a half later, in November 2006: mass

protests mobilized thousands for rallies demonstrating against increasing authoritarianism, economic decay, and chicanery in the February 2005 parliamentary elections, in which it was alleged that a number of legitimate candidates had been removed from the ballot for spurious reasons. A seat in the legislature was seen as a means to bolster one's economic interests and guarantee immunity from prosecution, and most who ran were successful local businessmen.

As protests crested, thousands swarmed the fences of the executive building. President Askar Akayev thought it best to find other lodging and signed his resignation letter from Moscow. The 2005 protests differ from

the pattern of other color revolutions in that demonstrations were not primarily driven by civil society groups, as in Ukraine or Georgia, but by elite support networks.<sup>29</sup> Spontaneous demonstrations began in various parts of the country, gathered force and eventually moved to Bishkek. NGOs were caught flat-footed by the actions and took only minor roles in the overthrow of President Akayev.

Despite the controversy over the February 2005 parliamentary elections, the winning members of Kyrgyzstan's *Jorgorku Kenesh* will remain in office until their term expires in 2010. Bakiev came to office after legitimate elections in the summer of 2005,<sup>30</sup> promising to root out corruption and push through constitutional reforms to liberalize the government, open the media, and strengthen parliament. The constitutional reforms never transpired, and his promises returned to haunt him as the November 2006 protesters clamored for their implementation.<sup>31</sup>

**As government rhetoric escalated to accusations of an attempted coup by members of Parliament, the protesters in Ala Too square demanded not only the passage of their revised constitution, but the resignation of President Bakiev and Prime Minister Felix Kulov as well**

Since the overthrow of Akayev in March 2005, NGOs had been pressuring Bakiev to follow through on his promises of constitutional reform. An initial round of protest in May 2006 led by Edil Baisalov of the organization Coalition of NGOs gathered crowds of up to 20,000.<sup>32</sup> Protesters had lost patience with the administration's corruption and reform foot-dragging and gave November 2006 as a deadline for action.

On November 2, new red tents mushroomed in Ala Too Square overnight as For Reforms set up tidy lines of shelters purchased by wealthy businessmen allied with the movement.<sup>33</sup> Well-organized groups moved in, largely nonpolitical supporters drawn from the networks of businessmen and politicians, and the rallies began. The government reacted quickly, taking opposition news web sites<sup>34</sup> off line and broadcast stations<sup>35</sup> off the air.

**Looking beyond Kyrgyzstan's border to other authoritarian governments in the region, the November protests provide yet another reminder that mass action remains a formidable threat to entrenched rulers**

The atmosphere turned ominous as protests continued for five more days. While President Bakiev mounted counter-protests packed with government employees<sup>36</sup> in the Old Square a few blocks away, pro-presidential rallies also "spontaneously" emerged in other regions of Kyrgyzstan.<sup>37</sup> As government rhetoric escalated to accusations

of an attempted coup by MPs,<sup>38</sup> the protesters in Ala Too square demanded not only the passage of their revised constitution, but the resignation of Bakiev and Prime Minister Felix Kulov as well.<sup>39</sup>

When For Reforms members went to Old Square to recruit pro-government protesters to their side, a scuffle broke out between the rival groups of demonstrators, ending with the national police militia lobbing tear gas and stun grenades.<sup>40</sup> As the situation teetered on the brink of anarchy, some excited protesters started to climb the fence around the President's executive building and charge the gates, but were called back by opposition leaders.<sup>41</sup>

On November 7, parliament began voting on the For Reforms draft of the Constitution. As the massive protests gathered steam and government officials began to worry about violent overthrow, momentum in the city

swung towards the opposition. Supporters in parliament attempted to push through a revised version of the Constitution. Debate ran late into the night. With protestors maintaining their noisy vigil outside, a majority of the MPs accepted the new document. However, pro-presidential deputies had evaporated from the chamber, breaking the requisite quorum and leaving the situation stalemated.<sup>42</sup>

Stymied For Reforms-affiliated MPs took the unprecedented step November 9 of declaring themselves a Constituent Assembly—with no quorum requirements—and proceeded to adopt the new Constitution.<sup>43</sup> Opposition MPs returning to the chambers later that morning added their votes to pass the bill, perhaps daunted by the protests outside or in acknowledgement of a *fait accompli*.

Despite denouncing the Constituent Assembly as having been created through an illegitimate seizure of power, Bakiev bowed to the demonstrators' pressure and signed the new document in a formal ceremony. At the event, he stated: "A new edition of the Constitution—it is a result of Kyrgyz people's wisdom. Signing of the Constitution—it is a concord between different political forces of the country."<sup>44</sup> Pro-presidential speaker of parliament, Marat Sultanov, grumpily stated that the document gave even more power to the *Jorgorku Kenesh* than the original version pushed by For Reforms.<sup>45</sup> After boisterous celebrations in the square,<sup>46</sup> For Reforms activists broke down their new tents and headed home; all in Bishkek were relieved that the instability had not plunged the country into total chaos.

## CONSEQUENCES AND CONCLUSIONS

The November 2006 protest moved Kyrgyzstan a step further toward democratic consolidation. The new constitution (even with the January 15 revisions) contains two critical reforms that will significantly impact the balance of power between the President and parliament over the long term.

First, strong parties will be encouraged by the fact that 50 percent of parliament will be elected from party lists, and a party with a majority in the legislature has the right to choose a prime minister. Second, the

**The color revolutions, most notably in Ukraine and Georgia, have indisputably had a dramatic demonstration effect in Kyrgyzstan, as the November protests looked to them as a model**

President can no longer dissolve parliament at will.<sup>47</sup> Only if a prime minister is nominated and rejected three times, or if parliament decides by a vote of no confidence to bring down the government, will there be new elections.

Looking beyond Kyrgyzstan's border to other authoritarian governments in the region, the November protests provide yet another reminder that mass action remains a formidable threat to entrenched rulers. Yet, the dictatorial stranglehold on civil society in Turkmenistan and Uzbekistan makes the chance of a NGO-led movement along the lines of For Reforms unlikely, though Turkmen society may open up somewhat after Saparmurat Niyazov's recent death. Kazakhstan appears to be more carefully managing this balance, providing oil-driven growth in combination with some civil liberties to keep organized opposition quiescent. The leadership in Tajikistan is more likely to feel threatened by events in Kyrgyzstan, as they similarly lack oil funds and are dependent on services provided by NGOs. However, Tajikistan's President Rahmonov remains genuinely popular in his country and is seen as a strong and reasonably honest politician; a populace divided by seven years of bloody civil war is also reticent to engage in destabilizing protest activism.

