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Editor's Note:

It is a great pleasure to welcome you to Volume 1 Issue 1 of the Central European Journal of International and Security Studies (CEJISS). This project was conceived of by the Rector of the University of Public Administration and International Relations in Prague, Professor Michal Klima, who recognised that while there are important exceptions, the 'balance of analyses' regarding international relations and security, tends to favour the Western states of the EU. After a lengthy discussion over the pros and cons, we decided that launching an international relations and security journal from Prague, would contribute to European debates from a new perspective. As such, the CEJISS acts as a conduit of scholarly research and opinions from Eastern, Central, Western, Northern and Southern Europe, as well as from the wider international academic community. In this, our premier issue, a range of articles has been prepared from an assortment of Czech and international authors. Inside you will find articles related to international security (Peacekeeping, Conscription, and Private Militaries), political theory (Democratisation, 'Dirty Hands,' and European Identity Formation) and area studies relating Europe to the Middle East (EU donations to Hamas and Media and the Failure of Oslo).

CEJISS has made a pledge to provide readers with relevant information on issues pertaining to European and international society. I sincerely hope that you enjoy this volume and welcome your ideas and comments.

Yours truly,



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EU Counterterrorism Policy and the 2004 Eastern Enlargement

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Introduction

The purpose of this article is to analyze the European Union's (EU) counterterrorism policy with a special focus on its extension to the ten new member states that have joined the organization on May 1, 2004. Following the September 11, 2001 terrorist attacks on the United States (US), the EU has acted on several fronts to reinforce its existing nascent capabilities to combat terrorism. Along with championing the cause of enhanced counterterrorism cooperation among its existing fifteen member states, the EU has simultaneously attempted to bolster the counter-terrorism capabilities in Europe en masse. These efforts have been especially apparent in the successful enlargement process which was completed on May 1, 2004, when ten new member states joined the EU: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia (further referred to as the former candidate countries – FCCs).²

Based on official EU documents, internal reports, and secondary sources, I argue that these FCCs were willing to change their administrative, legal, economic, social, and policy frameworks to conform to the EU's counterterrorism standards but they were not necessarily independently capable of changing, at least within the relatively short accession time frame. It was only through intense planning, monitoring, mentoring, and generous funding assistance that the EU was able to facilitate these countries' successful transitions. There is, however, also a cause for concern that the rapidly negotiated political

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² Throughout the pre-accession process these countries were interchangeably referred to as Candidate, Applicant, Associated, or Partner Countries. Since the primary discussion within this paper is on the pre-accession process, I maintain the term former Candidate Country throughout the paper. This paper does not deal with the pre-accession process of Bulgaria and Rumania, which acceded to the EU on January 1, 2007.

agreements regarding EU counterterrorism policy have not been properly implemented, in large part due to the absence of genuine pro-integration thinking in the area of Justice and Home Affairs (JHA) among both the FCCs and the old EU member states.

The article begins with an analysis of the origins of the EU's counterterrorism policy, followed by a survey of major developments related to counterterrorism policy before May 1, 2004. In the next section, I present a succinct overview of the most recent EU enlargement process, with a special focus on a series of pre-accession planning, monitoring, mentoring, and funding programs and mechanisms devised by Brussels to assist the candidate countries (CCs) in their efforts to conform to the JHA standards of the European Union. Finally, the article offers a summary of the most important developments after May 1, 2004 and concludes with an assessment of the effectiveness of the "EU 25" counterterrorism policy.

EC/EU Counterterrorism Policy Prior to May 1, 2004

The European Union's counterterrorism policy can be traced to the early 1970s, when the European Political Cooperation (EPC)³ came into being. The initial impetus for greater intergovernmental cooperation among Member States was the growth of terrorist incidents perpetrated by indigenous Western European as well as Middle Eastern organizations in the late 1960s and early 1970s.⁴ By the mid-1970s, the European Communities (EC) Member States had become dissatisfied with the existing international policies and procedures which dealt with terrorism⁵ and felt that a regional approach would be more effective.⁶ Consequentially, in addition to the diplomatic efforts taken to combat state-sponsored terrorism within the EPC framework,⁷ the EC Member States began to develop what could be termed as an EC counterterrorism policy at two key levels: the legal and the operational.

At the legal level, the EC Member States adopted a strategy designed to ensure that the existing international anti-terrorist provisions would be fully applied within the EC. Moreover, since the respective national criminal codes and definitions of terrorism diverged so greatly, "the aim was to inject a degree

³ The main feature of EPC was consultation among the Member States on foreign policy issues. Launched in 1970, EPC was formally enshrined in the Single European Act (SEA) in 1987.

⁴ Malcom Anderson, "Counterterrorism as an Objective of European Police Cooperation," in *European Democracies Against Terrorism: Governmental Policies and Intergovernmental Cooperation*, ed. Fernando Reinares (Burlington, US: Ashgate Publishing Company, 2000), 229.

⁵ Paul Wilkinson, *Terrorism and the Liberal State* (London: Macmillan, 1986), 292.

⁶ Juliet Lodge, "Terrorism and the European Community: Towards 1992," *Terrorism & Political Violence* 1, no. 1 (January 1989): 30.

⁷ For further information, see Meliton Cardona, "The European Response to Terrorism," *Terrorism & Political Violence* 4, no. 4 (Winter 1992): 252-53; Lodge, "Terrorism and the European Community: Towards 1992," 36-40.

of predictability into the EC's public position vis-à-vis terrorism."⁸ To this end, in 1979, the EC Member States negotiated the so-called Dublin Agreement that ensured the Council of Europe's 1977 European Convention on the Suppression of Terrorism (ECST) would be applied uniformly within the EC.⁹ The implementation of both the Dublin Agreement and ECST was, however, beset by difficulties as a number of EC Member States refused to ratify these agreements, primarily due to concerns over potential loss of autonomy to deal with terrorism either on their own or on bilateral basis.¹⁰ Consequentially, it was not until the mid-1980s when the idea of a European judicial area was seriously entertained under the banner of the completion of single European market.¹¹

At the operational level, the TREVI (Terrorism, Radicalism, Extremism, and political Violence) Group was established in 1976 as a forum for discussion and cooperation on police and intelligence matters. Within this framework, the justice and interior ministers of EC Member States exchanged intelligence information, compiled a blacklist of terrorists, analyzed external terrorist threats, tracked specific terrorist groups, and facilitated the arrest and prosecution of terrorists.¹² Following a series of terrorist attacks in the mid-1980s, the TREVI Group increased cooperation in combating terrorism even further and a working party was established to study how to improve checks at the European Community's border, the coordination of national visa policies and the cooperation in combating passport fraud.¹³

Overall, there can be little doubt that TREVI's work was considered by both the EC and the contiguous European states to be useful, despite the fact that TREVI's legal basis and its relationship to other EC institutions remained unclear. As Lodge notes, by the late 1980s many EC Member States felt, "TREVI is a more effective forum than Interpol in matters relating to the security of databank and information exchanges on international terrorism."¹⁴ More importantly, it became clear that "the internal market cannot be completed unless the issues currently being addressed by TREVI are discussed within the EC."¹⁵ Consequentially, when the Maastricht Treaty on European Union was signed in February 1992, the previously informal EPC and TREVI frameworks were brought under the new legal and structural framework of the EU and formed the basis of the JHA pillar.

⁸ Lodge, "Terrorism and the European Community: Towards 1992," 30.

⁹ Cardona, "The European Response to Terrorism," 251.

¹⁰ M.P.M. Zagari, "Combating Terrorism: Report to the Committee of Legal Affairs and Citizens' Rights of the European Parliament," *Terrorism & Political Violence* 4, no. 4 (Winter 1992): 292.

¹¹ Lodge, "Terrorism and the European Community: Towards 1992," 32.

¹² Cardona, "The European Response to Terrorism," 252.

¹³ Zagari, "Combating Terrorism: Report to the Committee of Legal Affairs and Citizens' Rights of the European Parliament," 293.

¹⁴ Lodge, "Terrorism and the European Community: Towards 1992," 42.

¹⁵ Lodge, "Terrorism and the European Community: Towards 1992," 42.

The Maastricht Treaty specifically referred to terrorism as a serious form of crime to be prevented and combated by developing common action in three different ways:

1. Closer cooperation between police forces, customs authorities and other competent authorities, including Europol;
2. Closer cooperation among judicial and other competent authorities of the Member States;
3. Approximation, where necessary, of rules on criminal matters.¹⁶

Prior to 9/11, some progress had been made in developing common actions in all three areas but their practical implementation was often painfully slow.

In the area of police cooperation, the Maastricht Treaty made a provision for the establishment of Europol, the EU police coordination unit. Europol started limited operations on January 3, 1994 in the form of the Europol Drugs Unit (EDU). Subsequently, other areas of criminality were added to Europol's mandate, including those "dealing with crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property."¹⁷ Nevertheless, Europol was unable to commence full activities until July 1999, when the Europol Convention was finally ratified by all EU Member States.

In the area of judicial cooperation, two important legal instruments were adopted in the 1990s: the Convention on Simplified Extradition Procedure between the Member States of the EU (March 1995) and the Convention Relating to Extradition between Member States of the EU (September 1996). The main purpose of both Conventions was to supplement and improve the application of both the 1957 European Convention on Extradition and the 1977 European Convention on the Suppression of Terrorism by imposing a lower threshold for extraditable offences, and by specifying those offences for which extradition may not be refused.¹⁸ As such, the two conventions represented yet another attempt to ensure uniform application of existing key anti-terrorist provisions within the EU.

With regards to the approximation of rules on criminal matters in the Member States, Article 31(e) of the Treaty of Maastricht already called for the establishment of minimum rules relating to the constituent elements of terrorist

¹⁶ Article K.1. After subsequent Treaty of Amsterdam revisions, Article 29.

¹⁷ Council of the European Union. *Council Decision of 3 December 1998 Instructing Europol to Deal with Crimes Committed or Likely to Be Committed in the Course of Terrorist Activities Against Life, Limb, Personal Freedom or Property*, EN 30/01/1999 0022 (1999)

¹⁸ Monica Den Boer and Jörg Monar, "Keynote Article: 11 September and the Challenge of Global Terrorism to the EU as a Security Actor," in *The European Union: Annual Review of the EU 2001/2002*, ed. Geoffrey Edwards and Georg Wiessala (Oxford, UK: Blackwell, 2002), 21.

acts and penalties. This call was repeated in Paragraph 46 of the Action Plan of the Council and the Commission on how best to implement the provisions of the 1997 Treaty of Amsterdam,¹⁹ which committed EU Member States to constructing an “area of freedom, security and justice.” The Treaty also acknowledged that in order to guarantee freedom and justice while enhancing security, the Member States need to better coordinate their justice and home affairs policies and, in some areas, grant the EU new powers.²⁰

In the subsequent years, however, the EU has made only slow progress in constructing the promised area of “freedom, security and justice.” The October 1999 Tampere European Council attempted to inject new life into the JHA pillar and supplied a number of targets and deadlines for the implementation of policies on immigration, border control, police cooperation and asylum. Few of these targets, however, were met before September 11, 2001 and, as discussed below, some are still to be met as of early 2007.

It is apparent that on the one hand, a number of innovations of the EU counterterrorism policy were adopted well before the 9/11 events. As Monica den Boer and Jörg Monar put it:

“[O]ne could argue that several strata of counter-terrorism activities were already in place within the EU before 11 September: institutionally, a European police office competent to deal with terrorism-related offences; legally, conventions and additional legal instruments to facilitate extradition; and operationally, direct and regular contact between the heads of the European security services, an anti-terrorism repertory, and a regular update of the security situation.”²¹

On the other hand, however, the delays in the ratification of the Europol Convention and other key counterterrorism measures by several EU Member States in the 1990s suggest that the impact of 9/11 on EU counterterrorism policy should not be underestimated. As Anastassia Tsoukala noted, prior to September 11, 2001, “the position of the European Union toward terrorism has been limited to a strictly political level.”²² While the representatives of all EU

¹⁹ European Commission, *Proposal for a Council Framework Decision on Combating Terrorism*, COM (2001) 521 Final (Brussels, 2001), 5.

²⁰ These include: powers to make national criminal laws more similar; make national police forces and prosecutors work together more effectively; build a common border guard; develop common asylum and visa policies; make the EU courts more efficient; and guarantee the rights of individuals. Adam Townsend, “Can the EU Achieve an Area of Freedom, Security and Justice?” Center for European Reform, <http://www.cer.org.uk/pdf/opinion_at_jhaoct.pdf>, October 2003.

²¹ Den Boer and Monar, “Keynote Article: 11 September and the Challenge of Global Terrorism to the EU as a Security Actor,” 21.

²² Anastassia Tsoukala, “Democracy Against Security: The Debates About Counterterrorism in the European Parliament, September 2001-June 2003,” *Alternatives: Global, Local, Political* 29, no. 4 (August-October 2004): 29.

Member States had consistently condemned terrorism before 9/11,²³ the formation of a genuine EU counterterrorism policy had only been fully integrated into the Council's agenda after the terrorist attacks on the US.

In the aftermath of 9/11, the representatives of the EU Member States immediately engaged in a long series of meetings, which concluded with the Extraordinary European Council meeting on September 21, 2001. The Extraordinary Council approved a comprehensive "European policy to combat terrorism," titled the Plan of Action.²⁴ In this document, the European Council called for the adoption of instruments and measures in five areas:

1. Enhancing police and judicial cooperation;
2. Developing international legal instruments;
3. Putting an end to the funding of terrorism;
4. Strengthening air security;
5. Coordinating the European Union's global action.²⁵

One important implication of this Plan of Action is that it binds the EU to a single long-term counterterrorism strategy, implying that the rotating Presidencies will no longer be able to set the EU counterterrorist agenda solely on the basis of their own national priorities. As Dorine Dubois points out, "the events of 11 September have indirectly allowed the EU to become a consistent actor in the fight against terrorism."²⁶

The Plan of Action was subsequently supplemented by a number of other important legal initiatives, including:

- Framework Decision on the European Arrest Warrant;
- Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism;
- Framework Decision on Joint Investigation Teams;

²³ In October 1995, for example, the Council adopted the *La Gomera Declaration*, which "affirmed that terrorism constitutes a threat to democracy, to the free exercise of human rights and to economic and social development." Council of the European Union. *Council Framework Decision of 13 June 2002 on Combating Terrorism*, EN 2002/475/JHA 0003, article 2. The representatives of EU Member States also repeatedly publicly condemned terrorist acts as contradictory to the basic universal values of human dignity, liberty, equality and solidarity upon which is the European Union founded.

²⁴ Council of the European Union, "Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001," <http://europa.eu.int/comm/external_relations/110901/actplan01.pdf>.

²⁵ It is important to note that in addition to the comprehensive European policy to combat terrorism, there were two other areas where the Council specifically reaffirmed, "its firm determination to act in concert in all circumstances" – "Solidarity and cooperation with the United States," and "The Union's involvement in the world." Council of the European Union, "Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001."

²⁶ Dubois, "The Attacks of 11 September: EU-US Cooperation Against Terrorism in the Field of Justice and Home Affairs," 324.

- Decision establishing Eurojust;
- Framework Decision on Combating Terrorism;
- Common Position on the application of specific measures to combat terrorism;
- Framework Decisions and Regulations on money laundering, the identification, tracing, freezing, and confiscation of instrumentalities and the proceeds of crime.

In light of this wide array of innovative legal measures, some observers suggested that “it certainly must be acknowledged that European Union law contributed to a great extent to the fight against terrorism in Europe, especially through the strengthening of cooperation between Member States.”²⁷ Others noted that the 9/11 events have generated tremendous political impetus, which not only enabled the EU to rapidly adopt a number of significant JHA instruments that attested to the EU’s credibility as a partner in JHA, but also augmented the EU’s capacity to act as a single unit on the international stage.²⁸ For the ten FCCs, however, this unprecedented increase in the number of new JHA instruments also implied the need to accept and transpose a much larger amount of *acquis communautaire* over an extremely short period of time.

The Enlargement Process

Along with championing the cause of transnational counter-terrorism cooperation among its existing member states, the EU has also attempted to bolster the counter-terrorism capabilities of the ten new member states that joined the EU on May 1, 2004. These FCCs were largely willing to change their administrative, legal, economic, social, and policy frameworks to conform to the higher standards of the EU. On their own, however, they were not necessarily independently capable of changing within the relatively short accession time frame. It was only through intense planning, monitoring, mentoring, and generous funding assistance that the EU was able to facilitate these countries’ successful transitions.

The European Union’s accession process is a complex, resource-intensive system that has evolved along with the integration of the EU itself. Over time, it has been refined into an identifiable series of six distinct steps.²⁹ First, the EU clearly defined its standards for accession by adopting the *acquis communautaire* and creating a written agreement with each state desiring membership. Second, the EU identified and prioritized the gaps between each state’s current

²⁷ Nicola Vennemann, “Country Report on the European Union,” 53.

²⁸ Dubois, “The Attacks of 11 September: EU-US Cooperation Against Terrorism in the Field of Justice and Home Affairs,” 330.

²⁹ This is not a “formula” or checklist that the EU consciously uses. I inductively identified this process using steps that the European internal evaluations repeatedly emphasized as decisive for the success of the accession process.

situation and the EU standard. Third, the EU required each state to devise its own (but EU approved) plan to meet the standard. Fourth, the EU identified the available funding, technical assistance, and assisting through twinning for each state to reach the standard. Fifth, the EU provided regular and detailed feedback on each state's successes and failures, relative to the standards identified in its accession agreement. Sixth, which occurred throughout the process, the EU actively communicated to all involved, from heads of state to individual citizens, the benefits of undertaking this dramatic – and at times painful – process.