After the string of anti-authoritarian "color revolutions" in Russia's near abroad, President Vladimir Putin has been clear about his opinions on the subject, stating, "NGOs must not be used by some states as an instrument of foreign policy on the territory of other states."<sup>48</sup> One Russian security analyst saw the possibility of direct intervention to counter the November 2006 protests in Kyrgyzstan, characterizing the For Reforms movement as "a mob scene whose participants don't realize who is controlling them or what they want."<sup>49</sup> To prevent further unpleasant revolutionary surprises, autocratic governments in Eurasia will doubtless redouble efforts to undermine opposition and strengthen alliances with illiberal partners, through such groups as the Shanghai Cooperation Organization.<sup>50</sup> These support groups for autocrats enable regimes to band together in the face of disapproval from ideologically opposed nations.

Despite the liberalizing impacts of the November rallies, countries that engage in democracy by mass protest can find the tool a double-edged sword, as the slope from

democratic demonstration to mob rule can be slippery. In Kyrgyzstan, protests are a way of life, but their success can easily be imitated to excess. Leaders aware of the potential for mobilization "use their supporters as weapons to intimidate rivals or claim formal power whether it is rightfully theirs or not."<sup>51</sup> The Kyrgyz might welcome the stability of an authoritarian government if the protest situation is perceived to be out of control.

For NGOs beyond Central Asia, the November protests in Kyrgyzstan provide a new model for political change in donor-dependent countries that lack a popular protest movement. As long as the countries' economies and political systems are not buoyed by oil profits, movements may have a chance of growth and survival. By teaming up with elites who are willing to oppose the ruling regime, NGOs can build alliances that unite organizational ability, money, and supporters into formations that have the power to reshape their nations.

## EPILOGUE

After weeks of crude threats to dissolve parliament,<sup>52</sup> on December 30, Bakiev compelled the minimum number of MPs required to adopt constitutional revisions ostensibly aimed at clarifying the rushed November 9 document.<sup>53</sup> Not coincidentally, the new version also happened to hand back some of the presidential control forfeited in November. For Reforms-affiliated opposition deputies were heading home for New Year celebrations and did not attempt any further struggles. Protest pressure on the government to counteract the constitutional modifications was impossible without the elaborate organization and infrastructure that had been prepared for the November demonstrations, further demonstrating the non-spontaneous nature of the events and the lack of popular participation.

**By teaming up with elites who are willing to oppose the ruling regime, NGOs can build alliances that unite organizational ability, money, and supporters into formations that have the power to reshape their nations**



On January 15, President Bakiev signed off on the revisions.<sup>54</sup> This *new* new constitution was not adopted according to the requirements of the November 9 version, and a legal challenge is already underway.<sup>55</sup> Despite the fact that Bakiev's revisions represent a step backward for parliamentary democracy, the current document

remains the most liberal in the region.

Looking ahead, two paths lie in front of Bakiev.

Outright repression of NGOs and opposition elites is likely to be difficult for reasons of national weakness discussed above, and half measures may anger, but not disarm, the groups. The second option, a cautious *détente*, is a more probable outcome, with Bakiev likely to attempt to maintain the

precarious balance between the parliament and presidency that is currently established. The pragmatic alliance of NGOs and opposition elites has proven successful and could reactivate their partnership for future action. It is unlikely

that Bishkek has seen the last of massed protesters packing Ala Too Square. Next time, given the way in which Bakiev has revised the agreement embodied in the November 9 Constitution, protesters may be unwilling to stop their protests until the President is brought down as well.

Thanks to the banding together of the Kyrgyz Republic's strong civil society sector and independent elite networks opposed to a corrupt and autocratic presidency, democracy has taken another step forward for the Kyrgyz people. As one democracy advocate in Bishkek emphasized, "This constitution is absolutely revolutionary for Central Asia."<sup>56</sup> With the demonstration effect of Kyrgyzstan's "color evolution," this successful partnership holds the potential to bringing revolutionary change to other authoritarian regimes as well.

*The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.*

**The pragmatic alliance of NGOs and opposition elites has proven successful and could reactivate their partnership for future action. It is unlikely that Bishkek has seen the last of massed protesters packing Ala Too Square**

## PHOTOS FROM THE NOVEMBER PROTESTS IN ALA TOO SQUARE

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*Credit: Aisuluu Jumashev*

Demonstrators with hallmark red flags and tents throng Ala Too square; in the distance, a statue of Freedom holds aloft the Kyrgyz national symbol.



Protester march en masse past the White House, Kyrgyzstan's executive office building.



Riot-suited militia in front of the state television and radio building.



Map from CIA World Factbook



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## The Tigris-Euphrates River Basin: Mediating a Path Towards Regional Water Stability

*Ali Akanda, Sarah Freeman, and Maria Placht*

Since the 1960s, Turkey, Syria, and Iraq have been engaged in development works along the Euphrates River, including water reservoirs, agricultural works, and hydropower constructions. The largest effort to date is Turkey's South-Eastern Anatolia Project, or *Güneydogu Anadolu Projesi (GAP)*, which once completed, may divert up to 30 percent of the average annual water flow of the Euphrates.<sup>1</sup> Syria also plans to divert a significant amount of water for agricultural development in the Euphrates Valley. The estimated percentages of water projected to be necessary for each country's development work are: Iraq 65 percent, Turkey 52 percent, and Syria 32 percent.<sup>2</sup> These figures add up to an impossible 149 percent demand for the total Euphrates waters. It is clear that, in the near future, water demands of the riparians (those nations through which the river passes) will surpass the amount of water supplied by the Euphrates.

While disputes over water allocation are likely to worsen in the future, tensions have already increased between the three countries. A number of crises have occurred in the Euphrates River basin due to lack of communication, conflicting approaches, unilateral development, and inefficient water management practices. Twice, in 1975 and 1998, war has been narrowly averted only by external mediation, and the situation is so politically tense that the countries involved cannot even participate in trilateral talks about water use. There have been a few efforts to share data and discuss issues bilaterally, yet the countries continue to pursue their uncoordinated development projects.

A successful resolution of this conflict would enable a stable water relationship between Turkey, Syria, and Iraq. This requires opening the channels of communication between the three leaders over their water allocations, and the

initiation of a process that would lead to equitable utilization of the waters. In this context, equitable does not mean equal use, rather that, "a large variety of factors, including population, geography and the availability of alternative resources and so on, can be considered in the allocation of water rights."<sup>3</sup> This paper proposes that a team of external mediators can provide the necessary trigger to initiate trilateral discussions, including those that examine the possible trades between water, energy, and food.

### BACKGROUND

The longest river in the Middle East, the Euphrates originates in the eastern highlands of Turkey, between Lake Van and the Black Sea, and travels a distance of 2,700 kilometers before flowing into the Persian Gulf. Some 40 percent of the river lies within Turkey, while the rest is divided among the two downstream riparian countries, 25 percent in Syria and 35 percent in Iraq. The Euphrates produces a mean annual flow of approximately 30 billion cubic meters (bcm) at its entrance to Syria, which rises to around 32 bcm at the Syrian-Iraqi border after gaining the inputs from two Syrian tributaries, the Balikh and the Khabur.