Already in the pre-accession stage, the FCCs gained a number of privileges in the area of JHA, such as access to European early warning systems, institutional support, and subject matter experts for technical assistance and advice, including all terrorism-related measures. Perhaps most important, the FCCs received significant financial assistance to implement the structural and institutional changes required by the *acquis*.³⁰ The EU judiciously planned its accession program with parallel funding measures, which ultimately enabled the ten FCCs to enter in 2004. The combined pre-accession assistance for the FCCs was €3 billion per year (1997 figures) during the 2000–2006 period.³¹

In May 1998, the EU launched its twinning program as a new way of delivering assistance for institution building programs within the Phare Programme,³² using the same logic but different processes as its popular town twinning program between cities of separate European countries.³³ Although

³⁰ It is important to note that *acquis* implementation requires not only the adoption of appropriate legislation, but also ensuring an adequate level of administrative capacity.

³¹ For 1997-98, seven per cent, or € 71.5 million, of the Phare budget went towards the Justice and Home Affairs chapter of the *acquis*. European Commission, PLS RAMBØLL Management, and Eureval - C3E, "PHARE Ex Post Evaluation of Country Support Implemented from 1997-1998 to 2000-2001: Consolidated Background Report," <http://europa.eu.int/comm/enlargement/phare_evaluation_pdf/consolidated_background_report_english.pdf>.

³² Europe created the first accession funding program, the Phare Program, in 1989 (Council Regulation 3906/89) to assist the dramatic transitions of Poland and Hungary after the Cold War. In 1993, it was reoriented to support all FCCs in their accession process. From 1989 to 1999 the Phare framework existed as the sole instrument to support institution building and *acquis*-related investment to prepare CCs for membership. In 1999 the Council created two other programs for accession: SAPARD (**Special Accession Program for Agriculture and Rural Development**, Council Regulation 1268/99), which contributes to improve the competitiveness of the agricultural sector, with respect to the *acquis*; and IPSA (Instrument for Structural Policies for Pre-accession, Council Regulation 1267/99), which assists with strategic, large-scale infrastructure projects in the transportation and environmental sectors (in a 50-50 proportion). Phare projects did not support Cyprus and Malta, which had their own dedicated financial instruments.

³³ Twinning in Europe has had a long and successful history, with the first modern twinning arrangement forming between Orléans (France) and Dundee (UK) in 1946. Since 1989, Europe has officially funded these efforts, benefiting over 11,000 towns with EU grants, largely aimed at increasing the sense of European identity and sharing lessons throughout the region. In 2003, the EU funded almost 1,400 town twinning partnerships worth €12 million, and 80,000 people in Europe participated in twinning activities co-financed by the EC. A Twin-

not generally considered to be a central component of the EU's accession process, twinning has served as a valuable tool to expedite and facilitate the accession states' implementation of their Europe Agreements (EAs), allowing them to come into compliance with the EU's standards. By pairing the "old" EU member states with FCCs to share their counter-terrorism expertise,³⁴ the FCCs could more quickly create or adapt their administrative and democratic institutions to comply with membership requirements in the area of JHA. According to the Commission, for example, in one of EU's "great success stories," Hungary twinned with the United Kingdom and Germany to counter organized crime activities, harmonize its legislation, and examine systems and structures at its Interior Ministry to implement the "justice and home affairs" chapter of the *acquis*. This program drastically increased in importance after Romania's accession plans were delayed, since this border was to become the "Schengen frontier" – the EU's external border – after accession. Within the project, the checkpoints were renovated; over 300 border guards, customs officials, and police officers were trained for their new tasks; and a completely new information network system was established. They completed this training within a "Training to Combat Organized Crime Activities" project, which covered seven areas, including cross-border criminality, criminal intelligence activities, criminal terrorism, corruption, witness protection, and financial investigation. The Hungarians also created a new unit to fight cross-border crime, and have included a series of enhanced and sophisticated skills into their police academy as a follow-up to the Phare Training Programme. In the area of criminal terrorism, they used improved bomb-scene management, trained officers in specialized analytical skills in the field of detecting organized crime, practiced techniques of undercover work, and introduced improved methods of fingerprinting and photographic evaluation. The drastic changes occurred in only eighteen months (1 February 2000, to 31 August 2001) and cost only €1.4 Million.³⁵

ning Program is drastically different from traditional Town Twinning program's technical advice in that two (or three) partners create a close partnership to complete a complex project in a specific field, which must yield "guaranteed results." European Commission, "Belonging to the European Union," *The Magazine: Education and Culture in Europe* 20 (2003), <http://europa.eu.int/comm/dgs/education_culture/mag/20/en.pdf>.

³⁴ EU twinning projects involve the secondment of EU experts, known as Pre-Accession Advisors (PAA), to the candidate countries. They are made available for a period of at least one year to work on a project in the corresponding Ministry in a candidate country. Pre-Accession Advisors are supported by a senior project leader in their home administration, who is responsible for ensuring the overall thrust of the project implementation and coordinating all other inputs from the Member State. In order to achieve the objective of the Twinning project, it is necessary to combine different means, including short-term expertise, training, services (such as translation and interpreting) and specialized help (such as specialized computer software), in addition to the Pre-Accession Advisor. For more information, see http://europa.eu.int/comm/enlargement/pas/twinning/pdf/twinning_en.pdf

³⁵ European Commission, "On Time, on Target: Training to Combat Organized Crime in Hungary," *Phare National Programmes Highlights* 4 (February 2000), <http://europa.eu.int/comm/enlargement/pas/phare/pdf/phare_highlights_four.pdf>.

Interestingly, countries using the twinning program have been the most successful in instituting changes related to legislation, the judiciary, and administrative procedures. This is in part because the general population does not always have to support these changes for them to be effective, unlike other EU twinning projects with goals such as integrating minorities or changing educational curricula. In addition, twinning incorporated an agreed-upon standard that the “old” EU member states were already successfully employing.³⁶ There were also many indirect benefits from twinning for both the FCCs and member states. For example, one external evaluation of the EU’s Phare Programme found that the EU twinning partners introduced good management practices outside of the specific twinning project. Although the twinning projects do not guarantee lasting relationships, “twinning partners tend to keep in touch through e-mails and phone calls, which is not the case with technical assistance.”³⁷ The evaluators found this was a common occurrence with far-reaching possibilities for sustainability and community building. As one manager in an agricultural agency participating in the twinning program told an evaluator, “When I am encountered with a problem or have some doubts, I simply ring my new friends from Germany and Austria for their second opinion.”³⁸

Since 1998 the EU has also continued to annually complete regular reports on the progress and shortcomings of each FCC with respect to its accession partnership (AP) and *acquis* implementation progress. Together with the AP, the regular reports define the priorities within each FCC for specific institution building, which is generally defined as “the process of helping the FCCs to develop the structures, strategies, human resources and management skills needed to strengthen their economic, social, regulatory and administrative capacity.”³⁹ Within each regular report’s section covering the JHA, the EU recapitulated what was the FCC’s original status as per its July 1997 report, and then described the FCC’s current status in meeting the EU standards specifically pertaining to the

³⁶ In the “legislative and administrative impacts” category, projects with twinning (N=50) had an overall effectiveness rating of 0.72 (on a scale of 0 to 1, with 1 being full achievement of intended impacts); without twinning (N=62), 0.69. For the socioeconomic category, projects with twinning (N=27) had an overall effectiveness rating of 0.63; without twinning (N=45), 0.56. Based on an external review conducted by PLS Rambøll Management. European Commission, PLS RAMBØLL Management, and Eureval - C3E, “PHARE Ex Post Evaluation of Country Support Implemented from 1997-1998 to 2000-2001: Consolidated Background Report,” 129-35.

³⁷ European Commission, PLS RAMBØLL Management, and Eureval - C3E, “PHARE Ex Post Evaluation of Country Support Implemented from 1997-1998 to 2000-2001: Consolidated Background Report,” 135.

³⁸ European Commission, PLS RAMBØLL Management, and Eureval - C3E, “PHARE Ex Post Evaluation of Country Support Implemented from 1997-1998 to 2000-2001: Consolidated Background Report,” 135.

³⁹ European Commission, the Permanent Representation of Sweden to the EU, and Permanent Representation of Austria to the EU, “The Enlargement Process and the Three Pre-Accession Instruments: Phare, ISPA, SAPARD” (2001), 8.

areas of immigration/border controls, asylum, police, drugs, and judicial cooperation. The report clearly identified progress toward and away from the FCC's Action Plan, and prioritized the short- and medium-term objectives that the FCC needed to address to remain in good standing in the accession process.

These reports, and the financial assistance the EU provided to help make the required preaccession changes, have had a significant effect on the compliance of the FCCs' administrative, legal, economic, social, and policy frameworks with the EU *acquis*. Despite the significant hardships that each FCC and its people incurred due to the (at times drastic) changes demanded by Brussels, these efforts yielded some impressive results. For example, before accepting the EAs, which formalized their plans toward accession in the 1990s, the ten FCCs collectively had a 35 percent acceptance rate of the twelve international terrorism-related treaties. After signing the EAs but before Resolution 1373 went into effect in 2001, an additional 32 percent of the treaties were accepted; while 27 percent more have been accepted since Resolution 1373 and before the FCCs were granted EU membership. Combined, the FCCs have accepted 93 percent of all treaties relating to combating international terrorism, and almost 98 percent of the treaties have at least been signed (see Table 1). Moreover, the FCCs were equally successful in implementing the EU legislative instruments listed in the Declaration on terrorism of the European Council of 25 March 2004 as the old EU member states (see Table 2).

The "EU-25" Counterterrorism Policy

A few months before the ten FCCs joined the EU, a series of blasts killed more than 200 train passengers in Madrid. As the implications sank in of an (allegedly) Al Qaeda-linked terrorist attack on their own home soil, the European countries began a much needed appraisal of all the measures they had taken thus far to combat terrorism. At the EU level, a number of internal reports revealed that implementation of the measures agreed upon years prior had been "slow, poor and inadequate"⁴⁰ and top-level EU officials suddenly became unusually outspoken in their sharp criticisms of the tendency of the EU member states to produce "networks and institutions and then refuse to provide them with necessary tools to perform their jobs or simply not [use] them."⁴¹ Perhaps most alarming, however, the Austrian Chancellor Wolfgang Schuessel suggested that the measures previously taken by the EU had been "absolutely not sufficient as a protection against terrorism."⁴²

⁴⁰ European Commission, "European Commission Action Paper in Response to the Terrorist Attacks on Madrid," 19/03/2004 <<http://www.statewatch.org/news/2004/mar/Comm-Action-Plan.pdf>>.

⁴¹ European Commission, "European Commission Action Paper in Response to the Terrorist Attacks on Madrid."

⁴² BBC Monitoring International Reports <18/03/2004>, Lexis Nexis, <Lexis Nexis internet search>, 18/03 2004.

Seizing the momentum created by the Madrid attacks, the European Commission has been particularly outspoken in its sharp criticism of the lack of intelligence data sharing, and has proposed a number of ways to enhance operational coordination and cooperation in the area of counter-terrorism at the EU level, including:

- the development of a new coordination mechanism for the exchange of information;
- implementation of a European information policy for law enforcement purposes;
- the enhancement of controls to prevent goods linked to terrorist actions from entering the Community;
- the outlining of an EU approach to the use of travelers' data for border and aviation security and other law enforcement purposes;
- the development of comprehensive and interoperable European information systems;
- the execution of an "urgent review" to determine if EU member states have adequate measures in place to monitor and trace bomb-making materials;
- the strengthening of the identification, control, and interception of illegal trafficking in WMD materials;
- early ratification of the Protocol to the United Nations Transnational Organised Crime Convention on trafficking of illegal firearms;
- consideration of making fingerprints mandatory for EU Identity Cards and EU Passports;
- the enforcement of a stronger role to the Task Force of EU Police Chiefs in operational activities concerning the prevention and fight against terrorism;
- the fostering of internal coordination within the Commission and within the Council of various policies that are linked to EU counter-terrorism efforts.⁴³

A number of individual member states have also capitalized on this same momentum to enhance the EU counter-terrorism policy in the area of intelligence sharing. Austria and Belgium, for example, put forward a proposal suggesting that the EU should create a "CIA-style intelligence agency to pool information on the extremist threat."⁴⁴ It has, however, failed to generate enough support from either the other member states or the European Commission. In a comment that was subsequently echoed by his French and German counterparts, former British Home Secretary, David Blunkett, suggested the priority

⁴³ European Commission, "European Commission Action Paper in Response to the Terrorist Attacks on Madrid."

⁴⁴ Jitendra Joshi, "EU Holds Emergency Terror Talks After Madrid Blasts," Agence France Presse, <Lexis Nexis News Search>, 19/03 2004.

should be implementing those counter-terrorism measures already agreed upon after the 9/11 terrorist attacks: “We don’t want new institutions. What I’m interested in is hard, practical action. Let’s cut out the waffle and let’s make sure that whatever we do, we’re practicing what we preach at home.”⁴⁵

The member states did, nevertheless, agree upon the need to appoint an EU security coordinator, an idea which was first circulated by the Irish EU presidency immediately after the Madrid terrorist attacks.⁴⁶ Quickly nicknamed the EU’s “Mr. Terrorism” and/or the “European terrorism czar” by the media, the EU security coordinator should remedy some of the shortcomings in the coordination of EU counter-terrorism policy. The very acknowledgement of the need to create such a position reflects the fact that despite the frequent calls by European governments to step up cooperation in intelligence sharing, the Council of Ministers, the Commission, and even the member states on a bilateral level, often cannot agree how to coordinate.

The March 25–26, 2004 European Council took notice of many of the aforementioned critiques and confirmed the need to review what has been done to combat terrorism in Europe. It also issued a Declaration on Combating Terrorism, which outlines seven of the EU’s strategic objectives to combat terrorism in a Revised Plan of Action:

1. to deepen the international consensus and enhance international efforts to combat terrorism;
2. to reduce the access of terrorists to financial and other economic resources;
3. to maximize capacity within EU bodies and member states to detect, investigate and prosecute terrorists and prevent terrorist attacks;
4. to protect the security of international transport and ensure effective systems of border control;
5. to enhance the capability of the European Union and of member states to deal with the consequences of a terrorist attack;
6. to address the factors which contribute to support for, and recruitment into, terrorism;
7. to target actions under EU external relations toward priority third countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced.⁴⁷

While it is clear that the primary aim of the Revised Plan of Action is to eliminate the previous EU counter-terrorism policy’s tactical shortcomings,

⁴⁵ Joshi, “EU Holds Emergency Terror Talks After Madrid Blasts.”

⁴⁶ Council of the European Union, “European Council to Focus on Fight Against Terrorism,” European Council, <http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=PRES/04/81|0|RAPID&lg=EN&display=>>, 2004.

⁴⁷ Council of the European Union, “Declaration on Combating Terrorism,” European Council, <http://www.eu2004.ie/templates/news.asp?sNavlocator=66&list_id=462>, 2004.

the wording of objectives six and seven seems to suggest that some changes may also be necessary at the strategic level. In particular, as David Blunkett suggested, “moves must be made to address the wider context of terrorism by tackling its roots, whether this be the crisis in the Middle East or chronic unemployment [in the Arab states].”⁴⁸ This seems to confirm the conclusion of a recent scholarly study, which suggests that the EU counter-terrorism campaign has been developed primarily as a matter of judicial and police authority and described the current EU efforts to address the underlying roots of terrorism as “woefully inadequate.”⁴⁹

In many respects, the Revised Plan of Action represents the first call to address terrorism in a comprehensive fashion. In November 2004, this call was reinforced at another European Council meeting in Hague, where the so-called Hague Program was adopted. In this document, the heads of state and government of 25 EU Member States declared that:

“The European Union can contribute decisively to the defeat of terrorism, by working together towards a global strategy to be established on the basis of its founding values: democracy, fundamental rights and the rule of law. The Union’s attention must focus on different aspects of prevention, preparedness and response to further enhance, and where necessary complement, Member States’ capabilities to fight terrorism.”⁵⁰

The Hague Program is effectively the EU’s current agenda for further development of the justice and home affairs pillar and counterterrorism is clearly one of the key areas where the Council would like to see a number of policy decisions within the next five years.

The overall priorities set out in the Hague Program were further elaborated by the European Commission in May 2005, when a five year Action Plan for Freedom, Justice and Security was launched. This policy initiative should turn the Hague Program’s agenda into concrete actions, including a timetable for their adoption and implementation. It contains detailed proposals for EU action on terrorism, migration management, visa policies, asylum, privacy and security, the fight against organized crime and criminal justice, while recognizing that none of these issues can be effectively addressed in isolation. Among the measures being introduced by the Commission in the area of counterterrorism are proposals aiming at greater cooperation between the law-enforcement services of Member States, particularly by means of improved exchanging of

⁴⁸ Rory Watson, “Brussels Backs Creation of Anti-Terror Czar,” *The Times* (London), 19/03 2004, London, Overseas news: 18.

⁴⁹ Laurence Thieux, “European Security and Global Terrorism: The Strategic Aftermath of the Madrid Bombings,” *Perspectives: The Central European Review of International Affairs* 22 (Summer 2004): 60.