The flow in the Euphrates is highly seasonal. The stream flow variations naturally prevent utilization of the river's full water potential. Unfortunately, the seasonal distribution of the availability of water does not coincide with the irrigation requirements of the basin. In an average year, the river

**Twice, in 1975 and 1998, war has been narrowly averted only by external mediation, and the situation is so politically tense that the countries involved cannot even participate in trilateral talks about water use**

reaches its peak flow in April and May as the winter mountain precipitation melts. The typical low water season occurs from July to December, reaching its lowest point in August and September when water is most needed to irrigate the region's winter crops.<sup>4</sup> The average monthly hydrograph of the Euphrates shows a variation between 33 percent and 275 percent of the annual average, evidence of the extent of its seasonal fluctuations.<sup>5</sup>

Centuries of water use along these rivers have given rise to the Mesopotamian culture, cities, and peoples. To date, remains of ancient irrigation networks can be found in the desert plains of Syria and Iraq, many of which are still in use. For centuries, Iraqis and Syrians have used the Euphrates and the Tigris for drinking water as well as irrigation, and thus claim to have "acquired" rights to uninhibited use of the river, regardless of the changed hydro-political scenario upstream.

## BARRIERS TO COOPERATION

The countries bordering the Tigris and Euphrates face technical, legal, and regional barriers to successful cooperation. In the Tigris-Euphrates basin, data regarding stream flow, precipitation, evapotranspiration, water diversions, return flow, salinity, soil type, and other variables in relation to land resources, are very scarce, incomplete, and disputed at many

locations. Moreover, crucial information relating to water and land resources of the region is not exchanged on a regular basis among the riparians. A variety of different figures concerning availability of irrigable land and soil water requirements in each riparian country are available depending on the origin of data and inclination of the experts. In 1983, Turkey, Iraq, and Syria established the Joint Technical Committee to resolve such data disputes. However, this group disintegrated after 1993 without having made much headway.

contributed significantly to the termination of these meetings.

The Arab countries have long accused Turkey of violating international water laws with regards to the Euphrates River. Iraq and Syria consider the river to be an *international* watercourse which should be treated as an integrated entity by all the riparian users. However, a significant legal barrier is that Ankara regards the Euphrates as a *transboundary* river, which is under Turkey's exclusive sovereignty until it flows across the border. According to Turkey, the Euphrates becomes an international river only after it joins the Tigris in lower Iraq to form the Shatt al-Arab, which then serves as the border between Iraq and Iran until it reaches the Persian Gulf. Furthermore, Turkey is the only country in the Euphrates basin to have voted against the *United Nations Convention on the Law of Non-navigational Uses of International Watercourses*. According to Turkey, if signed, the law would give "a veto right" to the lower riparians over Turkey's development plans. Consequently, Turkey maintains that the Convention does not apply to them and is thus not legally binding.<sup>6</sup>

Increasing regional tensions are an additional barrier to cooperation between the riparian countries. Since the 1960s, the three riparian countries of the Euphrates have had disagreements, of varying degrees of severity, over sharing the river. As the population of the region steadily increases, the quest for agricultural and food self-sufficiency has led to greater demands and in turn, supply-driven water projects have increased. Turkey constructed the first major dam of the basin, commissioning the Keban Dam in 1973, with Syria soon following suit with the Tabqa Dam in 1975. The filling of these dams caused a sharp decrease in downstream flow, causing Iraq and Syria to exchange mutually hostile accusations and come dangerously close to a military confrontation.<sup>7</sup>

As regional water demand steadily increased, the riparian countries pursued their individual water infrastructure plans without any meaningful consultation with each other. In 1977, Turkey announced plans for the region's biggest water development project ever, the GAP, which included a massive design of 22 dams and 19 hydropower projects. GAP is intended to provide irrigation, hydropower, and socio-economic development. The project area encompasses southeastern Turkey, around the headlands of the Euphrates and the Tigris rivers, and covers almost 10 percent of Turkey's total population and surface area. The project is designed to harness the vast, untapped water potential of eastern Turkey. Its area includes about 42 percent of the

**As the largest water resources development project in the region, GAP has caused considerable anxiety to Turkey's downstream neighbors, Syria and Iraq, who fear that the project will lead to reduced river flows and leave little water for use in their countries' agricultural and energy projects**

The uncertain political setting, pursuit of short-term national interests, lack of regularized institutions, and incomplete information



total Tigris-Euphrates watershed within Turkey's boundary.<sup>8</sup>

As the largest water resources development project in the region, GAP has caused considerable anxiety to Turkey's downstream neighbors, Syria and Iraq, who fear that the project will lead to reduced river flows and leave little water for use in their countries' agricultural and energy projects. One of the early projects of GAP, the construction and filling of the Ataturk Dam, has been widely portrayed in the Arab media as a belligerent act. The hydro-political nature of GAP threatens regional stability, and will continue to do so if there is no agreement or understanding regarding its impacts. Meanwhile, Syria is carrying out its irrigation development projects to bring additional land under cultivation. These efforts began with the commissioning of the Tabqa Dam in 1975. Iraq fears that its hydraulic projects would be jeopardized by the upstream projects and subsequent reductions in flow.<sup>9</sup>

Efforts to reconcile and establish an agreement for allocating the waters of the Euphrates were furthered in 1987 with an informal agreement between Turkey and Syria that guaranteed the latter a minimum flow of 500 m<sup>3</sup>/sec throughout the year. Syria has since accused Turkey of violating this agreement a number of times. The situation worsened when Turkey began the process of filling a new reservoir in the system, effectively shutting off the river flow for a month. Turkey returned to previous flow sharing agreements after the dam became operational, but the conflicts were never fully resolved as downstream demands had increased in the meantime.

## INTERESTS

The major barriers to negotiations delineated above provide a solid background for understanding what may drive future decisions on the utilization of the waters of the Tigris-Euphrates basin, but they do not tell the full story. The paramount national interests that give rise to each country's position on the question of access to water must also be considered. The key interests identified are food, energy security, power, civil society stability, and economic development.

The growing regional population has clear implications for the demand placed on food and energy resources in each country. If current population growth rates are sustained, the population of the three countries is predicted to double in the next thirty-five years.<sup>10</sup> The long-standing emphasis on self-sufficiency in the interest of national security becomes less

attainable in the face of rapidly expanding populations. Both the agricultural and energy sectors have felt the effects of the dramatic increase in requirements needed to fulfill each nation's self-sufficiency quota.

### (i) Food security

Syria, Iraq and Turkey have all shifted from being net exporters of grain to net importers, yet Syria and Iraq have even less ability to produce sufficient quantities of food staples. Despite its comparative food security, Turkey's goal for GAP is to turn its southeastern region into a breadbasket.<sup>11</sup> For both of the lower riparians, Turkey's water intensive development threatens their irrigation-based agricultural potential. Self-sufficiency in the agricultural sector has long been stressed in Syria and continues to be so, particularly with respect to staples such as wheat, cotton, and olives.<sup>12</sup> In Iraq, past policy has emphasized the reduction of foreign dependency on foodstuffs. Although emphasis on self-sufficiency has lessened due to present conflicts within the country, it has been stated as the long-term goal for the sector as reconstruction efforts begin.<sup>13</sup>

### (ii) Energy security

Hydroelectric power has influenced the strategic plans for fulfilling the energy demands in both Syria and Turkey. Figure B1B1 depicts the importance of various fuel sources in each country. As can be inferred from this figure, the abundance of energy resources in Iraq makes the upstream control of flows less essential to internal energy supply. Turkey's wish not to rely as heavily on external sources of energy is largely financially motivated. Turkey wishes to reduce its dependency on expensive imports by producing at least 40 percent of its required energy from domestic hydroelectric sources.<sup>14</sup> The GAP hydroelectric development was projected to save the country about 28 million tons of oil imports annually.<sup>15</sup> In 2001, Syria and Iraq were net exporters of fuel as opposed to Turkey, which, significantly, had to import approximately 63 percent of its fuel. Despite the fuel reserves that Syria possesses, hydropower is their predominant source of electric energy. This places Syria in a vulnerable position because Turkey has the potential to exert control over Syria's primary electricity source, further exacerbating an already contentious issue.<sup>16</sup>

### (iii) Power

As the Euphrates winds through the three major riparian nations, the power disparity

between the countries is quite marked. Turkey's position as the proverbial head of the group is bolstered by the respective flow contributions of each country and its position as the upper riparian. The power dynamics in play put Syria and Iraq in a position of inherent distrust of Turkish proposals. For example, in 1987, they rejected a three-stage plan proposed by Turkey for the "optimum, equitable, and reasonable utilization" of the waters of the Tigris and Euphrates.<sup>17</sup>

Syria and Iraq demonstrated their distrust when they rejected the plan on the grounds that the conflict was solely about the Euphrates. Their fear behind this position was that Turkey would use Iraq and Syria's access to the Tigris waters as reason for supplying them with less water from the Euphrates. Their position was again demonstrated in 1990 when Iraq and Syria put aside a long-standing tradition of disagreement in order to oppose Turkey's cutoff of the flows to the Euphrates during the filling of the Ataturk Dam.<sup>18</sup>

Arms investment in the region provides tangible evidence of the importance placed on overall power in the region. Syria, in particular, has invested in arms to increase its power parity with its neighbors.<sup>19</sup> Mobilization of troops has occurred both on the Iraqi-Syrian and the Syrian-Turkish borders because of issues related to the Euphrates. Because there is such importance placed on the ability to impose force upon others, it is quiet feasible that these countries would consider withholding water as another military tool. This notion was even promoted by Turkey's NATO allies following Iraq's invasion of Kuwait.<sup>20</sup> Although regional power is a clear motivator, use of water as a means to impose force has not yet been realized.

#### (iv) Internal Stability

Plans of agricultural sector development often act to preserve and establish livelihoods that, in turn, promote internal stability. An example that demonstrates this link between livelihoods and internal stability is the situation of the Kurds in southeastern Turkey. Turkey has been continually preoccupied with averting the potential establishment of a Kurdish state.<sup>21</sup> The GAP project is designed to promote stability in the southeastern region of Turkey by providing additional

**Engaging in trilateral negotiations is crucial if Turkey wants to achieve its objectives of joining the EU and securing funding to finish GAP**

jobs to resident Kurds, and by diluting their population through enticing outsiders to settle in the area. Turkey hopes that this will not only increase stability in the area but will also stop the flow of immigrants from this region to the already over-crowded cities.<sup>22</sup>

#### (v) Economic development

The fact that the three countries' water claims add up to an impossible 149 percent of the total water available in the basin demonstrates the importance of economic development to each nation. The use of water to accomplish their development objectives is most apparent in Turkey's position. At the Ataturk Dam opening ceremonies in 1992, Suleyman Demirel, then president of Turkey, bluntly stated, "Neither Syria nor Iraq can lay claim to Turkey's rivers any more than Ankara could claim their oil... The water resources are Turkey's, the oil resources are theirs. We don't say we share their oil resources, and they can't say they share our water resources."<sup>23</sup> Water-rich Turkey has used this justification in its planning of water intensive development projects. More recently, Turkey has even used water as a tool for improving foreign relations and generating income. Specific examples of this include the proposed Peace Pipeline and the Manavgat River Project, which focus on trading water with Mediterranean and Middle Eastern neighbors, but have not yet been implemented.<sup>24</sup>

### SITUATION RIPENESS

A given conflict must reach a state of urgency, or ripeness, in order for resolution to be feasible.<sup>25</sup> In this formulation, a conflict is ripe when the involved parties feel that they will be worse off if no deal is struck. Sometimes, a third party has the ability to change the parties' perceptions so that they view the situation as ripe.

The scarcity of water in the region has brought attention to the possibility of water wars, but reality has shown that water is, in fact, too important to be left to the uncertainties of forceful interventions.<sup>26</sup> In some cases, water issues have, counter-intuitively, enabled cooperation in the region.<sup>27</sup> The vital nature of water, however, is often overshadowed by "symbolically charged" issues, such as defining the status of Jerusalem, obtaining favorable territorial boundaries, and gaining a lasting peace.<sup>28</sup> It is only when water availability is directly threatened that it becomes a major concern for national security.<sup>29</sup>

## Incentives

Because water issues are often eclipsed by more politically charged concerns, it is essential to identify additional incentives to bring the Euphrates parties to the negotiation table. If sufficient incentives are placed on the table, negotiations may prove fruitful. Such a scenario will require both an appropriate third party mediator, as well as incentives with clear linkages to the previously defined national interests.

There are two crucial incentives that, when combined, could entice Turkey to the negotiation table. First, Turkey's struggle to become part of the European Union requires Ankara to improve its human rights record, which it could do by involving the Kurds in a cooperative water utilization effort. Second, Turkey requires external funding in order to finish GAP. Following the economic crisis in 2001 and a planned expansion of the project, Turkey can no longer internally fund GAP. However, potential external funding agencies, such as the EU and World Bank, require an agreement with downstream riparians before they will release funds. Engaging in trilateral negotiations is crucial if Turkey wants to achieve its objectives of joining the EU and securing funding to finish GAP.