⁵⁰ European Commission, “The Hague Programme - Ten Priorities for the Next Five Years,” 2005, <http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/index_en.htm>.

information; a European framework for the protection of related data; a communication on the radicalization and recruitment of terrorists; a communication on the protection of vulnerable infrastructures; a communication on the prevention of and the fight against terrorism financing; a proposal aiming to prevent charitable organizations being used to fund terrorism; and monitoring the pilot project in place for the victims of terrorism.⁵¹

On July 7, 2005, London became the second European capital that was hit by a major terrorist attack since 2001. While the subsequent investigations have not proved any direct links to Al-Qaeda, the attacks definitely confirmed that the threat of terrorism in the EU is a real one. The Member States responded to the attacks with a Council declaration where they reiterated the need to accelerate the piecemeal implementation of the EU Action Plan on Combating Terrorism. The British Council Presidency seized the momentum after the attacks and within a few months prepared a new EU Counterterrorism Strategy that should provide a solid framework for EU activity in this field. Adopted by the European Council in December 2005, the new strategy sets out four key objectives: 1. *prevent* new recruits to terrorism; 2. better *protect* potential targets, 3. *pursue* and investigate members of existing terrorist networks; 4. improve the capability to *respond* to and manage the consequences of terrorist attacks (also see Figure 1). According to the strategy, the EU should help its Member States to achieve these objectives in four ways: 1. promoting international partnership; 2. developing collective capabilities; 3. promoting European cooperation; and 4. strengthening national capabilities (also see Figure 2).⁵² For each of the four objectives of the EU Counter Terrorism Strategy, there is a list of key priorities⁵³ and the updated EU action plan on combating

⁵¹ European Union, "The Hague Programme - Ten Priorities for the Next Five Years."

⁵² Council of the European Union, "European Counter Terrorism Strategy," 2003, <<http://register.consilium.europa.eu/pdf/en/05/st14/st14469-re04.en05.pdf>>.

⁵³ The key priorities for *prevent* are to:

- Develop common approaches to spot and tackle problem behavior, in particular the misuse of the internet;
- Address incitement and recruitment in particular in key environments, for example prisons, places of religious training or worship, notably by implementing legislation making these behaviors offences;
- Develop a media and communication strategy to explain better EU policies;
- Promote good governance, democracy, education and economic prosperity through
- Community and Member State assistance programs;
- Develop inter-cultural dialogue within and outside the Union;
- Develop a non-emotive lexicon for discussing the issues;
- Continue research, share analysis and experiences in order to further our understanding of the issues and develop policy responses.

The key priorities for *protect* are to:

- Deliver improvements to the security of EU passports through the introduction of biometrics;
- Establish the Visa Information System (VIS) and the second generation Schengen Information System (SISII);

terrorism (adopted in February 2006) contains more 160 specific counterterrorism measures.⁵⁴

Similarly to all previous EU plans of action, the Revised Plan of Action, the Hague Program, the Action Plan for Freedom, Justice and Security and the new EU Counter Terrorism Strategy must be implemented to make a difference. A key prerequisite for meeting political objectives is adequate funding. In this regard, the Hague Program stands a good chance of being implemented since it was adopted at a time when the Commission was preparing its proposals for the financial perspective 2007-2013. This made it possible to ensure that the objectives of the program were in phase with the financial means available for them. As of 2006, only 0.5% of the total EU budget was dispensed in the area of Freedom, Security and Justice, but the percentage should gradually increase to 1.3% in 2013. This almost amounts to a trebling of the total expenditure. Moreover, if the amounts proposed for 2007-2013 are compared to the current levels of funding, it is obvious that the most significant progression is in the field of Security. In 2013, amounts allocated to this

-
- Develop through Frontex effective risk analysis of the EU's external border;
 - Implement agreed common standards on civil aviation, port and maritime security;
 - Agree a European programme for critical infrastructure protection;
 - Make best use of EU and Community level research activity.

The key priorities *on pursue* are to:

- Strengthen national capabilities to combat terrorism, in light of the recommendations of the peer evaluation of national anti-terrorism arrangements;
- Make full use of Europol and Eurojust to facilitate police and judicial cooperation, and continue to integrate the Joint Situation Centre's threat assessments into CT policy making;
- Further develop mutual recognition of judicial decisions, including by adopting the European Evidence Warrant;
- Ensure full implementation and evaluation of existing legislation as well as the ratification of relevant international Treaties and Conventions;
- Develop the principle of availability of law enforcement information;
- Tackle terrorist access to weapons and explosives, ranging from components for homemade explosive to CBRN material;
- Tackle terrorist financing, including by implementing agreed legislation, working to prevent the abuse of the non-profit sector, and reviewing the EUs overall performance in this area;
- Deliver technical assistance to enhance the capability of priority third countries.

The key priorities *on respond* are to:

- Agree EU Crisis Co-ordination Arrangements and the supporting operational procedures for them;
- Revise the legislation on the Community Mechanism for civil protection;
- Develop risk assessment as a tool to inform the building of capabilities to respond to an attack;
- Improve co-ordination with international organizations on managing the response to terrorist attacks and other disasters;
- Share best practice and develop approaches for the provision of assistance to victims of terrorism and their families.

Council of the European Union, "European Counter Terrorism Strategy," para.13, 21, 31, 38.

⁵⁴ Council of the European Union, "EU Action Plan on Combating Terrorism," 2006, <<http://register.consilium.europa.eu/pdf/en/06/st05/st05771-re01.en06.pdf>>.

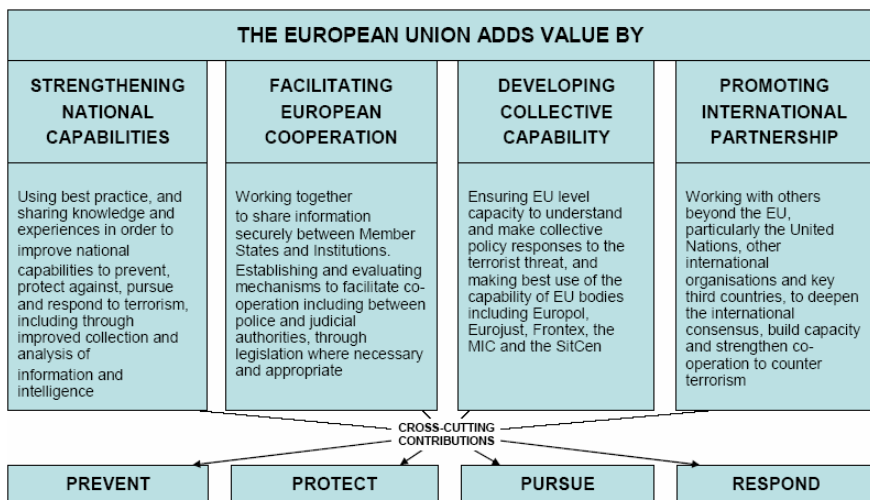
policy will have increased by almost twelve times when compared to funding in 2006.⁵⁵ This clearly demonstrates the political importance that the European Commission attaches to EU action in the field of prevention of, and the fight against, crime and terrorism.

Figure 1: Four strands of the EU Counter-Terrorism Strategy



Source: *European Counter Terrorism Strategy*, 2005.

Figure 2: EU “Value Added” in the Fight Against Terrorism



Source: *European Counter Terrorism Strategy*, 2005.

⁵⁵ European Commission, “The Hague Programme – Ten Priorities for the Next Five Years.”

Concluding remarks

Both the available scholarly and internal EU analyses reveal that while the unprecedented post-9/11 ability of the Council to rapidly reach political agreement on a number of highly sensitive issues may perhaps represent “a precedent for future developments in the field of JHA, as Third Pillar decision-making has proven not to be inherently slow and cumbersome,”⁵⁶ serious doubts remain about the extent to which these agreements have been translated into effect thus far. Often, decisions adopted at the EU level have not been fully implemented by the Member States and there have been cases of different interpretations of the agreed measures. The EU enforcement capabilities remain quite weak and there is a lack of effective coordination between EU institutions and EU Member States in a number of important areas. The national intelligence and law-enforcement agencies do not always cooperate with Europol as they should and, similarly to the governments of several Member States, occasionally prefer to act bilaterally rather than collectively. Cooperation of national judiciaries with Eurojust is also far from ideal due to ongoing national sovereignty concerns and various domestic preoccupations. Taken together, these shortcomings represent an important reminder that the EU is ultimately its Member States, without whose wholehearted support even the most elaborate and innovative counterterrorism structures and mechanisms remain useless.

On a more positive note, the findings of this analysis show that the EU’s efforts to bolster the meager counter-terrorism capabilities of the candidate countries have produced some impressive results. Along with the millions of Euros and extensive technical assistance, the refining of the EU’s accession process into an identifiable and replicable series of six specific steps helped the ten former candidate countries to bring their administrative, legal, economic, social, and policy frameworks closer to the much higher EU standards. As such, the EU’s accession process offers a number of valuable lessons regarding the provision of counter-terrorism assistance to those developing countries that are willing to change – but not necessarily independently capable of changing – their administrative, legal, economic, social and policy frameworks to combat international terrorism more effectively. These lessons could be emulated by other regional organizations and by the UN Counter-Terrorism Committee.