External incentives for both Syria and Iraq include development assistance by way of financial and technical support and increased water efficiency. When Syria demands more water from Turkey, Turkey counters this demand by describing Syria's water practices as inefficient. Improved water practices would alleviate some of the pressure on both Syria and Iraq. Both countries have much to gain from technical assistance for their agricultural plans, as well as from funding for more innovative, advanced projects. Although increased efficiency of water usage would help to alleviate some of the pressure on limited water resources, modeling indicates that development demands would only be met if the current agricultural efficiency is increased by sixty percent. This is unrealistic because it would require a sixty percent reduction in water used to produce the same crop yield (see Figure A3).

Historically, the three riparians have only negotiated when water levels have been so low as to seriously threaten their national security. For the sake of regional stability, proactive efforts must be undertaken now to prevent the next crisis. Only an external mediator has the ability to highlight the incentives and frame the issues in such a way that each country believes it has something to gain by coming to the table and something to lose by avoiding negotiations.

## TOWARDS REGIONAL WATER STABILITY

This conflict requires an external intervention to bring the parties together because the countries have thus far failed to initiate successful, tripartite negotiations. On occasion, one country has initiated bilateral talks, but that is insufficient to begin discussions for a regional agreement. A mediator, on the other hand, can often work more directly to create conditions of ripeness and can "convince the parties that the path to achieving their preferred unilateral solutions is blocked, and, at the same time, offer them a credible, mutually beneficial alternative solution."<sup>30</sup> Three potential mediators who have the necessary legitimacy and technical and financial resources are Saudi Arabia, Egypt, and the World Bank.

### Saudi Arabia

Saudi Arabia has already successfully resolved a bilateral conflict involving the Euphrates. During 1974 and 1975, the region experienced a period of particularly dry weather, as well as the impounding of the Tabqa Reservoir in Syria, and the Keban Reservoir in Turkey. Iraq blamed Syria for reducing flows to unacceptable levels, and Syria in turn faulted Turkey. Iraq was not satisfied with Syria's explanation and growing mutual threats brought Syria and Iraq to the brink of war.<sup>31</sup> The conflict was only diminished when Saudi Crown Prince Fahd brought the countries to the table and achieved a final resolution, which stipulated that Syria would release extra amounts of water to Iraq. In addition to being legitimate in the eyes of the riparian countries, Saudi Arabia has the financial resources to contribute to a basin fund that would finance irrigation reform and other methods to reduce unmet demand.

### Egypt

As a mediator, Egypt brings to the table legitimacy and extensive experience gained in the process of working towards a basin agreement with the Nile Basin Initiative. Egypt has resolved crises in the region before. In 1998, Turkey charged Syria with supporting the PKK and harboring its leader, severely threatening relations between the two countries. Egyptian President Hosni Mubarak undertook a week of shuttle diplomacy between Ankara and Damascus, finally securing Syria's pledge to stop supporting the PKK.<sup>32</sup> While the subsequent security agreement did not discuss the water issue, it demonstrated Egypt's ability to negotiate successfully with Turkey and Syria. Egypt has also participated in seven years of discussions between the Nile riparian countries. Egypt would be in a position to apply the lessons from this

experience to the Euphrates conflict, bringing insights and expertise to the table to generate options for resolving the dispute.

### World Bank

The World Bank has a history of mediating water disputes, providing the necessary financial and technical resources and experience working in this region. In 1975, Turkey requested funding from the World Bank for a second dam downstream of the Keban. Despite the fact that the Bank and Turkey concluded that the existing downstream requirements could be satisfied, Syria and Iraq raised so many objections that the Bank decided to defer funding, leaving Turkey to finance the project alone.<sup>33</sup> While Turkey was able to finance this dam, it now desperately requires funding to finish the GAP project. The Bank has the potential to be a successful mediator because the three parties know that if they resolve the dispute, they will be able to access Bank funding for their development works. The Bank also has the technical expertise to ameliorate the inefficient, water-wasting practices of the riparians. Finally, the Bank itself has financial incentives to reach a resolution because it could then provide loans to these countries.

Any combination of the three potential mediators would serve to open a channel of communication between the three conflicted parties. Tentative bilateral efforts are underway, such as the Joint Communiqué signed in 2001 between the GOLD (General Organization for Land Development – Syria) and the GAP-RDA (Regional Development Administration).<sup>34</sup> This agreement envisions supporting training, technology exchange, study missions, and joint projects, yet is limited because it only involves Turkey and Syria. Any bilateral efforts that exclude the third party, Iraq, are not sustainable and will not succeed in fostering a basin-wide effort. In fact, any data collected, decisions made, and conclusions drawn will collapse in the face of a third party who has not participated in the process. Such processes cannot be effective unless each party contributes equally. It is the role of a mediator to ensure equal participation and convince all parties that the path to achieving their preferred unilateral solutions is blocked. At the same time the mediator must facilitate the formulation of a credible, alternative solution.<sup>35</sup>

Once the parties have come together under the auspices of a mediation team, they must break down barriers that have prevented negotiations from proceeding in the past, reconcile the three country approaches, and then examine trade agreements and imbalances. This will enable

them to move forward to a process of sharing the benefits provided by the Euphrates as they search for an equitable solution to the utilization of the Euphrates waters.

The first barrier that must be dealt with is that of disputed data. A version of the previous Joint Technical Committee will need to define a reasonable and appropriate amount of water that each country needs from both rivers. For example, many water experts have stated that the amount of irrigable land in both Syria and Iraq is far below the amount declared. Legal barriers are only likely to change if Turkey is accepted into the EU. Otherwise, Turkey will remain fundamentally opposed to changing the definition of the Euphrates. Regional tensions are likely to be lessened once a channel of communication has been opened between the three countries. Finally, the barrier of historical rights must be resolved by reaching a compromise regarding the principle of equitable utilization, which will demand an examination of the three country approaches.

Each country has put forward an approach for how water should be shared in the region. Syria and Iraq's approaches are vastly different from that of Turkey's, so one aspect of the mediator's role will be to reconcile these approaches. Syria and Iraq prefer a mathematical formula that will provide them with a specific allocation year round, while Turkey promotes a three stage plan designed to equitably distribute the water. Equitable distribution is characteristic of principals commonly promoted by upstream riparian countries. The framework Convention of the United States on Transboundary Waters (1997) is a good model for this conflict because it balances the rights of downstream and upstream parties. Disputed questions, which will need to be answered, include whether the Tigris and Euphrates form one single transboundary watercourse system, whether the flow should be steady or adjusted for seasonal variability, and whether the principle of territorial integrity or equitable utilization should be followed.

Part of the discussion process would benefit from an examination of the trade imbalance and the trade agreements that will promote the most effective use of the Euphrates waters. The 1987 Trade Agreement between Turkey and Syria stipulated that 500m<sup>3</sup>/sec enter Syria, demonstrating that water has been tied to trade

**Turkish officials claim that it is more efficient for Turkey to concentrate on food production and to exchange the surplus for Iraqi oil and Syrian gas**

**Opening channels of communication between the three countries may help avert the next water crisis and enhance regional security**

issues in the past. One possible solution is that the countries will reconsider domestic water allocation and shift their water emphasis from irrigation to domestic and industrial use and imported foodstuffs. As Turkey transforms the GAP region into a food export zone, Iraq will be a likely market for food

imports, especially as it was already importing close to 80 percent of its food prior to the Gulf War.<sup>36</sup> Iraq is only likely to increase its dependence on imports as increasing soil salinization and poor water quality make food production even more difficult and costly.

However, reconciling the trade imbalance will not be easy. Turkish officials claim that it is more efficient for Turkey to concentrate on food production and to exchange the surplus for Iraqi oil and Syrian gas. Syria admits that its land is not as productive as Turkey's, citing this as the reason why they require more water on a regular basis. Syria favors the introduction of water-saving technology but cautions that it will take time to switch to new technology as it involves a change of cultural patterns. Syria points to the International Labor Conference's rule that comparative economic output is not to be a criterion for allocating international waters, and stresses that food security is vital to its national interests. Agriculture employs 25 percent of Syria's labor force and contributes nearly 30 percent of its GDP.<sup>37</sup> If Syria were deprived of sufficient water to irrigate its land, migration out of the rural areas to cities would occur, causing social dislocation and unemployment.

Hydropolitical linkages are increasingly being made making it plausible that mediators that mediators may even encourage connecting the conflict to political disputes. These "multi-resource linkages may offer more opportunities for generating creative solutions, allowing for greater economic efficiency through a "basket" of benefits."<sup>38</sup> Some benefits included in previous water negotiations include financial resources, energy resources, political linkages, transportation infrastructure, and data. The feasibility of such linkages will depend on the mediator's ability to assist in the process of breaking down barriers and exploring trade options. If that has been enabled by the mediator, the parties will then be prepared to discuss a comprehensive strategy for water allocation.

## CONCLUSION

Allocation of the waters in the Tigris-Euphrates basin has been a long-standing cause of disputes in the region. Difficulties involving the hydrology of the basin and barriers to negotiation are confounding factors that plague possible resolution of the conflicting interests. A comparison of the national interests of Turkey, Syria, and Iraq help to identify possible incentives and methodologies that can lead to a productive conversation about benefit sharing and equitable utilization of the waters. Finally, Egypt, Saudi Arabia, and the World Bank are three possible mediators that have the capacity to instigate trilateral negotiations. Trilateral negotiations would provide an opportunity for the interests and concerns of each country to be considered, and would allow the triangle of needs - food, energy, and trade security of each country - to be discussed in a fair and equitable manner. Opening channels of communication between the three countries may help avert the next water crisis and enhance regional security.

Many components of this conflict deserve further exploration. For example, links and tradeoffs between the elements in the triangle of needs, particularly the roles of virtual water trade and energy-water trade, need more clarification. The socio-economic implications of these trade options will be far-reaching and will have the potential to motivate stakeholders to negotiate a settlement that would greatly strengthen their economies. How Iraq's present conflict might affect a unified Iraqi voice at the negotiation table, especially with increasingly fractured regional politics, remains to be seen. Additional research is also needed to further explore the physical constraints inherent throughout the system. In the future, basin models should incorporate the effects of groundwater interaction, climate change, and water quality.

The ultimate goal for the region is an international basin organization that would enable cooperation on a continuous basis and would emphasize sustainable solutions to water sharing. As described in the Dublin Statement on Sustainable Water Development, "The essential function of existing international basin organizations is one of reconciling and harmonizing the interests of riparian countries, monitoring water quantity and quality, development of concerted action programs, exchange of information, and enforcing agreements."<sup>39</sup> However, a basin organization is not the present objective, as Iraq, Syria, and Turkey still have historic hostilities to overcome, trust to develop, and many technical, informational, and financial challenges ahead. Opening trilateral channels of communication and

creating an accepted space for negotiation would be a significant step in the pursuit of regional stability.

**APPENDIX A: WEAP MODEL**

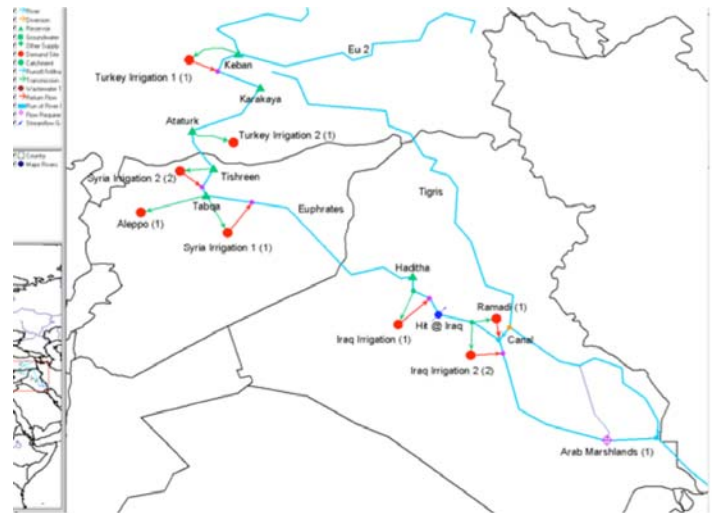
This study used the Water Evaluation and Planning System (WEAP) model to simulate the possible water demand scenarios in the Euphrates river basin. A schematic model was developed comprising of units representing the river, water reservoirs in the three riparian countries, agricultural demands and water supply requirements of cities that are dependent on the Euphrates (Figure A1).

An estimation of the agricultural requirements used data from the areas presently under irrigation in the three countries and from per hectare irrigation water demands cited in research journals for this region. Calculations of future demands considered growth projections of the GAP and the region's agricultural and water resources publications.