The most recent developments suggests that both the EU institutions and the EU member states responded to the 11 March 2004 and the 7 July 2005 terrorist attacks with a much needed critique of the measures they have taken to combat terrorism thus far. The EU Council adopted a Revised Plan of Action, the Commission launched a five year Action Plan for Freedom, Justice

⁵⁶ Dubois, “The Attacks of 11 September: EU-US Cooperation Against Terrorism in the Field of Justice and Home Affairs,” 327.

and Security, and a new EU Security Coordinator post was created to remedy the current shortcomings in intelligence sharing and coordination. These are all laudable developments that correspond to changed citizens' expectations as what should be priority issues at the European Union level. According to a recent Eurobarometer survey, 91% of EU citizens expect the EU to take action to fight terrorism and to maintain peace and security.⁵⁷

The past experience, however, suggests that translating recent EU political agreements into effective counter-terrorism tools will not be easy. Most observers acknowledge that a multitude of political, legal, and cultural challenges lie ahead, and some have also criticized the EU's failure to adequately address the root causes of terrorism, which in turn suggests that the EU counter-terrorism policy needs to be adjusted both at the tactical and strategic levels. Almost two years after the London terrorist attacks, the political commitment of EU leaders to make these adjustments appears to be stronger than ever before. Whether it will be strong enough to make the EU's counter-terrorism policy less of a paper tiger and more of an effective counter-terrorism device remains to be seen.

⁵⁷ Franco Frattini, "Internal and External Dimension of Fighting Terrorism. Speech by Vice-President Franco FRATTINI, European Commissioner Responsible for Justice, Freedom and Security at the 4th Congress on European Defense, Berlin, 28 November 2005," <<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/05/735&format=HTML&aged=0&language=EN&guiLanguage=en>>.

Table 2: Implementation of the legislative Instruments listed in the Declaration on terrorism on terrorism of the European Council of 25 March 2004*

Framework Decision of 13 June 2002 on the European Arrest Warrant					
New MS	10 (100%)	Old MS	14 (93%)	EU 25	24 (96%)
Framework Decision of 13 June 2002 on Joint Investigation Teams					
New MS	9 (90%)	Old MS	12 (80%)	EU 25	21 (84%)
Framework Decision of 13 June 2002 on Combating Terrorism					
New MS	5 (50%)	Old MS	15 (100%)	EU 25	20 (80%)
Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime					
New MS	6 (60%)	Old MS	12 (80%)	EU 25	18 (72%)
Decision of 28 February 2002 establishing Eurojust					
New MS	8 (80%)	Old MS	13 (87%)	EU 25	21 (84%)
Decision of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism					
New MS	10 (100%)	Old MS	15 (100%)	EU 25	25 (100%)
Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union					
New MS	5 (50%)	Old MS	10 (67%)	EU 25	15 (60%)
Protocol of 16 October 2001 to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union					
New MS	4 (40%)	Old MS	9 (60%)	EU 25	13 (52%)
Protocol of 30 November 2000 amending the Europol Convention					
New MS	10 (100%)	Old MS	12 (80%)	EU 25	22 (88%)
Protocol of 28 November 2002 amending the Europol Convention and the Protocol on the privileges and immunities of Europol					
New MS	10 (100%)	Old MS	10 (67%)	EU 25	20 (80%)
Protocol of 27 November 2003 amending the Europol Convention					
New MS	10 (100%)	Old MS	8 (53%)	EU 25	18 (72%)
Framework Decision of 22 July 2003 on the execution of orders freezing property or evidence					
New MS	2 (20%)	Old MS	5 (33%)	EU 25	7 (28%)
Average implementation score of the aforementioned legislative instruments					
New MS	89 (74%)	Old MS	135 (75%)	EU 25	224 (75%)

Source: Council of the European Union, „Implementation of the Action Plan to Combat... 01/12 2005, European Union, 23/01/2007

<http://ue.eu.int/uedocs/cms_Data/docs/pressdata/en/jha/87255.pdf>.

Notes: * As of Nov. 2005

1. Figures rounded to the nearest whole number.

2. MS = EU Member States

Conscription and European Security: A Theoretical First-Step

Mitchell A. Belfer¹

In the 18 year process of European reintegration, military conscription – as a feature of the European political scene – has largely vanished. The evaporation of sizeable, conscripted militaries reflects the widespread belief that conscription is a political, economic and military anachronism reminiscent of times of great continental insecurity and international militarism which are no longer considered valid sources of European identity. Instead, security identities in post-Cold War Europe are increasingly forged by cosmopolitan values such as democratic internationalism, human rights protection, legal-secularism, political transparency (including the democratisation of foreign policy) and the social market economic system.

It seems that Europe is ready to bury and forget Cold War reminders as the EU boldly (if cautiously) extends and deepens its regional and international commitments. However, as this work argues, some Cold War conceptions are better served public and polished. Conscription is one such conception. EU interests – its ability to fulfil its new-found international responsibilities – would be greatly enhanced by recycling and reshaping, rather than abandoning conscription to suit the changing international political environment.

In popular historical and political discourses, conscription and war are intractably connected. This is because, with few exceptions, conscription was based on war-fighting, often enacted to prepare a population for military service on an active front. Commonly, narratives of conscription have been subordinated to narratives of war. This work abandons such a causal view of conscription and offers normative insights into the developing linkages between extensive peace-time conscription efforts and the emergence of international society with responsible international citizens. This work argues that conscription – in democratic states – must be extended and deepened (reintroduced

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where it has been abolished) to prepare democratic societies for dealing with the 21st century international security agenda through a mixture of moral, legal and technical education, specialised training and experience. Two main hypotheses are explored at length.

Hypothesis 1:

Peace-time conscription extended to include moral, legal and technical education decreases state level aggression and helps to ‘humanitise’ soldiering.

Hypothesis 2:

Mature democratic states extending mandatory education are better prepared socially, economically, militarily and morally to deal with changing international security conditions of the 21st century.

This work is meant to add to the growing literature focussing on developing responsible international society. By providing an alternative view of conscription and how it may be utilised for inducing the emergence of an international society characterised by cosmopolitan values (see page 28 above) and governed by a reasonably agreed upon morality which places the sanctity of human life above all else, it is hoped that this work inspires other academics, students of politics and those interested in the future of international society to join the increasingly public demands that democratic states, which pride themselves as the vanguard defenders and proliferators of democratic values, make international contributions to those ends.

As non-conventional, asymmetrical security threats increase in frequency and ferocity, there is growing concern within democratic societies that traditional military provisions are not adequate to defend the rights and values inherent to democratic citizens. To allay such concerns, democratic states must drastically reassess their policy measures regarding poverty, unemployment, crime and violence prevention and failed states within regional and international contexts. Further education and advanced, widened and deepened peace-time conscription is an appropriate vehicle towards the achievement of two key goals:

1. Advancing a cosmopolitan perspective in the political landscape of a state’s citizenry and increase his/her attachment to wider international society
2. Promoting democratic responsibility – among citizens – to lead by example, through the utilisation of citizens’ educational period towards realising a more prepared and humane international society

This work concludes by making specific recommendations – directed at democratic governments – regarding the actualisation of the varieties and direction of progressive peace-time conscription programmes. These are intended to contribute to continuing debates over the future of the EU Common Foreign and Security Policy (CFSP) which depends on normative regional

defence to ensure that Europe's democratic values are not bartered away for intangible security against intangible threats. It is my firm belief that an extensive programme of peace-time conscription, widened to include many non-military programmes, and deepened to give substance to such programmes, will invariably contribute to the long-term safety, security and international influence of the EU.

(Re)Defining Conscription for the 21st Century

There are suspiciously few definitions of conscription in international relations literature. Most discussions, essays and books which deal with conscription simply avoid academically defining it and tend to rely on popular dictionary definitions. Some international relations theorists simply discuss the phenomenon without defining it at all, in the hope that a reasonable understanding may naturally emerge. In all, most intellectual examinations of conscription lack a robust definition and instead simply declare it mandatory (or forced) military obligations,² call-up, or in American political jargon, 'the draft.'

Christopher Jehn and Zachary Selden's work entitled, "The End of Conscription in Europe?"³ serves as a strong example of this. These authors immerse readers into a political and economic narrative of conscription, which while very insightful, spends too much time evaluating shifts in European perceptions of conscription without fully explaining what conscription really entails. They are hardly alone. A level of subject reification is present in nearly all surveys and theoretical articles focussed on conscription.⁴

(Re)Defining conscription is essential. Theories of peace- and war-time conscription may help paint a more vivid picture of international society and the division of responsibility within it. Thus, on the theoretical side, (re)defining conscription narrows inquiries and allows the degree of focus required to explore the murky and nuanced implications. On the practical side, this paper advocates the wide-scale reintroduction of conscription programmes throughout the members of the European Union. Such a position will, hopefully, spark

² Casey B. Mulligan and Andrei Shleifer, "Conscription as Regulation," *American Law and Economics Review*, 7:1, 2005. Pg. 88.