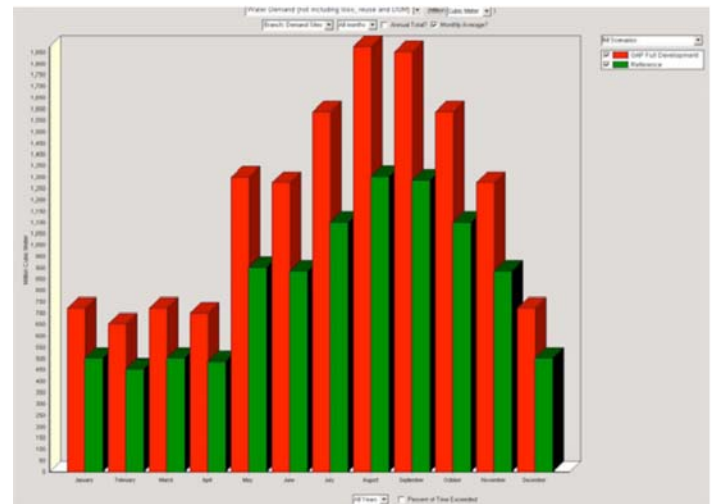
Two major cities (Aleppo in Syria and Ramadi in Iraq) that depend directly on the Euphrates flow were factors in the model calculations. Different non-governmental agency documents provided data on the cities' present and future population demands and water use requirements. The simulation considered six major reservoirs that had the maximum storage area. Three of the major reservoirs identified are in Turkey, two in Syria, and one in Iraq.

Figure A2 compares the demands forecasted by WEAP for a Reference scenario (a steady demand) and the GAP at full development scenario. The average monthly water demand of the full development scenario is significantly higher than the existing demand structure, with the unmet demands peaking to about 50% of the present demands during the low flow months of August and September. This estimate is similar to other future unmet demand projections of the three riparians.

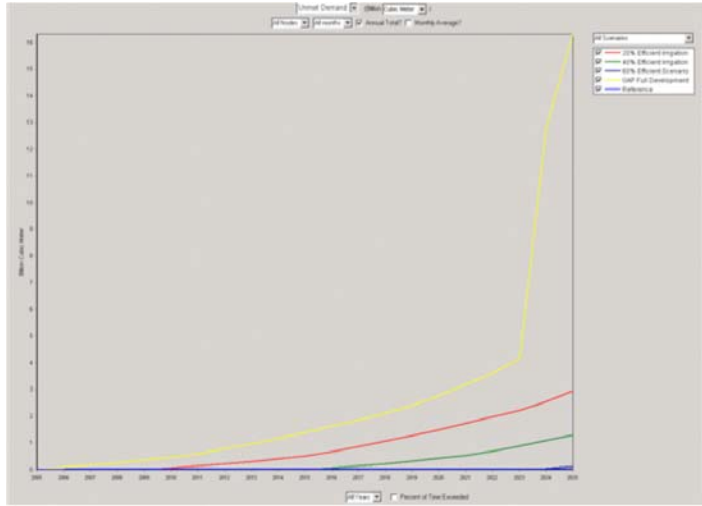
**Figure A1** WEAP schematic for the Tigris-Euphrates River Basin.



**Figure A2** WEAP demand forecasting.

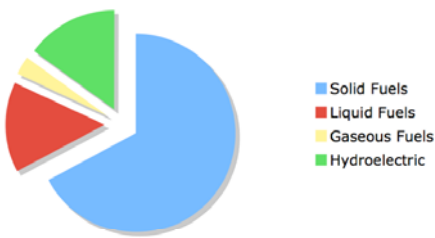


**Figure A3** Excess demand for efficiency scenarios of 20, 40, and 60 percent when the GAP project is operating at full capacity. Note that demands are only met when irrigation efficiency is increased to an unrealistic 60%.

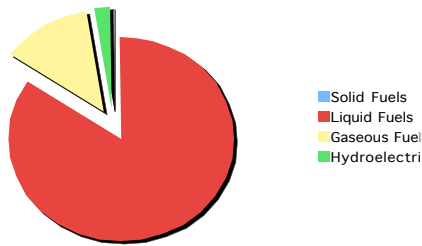


**Figure B1** Energy production in Turkey, Syria, and Iraq. *Data Source: World Resources Institute*

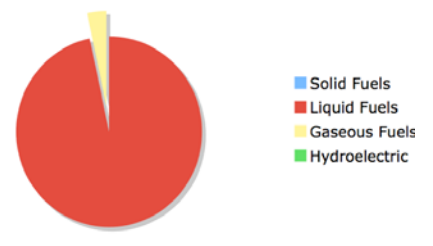
Energy Production: Turkey (1999)



Energy Production: Syria (1999)



Energy Production: Iraq (1999)



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*The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.*



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<sup>43</sup> Kibaroglu and Ünver.



## Review of *The Iron Cage: The Story of the Palestinian Struggle for Statehood* by Rashid Khalidi Saminaz Zaman

Increasingly, the question of Palestinian statehood has become a paramount concern for American foreign policy. Already in the Muslim world, the Palestinian plight provokes acutely visceral responses. Such emotional responses may make writing about the conflict uniquely frustrating for an historian uninterested in polemics. Rashid Khalidi acknowledges this difficulty in his latest book, *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. In a preface entitled, "Writing Middle Eastern History in a Time of Historical Amnesia," he connects the predicament in Palestine to last summer's battle between Israel and Hezbollah. Khalidi blames the United States for adopting an "ahistorical" approach that ignores the specificities of Palestine, Israel, or Lebanon and relies instead on a monolithic picture of the Middle East viewed through the lens of terrorism and conflict. He argues that instead of succumbing to this historical amnesia, the history of Palestine must assume center stage.

That history, Khalidi maintains, often becomes subsumed under the more compelling and more widely known saga of Israel. Palestine, then, becomes only of interest as the source and/or the potential solution to the persistent conflicts in the Middle East. For Khalidi, the Palestinian narrative appears almost as a secret history buried under the palimpsest of competing mythologies and security studies-driven analyses. Khalidi's contribution to Palestinian history does not intend anything as ambitious as composing a national history for a stateless nation.

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Instead, *The Iron Cage* examines pre-Mandate and Mandate-era Palestine in order to analyze the actions and sometimes inaction of Palestinian leadership that prevented them from building the structures required to facilitate statehood. *The Iron Cage* covers the period between the 1919 Balfour Declaration and the most recent elections in Palestine, concentrating on the decade before the 1948 creation of the state of Israel. He chooses this time because he believes the Palestinians squandered their opportunities and strengths until the odds were incontrovertibly stacked against them. He considers the role of Israel, the United States, Britain, and neighboring Arab states. Ultimately, Palestinian actors dominate Khalidi's stage.

By critically assessing the Palestinian role in the failure to establish an independent state, he gives the Palestinians agency over their fate. Indeed, Israel enjoyed numerous economic, educational, and military advantages as well as the crucial support of the U.S. and Europe which created a highly uneven playing field. However, Khalidi also acknowledges that Palestine had strengths which leadership from the first Mufti of Jerusalem to Yasser Arafat failed to mobilize. Khalidi likens Palestine and Israel in 1948 to David and Goliath, but details a scenario in which David and Goliath curiously switched places from a decade earlier. In less than a year, the Arabs of British Palestine went

**Khalidi blames the U.S. for adopting an "ahistorical" approach that ignores the specificities of Palestine, Israel, or Lebanon and relies instead on a monolithic picture of the Middle East viewed through the lens of terrorism and conflict**

from a majority population, who owned 90 percent of private land, to an embattled minority, many of whom were forced to flee and continue to live as refugees in neighboring states.

Khalidi attributes this event, the *al nakba* when half of Palestine's Arab majority were expelled from their land, to a combination of British duplicity and Palestinian complicity. Decades before the establishment of the state of Israel, the British Foreign Secretary Arthur James Balfour stated in 1919, "Zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far greater import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land."<sup>1</sup> Khalidi uses this statement from Balfour's confidential

**Khalidi does not foresee state sovereignty for the Palestinians in the near future**

1919 memo and other remarks in a similar vein to shatter the illusion that Britain played a neutral, intermediary role in the Mandate.

In fact, Britain pursued the same "divide and rule" communitarian policies in Palestine that it did in other areas under its colonial rule, such as India or Egypt. Britain co-opted Jerusalem's leading Palestinian families and created new structures of power to prevent the Palestinians from forming their own national institutions. The single most illuminating section of *The Iron Cage* details the British invention of new Islamic institutions in Palestine. As with Anglo-Muhammadan Law drafted and enacted in India, these new institutions nominally upheld tradition but actually "had no precedent in that country's history, or indeed in the entirety of Islamic history."<sup>2</sup> For example, the British created a *Shari'a* court system and network of religious charities that did not exist in Ottoman times. Khalidi argues that the creation of these structures showed how the British could only view colonized cultures as motivated by religion over nation.

Most significantly, the British created the new position of "Grand Mufti of Palestine," endowing the role with a power and prestige that contradicted Islamic law and custom. Traditionally, this role offered prestige but no power over other *muftis*. In Islamic jurisprudence, a *qadi* judges cases while a *mufti* just advises. Khalidi devotes a substantial portion of his book to the young Hajj Amin al-Husayni, Britain's unlikely choice of *mufti*, and scion of one of Jerusalem's most prominent and wealthy families. The selection of al-Husayni as *mufti* involved an implicit agreement whereby Palestinian elites would not criticize the Mandate and the incipient Jewish state that prevented the possibility of any form of top-

down opposition. Al-Husayni did not have the religious education or background usually required for such a position and he did not have the charisma or public persona to lead the masses.

The British also chose al-Husayni because his older relative, Musa Kazim al-Husayni, the former mayor of Jerusalem, represented the major opposition to the British. By appointing his relative, the British undermined Musa's legitimacy and waged a micro version of divide and rule within the same family. Khalidi clearly presents the Grand Mufti as a cautionary tale to the current Palestinian leadership. Later in his career, al-Husayni did defy the British but not in a way that benefited the Palestinian people. He achieved great notoriety and opprobrium by leaving Palestine for Germany and supporting the Nazi regime. Although Khalidi blames al-Husayni and the British for empowering him, he does gloss over this later chapter in the Grand Mufti's life.

The nature of Palestine's political and religious institutions at this time differed from those of Arab colonial and postcolonial neighbors such as Syria or Egypt. Far from an Arab nationalist, al-Husayni was the only leader at this time in the region whose legitimacy derived from a religious institution, albeit one which derived from an invented tradition. Khalidi argues that, however disorganized, the Wafd in Egypt or the National Bloc in Syria agitated for nationhood. The Palestinian *mufti*, on the other hand, had no incentive to support a nationalist movement that could weaken his unique leadership position.

Palestine did nurture populist movements before 1948, but even these emerged too late as the Palestinians had already trapped themselves in "the fiendish iron cage" of the book's title. Khalidi argues that the British fashioned this iron cage by reducing the Palestinians to religious and communitarian entities, while recognizing and facilitating the Israeli claims to statehood. However, he does not blame the British solely for stunting Palestinian leadership. Through a series of illuminating statistics and anecdotes, Khalidi compares Mandate-era Palestinians to their Arab and Israeli counterparts, a task that Khalidi calls "comparing the incomparable." The *yishuv*, or Jewish community in Palestine, enjoyed immense transnational political and financial support, while Arabs in Palestine clearly lagged behind in terms of educational and economic gain. The influx of Jewish settlers from Europe further exacerbated these disparities. Still, Palestinians in the Mandate compared favorably to other Arab states in terms of literacy, health, and socioeconomic status but Khalidi contends they could not parlay these strengths into escaping the iron cage fashioned by both the British and Palestinian leadership.

According to Khalidi's analysis, the trend of flawed Palestinian leadership continues to the present day. In particular, he blames Yasser Arafat for personalizing the struggle for a Palestinian state to such an extent that his own agenda became conflated with the Palestinian people's aims. Outlining the repercussions of pre-Mandate politics on contemporary Palestine, Khalidi remains remarkably silent on the 1970s and 1980s—the era before Arafat's expulsion from Beirut. Khalidi does not appear optimistic about a post-Arafat Palestine because, after almost sixty years and the de-colonization of most of the world, Palestine remains stateless and without a consensus on what a potential state structure might look like.

To Khalidi, current U.S. foreign policy only exemplifies how obdurate the iron cage has become. The U.S. exhorts democracy in the Middle East but does not sufficiently appreciate the democratic elections recently held in Palestine. The last chapter of *The Iron Cage* examines a new Palestinian dilemma. With the almost unanimous support of the international community for a two-state solution, the Palestinian leadership must decide upon an appropriate structure for an independent Palestine co-existing alongside an independent Israel. Khalidi does not foresee state sovereignty for the Palestinians in the near future. He paints a dour future with no imminent escape from the iron cage. Caught in a potential two-state configuration bound by an increasingly powerful Israeli state, the Palestinian people must formulate new and innovative solutions that take into account this new reality as well as the lessons of the past.

Khalidi cites the lack of understanding enshrined in competing narratives of victimhood as the major roadblock to peace between Israel and Palestine. In his final plea to the current Palestinian leadership, Khalidi's voice changes from the careful Columbia University scholar to the public intellectual who, as a long-time advisor to the Palestinian leadership, seems to palpably feel the frustrations and continued failures of Palestine. In this role, he resembles Edward Said, another Columbia scholar and Palestinian intellectual whose name is present in Khalidi's title. Moreover, like the shamed Grand Mufti of Jerusalem, Khalidi belongs to a renowned family of notables. Consequently, he evokes more than foreign policy or national security when he states that U.S., Israeli, and Palestinian leadership must shed their historical amnesia and "look honestly at what has happened in this small land over the past century...and especially at how repeatedly forcing the Palestinians into...an iron cage, has brought, and ultimately can bring, no lasting good to anyone."<sup>3</sup>

*The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.*

Work Cited

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<sup>1</sup> Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. (Boston: Beacon Press, 2006), 36.

<sup>2</sup> *Ibid*, 55.