³ Christopher Jehn and Zachary Selden, "The End of Conscription in Europe?" *Contemporary Economic Policy*, 20:2, 2002. Pg. 93-100.

⁴ For additional examples of subject reification among leading theorists of conscription see: Casey B. Mulligan and Andrei Shleifer, "Conscription as Regulation," *American Law and Economics Review*, 7:1, 2005. Pg. 85-110. Joseph Paul Vasquez III, "Shouldering the Soldiering: Democracy, Conscription and Military Casualties," *Journal of Conflict Resolution*, 49:6, 2005. Pg. 849-873, Seung Whan Choi and Patrick James, "No Professional Soldiers, No Militarised Interstate Disputes: A New Question for Neo-Kantianism," *Journal of Conflict Resolution*, 47:6, 2003. Pg. 796-816, Bjørn Møller, "Conscription and Its Alternatives," *The Comparative Study of Conscription in the Armed Forces*, Volume 20, 2002. Pg. 277-305.

a much needed debate over international society and Europe's ability to carve out a niche of 'civilian power.' (Re)Defining conscription will, it is hoped, assuage critics of peace-time conscription by clearly and unambiguously projecting the scope and boundaries of such programmes.

Peace-time conscription is understood as a system of advanced practical education focussing on challenges to local, regional and international society. Such conscription programmes parallel programmes of higher education in that they are mandatory to all citizens of a state not attending college, university, or equivalent degree or certificate programmes. Peace-time conscription is meant to increase citizens' sense of responsibility towards society (local, regional, and international); increase awareness of challenges to those societies and brings 'civilian power' to the foreground of overcoming such challenges.

Crucially, the parameters of such a practical education within a peace-time conscription programme are deeply reliant on recognising current security challenges, implying a direct correspondence between security and education. This requires a great deal of flexibility. The European Union, long thought of as a slow and reactive institution, can revitalise its image through proffering flexibility to its budding foreign policy and defence culture in its extended EU boundaries. Flexibility – in recognising potential challenges to international society; in the deployment of political and economic resources; of sociological preparation, and in times of crises; of military force – is central to the maintenance and further development of civil society (on all levels) and may act as a guidepost for developing democracies around the world.

This linkage between conscription as advanced practical education and a recognised security environment reaches back in history. However, until the late 20th and early 21st centuries, advanced education manifest in conscription was rooted in militarism, and the skills developed during conscription were meant to prepare a state's youth for active military service. This has been the tragedy of conscription since its widespread introduction in Napoleonic times – that preparatory education of a state's youth implied war-training.

From such tragic beginnings, peace-time conscription – to fill normative objectives within international society – may be launched.

'Civilian Power' and Peace-Time Conscription

Before delving into the main arguments of this work, a brief discussion of motivation is required. Simply, why would the EU be interested in advancing programmes of conscription given a general aversion to military force among EU members? To answer this question, a review of the EU's security identity is required. Although it is difficult to precisely attribute the EU a single source of security identification, there is growing reliance on 'civilian power' as a point of reference, guiding EU foreign policy priorities. 'Civilian power' generally maintains military force as a residual rather than a primary tool of

policy actualisation. However, military force is an important ingredient in the budding EU security culture gravitating around ‘civilian power.’ The peace-time conscription model advanced in this work is meant to instil a sense of responsibility in international society, to conscripted forces. If ‘civilian power’ is to determine the foreign policy priorities of the EU, then the military force held as a residual tool must be drawn from the broad base of European societies and not left to professional soldiers, whose motivations for enlisting into a military structure are often rooted in socio-economic imperatives and military fascination rather than advancing the ‘civilian power’ goals of the EU. Before bridging ‘civilian power’ to peace-time conscription, a brief account of ‘civilian power’ is required.

Similar to conscription, the concept of ‘civilian power’ was popularised during the Cold War. It is commonly attributed to François Duchêne who, writing in 1972 said that

Europe would be the first major area of the Old World where the age-old processes of war and indirect violence could be translated into something more in tune with the twentieth-century citizen’s notion of civilised politics.⁵

According to Richard Whitman, “Duchêne’s conception of a European civilian power rested upon the inconceivability of a nuclear armed European federation and the banishment of war from Western Europe.”⁶ Duchêne’s convictions, that the possibility of nuclear war in Europe forced political and popular reflections which concluded that its utility had run its course, proved with hindsight to be extremely accurate. Duchêne explored techniques for *domesticating* European politics, arguing that through institutions, which could arbitrate tensions and conflicts, a common sense of responsibility could be nurtured. In short, Duchêne argued that the development of a common sense of responsibility would help states (in a European context) recognise their shared interests. For Europe, those interests meant avoiding nuclear war in which there would be no winner. The notion of recognising common interests in avoiding war (nuclear and other WMD) act as a bedrock of European ‘civilian power.’

While Duchêne’s thoughts offer a wealth of ideas to students interested in current international society, they have been eclipsed by other, more contemporary authors who spearheaded a renaissance in casting European ‘civilian power.’ Hanns Maull⁷ and Christopher Hill⁸ have both contributed to more

⁵ François Duchêne, “Europe’s Role in World Peace.” Found in, R. Mayne (ed.) *Europe Tomorrow: Sixteen Europeans Look Ahead*. Fontana Books, London UK, 1972.

⁶ Richard Whitman, “The Fall, and Rise of Civilian Power Europe?” *National Europe Centre Paper No. 16*. Pg. 3.

⁷ Hanns W. Maull, “Germany and Japan: The New Civilian Powers.” *Foreign Affairs*, 69:5, 1990/1. Pg. 91-106.

⁸ Christopher Hill, “The Capability-Expectation Gap, or Conceptualising Europe’s International Role.” *Journal of Common Market Studies*, 31:3, 1993. Pg. 305-328.

current, understandings of ‘civilian power’ which are useful for comprehending the need for establishing representative militaries, conscripted from societies which define themselves as ‘civilian powers.’ Both Maull and Hill have faced numerous criticisms, however, as the EU continues to construct its security identity, their original hypotheses have been reintroduced as guideposts. Bridging the conceptions of ‘civilian power’ introduced by these two theorists will help paint a more vivid picture of current ‘civilian power’ and how peace-time conscription may assist the EU in achieving its ‘civilian power’ tasks.

Hanns Maull, in his work entitled, “Germany and Japan: The New Civilian Powers,” identifies three essential conditions for a state to be considered a ‘civilian power.’ These are

1. the acceptance of the necessity of cooperation with others in the pursuit of international objectives
2. concentration on non-military, primarily economic, means to secure national goals, with military power left as a residual instrument serving essentially to safeguard other means of international interaction
3. a willingness to develop supranational structures to address critical issues of international management⁹

In other words, states’ ‘civilian power’ rests on cooperation to achieve international objectives, the deployment of non-military instruments of policy (with military power left in reserve) and fostering states’ willingness to construct international agents which – through cooperation – can tackle international challenges. Although Maull refers to Japanese and German foreign policy priorities, the EU has made considerable steps towards constructing its own Common Foreign and Security Policies oriented to the achievement of these ‘civilian power’ goals.¹⁰

The EU is a cooperative union whose ultimate power rests on its ability to agree – although reaching agreement can be an arduous task – on issues pertaining to regional and international security. The EU regards the deployment of military force as a residual and not primary tool of diplomacy and tends to deploy alternative power resources (primarily economic) as a means of asserting international influence. Finally, the development of the CFSP is evidence of the EU drive towards coordinating member foreign policy priorities under a supranational umbrella.

⁹ Hanns W. Maull, “Germany and Japan: The New Civilian Powers.” *Foreign Affairs*, 69:5, 1990/1. Pg. 92-3.

¹⁰ For an excellent account of EU External Security Priorities see: “Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility.” Communication from the Commission to the European Council of June 2006. Brussels 08 June 2006. This document is available at: http://ec.europa.eu/external_relations/euw_com06_278_en.pdf (accessed 03 May 2007).

Christopher Hill bases his notion of ‘civilian power’ on six functions regarding the (then) EC. These are:

1. a replacement for the (then) USSR in the global balance of power
2. regional pacifier
3. global intervener
4. mediator of conflicts
5. bridge between rich and poor
6. joint supervisor of the world economy¹¹

Hill’s first function may be omitted. The EU is not motivated towards balancing (even softly) the US.¹² In fact, through NATO and other transatlantic forums, the EU and the US are bound tightly together in their mutual quest to maintain a human rights based international society. This does not indicate confluence over the means deployed to reinforce international society and there have been numerous transatlantic disputes including, over the International Criminal Court (ICC), Guantanamo Bay prisoners, Operation Iraqi Freedom (etc.). However, it is apparent that Europe is not attempting to replace the USSR as a balancer in international society.

Hill’s remaining five functions may be used to depict post-Cold War EU ‘civilian power.’ The EU’s ‘security through integration’ programme has contributed significantly to the Euro zone of peace by offering economic incentives for structural changes and developments in fostering civil and democratic societies among both new and old members. Together with NATO, the UN and increasingly in coalitions of the willing, the EU has begun to shed its reluctance to intervene in ensuing international conflicts or in areas of potential violence in both preemptive and preventive roles. Finally, the EU recognises the connection between poverty, crime, terrorism and other forms of political violence, and has taken important steps to bridge the international wealth gap. Economic security is a powerful incentive for domesticating international relations as it provides a conduit for citizen ownership of their political state.

Together, Maull and Hill’s depictions capture EU ‘civilian power.’ Military power is present but held in reserve, while other forms of power are deployed in a cooperative manner (as opposed to unilateralism) to help civilise political interactions (domestic and international).

‘Civilian power’ is presently a defining feature of EU security culture. However, it is only a theoretical fixture, governing policy identification and

¹¹ Christopher Hill, “The Capability-Expectation Gap, or Conceptualising Europe’s International Role.” *Journal of Common Market Studies*, 31:3, 1993. Pg. 305-328.

¹² Robert A. Pape provides an interesting account of ‘soft balancing’ though he assumes that many parts of international society (including several European powers) have already begun to balance against the US. See: Robert A. Pape, “Soft Balancing against the United States.” *International Security*, 30:1, 2005. Pg. 7-45.

prioritisation but not actualisation. The ‘Headline Goals;’ the European Rapid Reaction Force envisioned in Helsinki (1999) has not yet been realised. It is therefore difficult to attach significance to the ‘civilian power’ model of the EU, as its members have not contributed the resources needed to fulfil its ‘civilian power’ goals.¹³

As an amendment to the ‘civilian power’ project, peace-time conscription may be an indispensable tool. It has the potential to realise the normative goals of the EU by educating and training EU youth towards the defence of an international society defined by the cosmopolitan values listed on page 28 above.

As discussed below (page 37-38), professional soldiers will not suffice for constructing and defending EU values. Only by raising and reshaping the mandatory period of education (theoretical and practical) can the EU hope to positively infuse international society with ‘civilian power’ as a standard of international exchange. 20th century militarism, genocide and imposed ideological movements have left their mark on European consciousness. At present, the EU must not sit on the fringes of international society when conflicts and crises, which run counter to progressive EU thinking, threaten the viability of cosmopolitan international society. Peace-time conscription can assist the EU in its ambitious ‘civilian power’ project.

In his work entitled “Conscription and Its Alternatives,” Bjørn Møller identifies four reasons why “states may abstain from fielding armed forces ...”¹⁴ These are:

- 1) They do not perceive any threats to their sovereignty or territorial integrity
- 2) They are so small that defence is obviously futile
- 3) They rely on external protection
- 4) They rely on a non-military form of defence¹⁵

For the European Union (and its members) these criteria for military abstention have not been met. While direct conventional threats to the EU (and its members) are remote, they have not entirely vanished. The terrorist attacks perpetrated against Spain (2004) and the UK (2005) are stark reminders of the insecurities open societies face from within, and the (not so distant) break-up of the former Yugoslav Republic, which resulted in mass murder, ethnic cleansing and mass displacement, prompt EU memories of the horrors of war and its potential contagion. Threats continue to define the EU’s security iden-

¹³ For an excellent discussion of the European Rapid Reaction Force and the 1992 “Petersberg Tasks,” see: Isabelle Ioannides, “The European Rapid Reaction Force: Implications for Democratic Accountability.” *Bonn International Centre for Conversion (BICC)*, September 2002. This article is available at: www.bicc.de/publications/papers/paper24/paper24.pdf

¹⁴ Bjørn Møller, “Conscription and Its Alternatives.” *The Comparative Study of Conscription in the Armed Forces*, Volume 20, 2002. Pg. 295.

¹⁵ *Ibid.* Pg. 295.

tity; even if the source of threat has changed according to international realities and the implosion of a belligerent external adversary, the USSR.

As challenges change so must the tactics for dealing with them. It would be both foolish and irresponsible for the EU to abandon a capable military altogether. Instead, the EU should reformulate its priorities and how to effectively deal with current security challenges. By increasingly defining itself as a ‘civilian power,’ the EU has tacitly abandoned a pacifist or neutral foreign policy orientation. A ‘civilian power’ point of reference, where military power is present but held in reserve, helps to overcome the taboo of using military force, for force can be deployed in a responsible manner, consistent with the values of the EU.

The question must no longer revolve around whether the EU should raise and maintain military forces? Given the types and intensity of international conflicts, the question should be, ‘what type of military instruments should be developed to maintain the values of European society, promote international peace, security and justice and generally defend the EU’s territory, people and international interests?’

Peace-Time Conscription and ‘Humanitising’ Soldiering

War-time conscription – understood here as forced military labour or forced financial contributions to a war-machine – prepares a state’s youth for war fighting, even if defensively oriented. With few exceptions, state-level war-time conscription seeks to create obedience among its youth with an expressed prerogative of deference to orders. Such conscription programmes may be necessary under certain geopolitical and security conditions, which will not be further discussed here. Instead, it is important to look beyond war-time preparations and gauge how peace-time conscription programmes in states not facing dire conventional military threats can effect state behaviour and encourage normative internationalism and the promotion of cosmopolitan values.

In contrast to reactive war-time conscription, peace-time conscription is proactive. It is designed to expand the political horizon of a state’s youth – rather than narrowing it while creating obedient war-fighters – and provide a structured vehicle towards the development of a societal level consciousness in which social and democratic responsibility (locally, regionally and internationally) may be propagated. Peace-time conscription also helps habilitate military structures by infusing them with citizen values. In essence, peace-time conscription can help ‘humanitise’ soldiering. This may be achieved through the advancement of two main goals:

- 1) Reducing reliance on professional soldiers
- 2) Fusing military structures with citizens of diverse economic, social, political and ethnic backgrounds

It is beneficial to explore these goals to provide deeper understanding of the positive outcomes the promotion of a comprehensive peace-time conscription programme may produce for the EU and international society at large.

1. Reducing Reliance on Professional Soldiers

Professional soldiering is incompatible with the general value system of the EU and its ‘civilian power’ policy prioritisation. Utilising specialised combat forces for defence, peace-keeping and peace-making missions may be economically feasible; however, they are not in sync with the demands of democratic societies. This incompatibility is related primarily to recruitment and not necessarily the functions professional forces later serve. However, if the EU is to shoulder more international responsibility while defending itself (conventionally and exceptionally) and maintaining its core values, it must shift away from a ‘special forces’ focus, directing its military affairs.

Professional armies typically recruit the bulk of their personnel from two main categories of citizens, the economically disadvantaged and those fascinated with military weapons, conduct and structure.

Those who are economically disadvantaged often join the military to receive free or discounted education, financial security for their families and tax support from their state. While this does not pose a direct challenge to fulfilling the ‘civilian power’ objectives of the EU, it does not contribute to citizen ownership of the military or infuse the values of a democratic population into the military structure of a state. In fact, filling the rank and file positions in a professional military with the economically disadvantaged often reinforces negative ethnic and class stereotypes. In this, Møller rightly asserts that “As national and racial minorities almost everywhere have a below-average level of employment; it is reasonable to expect all-volunteer armed forces to be able to recruit a higher percentage of these.”¹⁶ Møller goes on to explain that “minorities are overrepresented in ... armies ...”¹⁷

There are a number of internal and international problems associated with such an overrepresentation of minority groups in the professional militaries in the states of the EU. Firstly, such recruitment imbalances may result in charges of racism by the minority community, and internationally. It is difficult to convince international society of positive intents and designs with such a high level of economic disparity (and ethnicity) between policy makers (and beneficiaries) and policy enforcers. Only through disseminating policy enforcement responsibilities to all social spheres within European society, can the EU convincingly present its normative internationalist agenda. Parity needs to be established between how the EU views itself, and how international society views the EU.

¹⁶ Ibid. Pg. 289.

¹⁷ Ibid. Pg. 289.

Secondly, is the issue of recruit motivation. If recruits are drawn primarily from minority groups and in the present military structure of EU states this implies specialisation operations (for civil defence), international peace-keeping, peace-making and war-fighting, the question of troop morale and motivation is raised. Recruits which participate in military operations though feel detached from their state do not perform as well on the battle-field as multinational recruits which feel as though they have a stake in a conflicts' outcome. When infusing EU military culture with 'civilian power' it is imperative to provide ownership of military matters to recruits themselves. This again requires the abandonment of professional soldiers, for if drawn primarily from the economically disadvantaged and ethnic minorities, there is little hope of convincing recruits of their moral as well as military function. Such groups tend to view their military 'tours' as employment and not as a normative contribution to the state or international society. Peace-time conscription can alleviate this situation and increase the morale and motivation of recruits to fulfil normative objectives because with mass participation comes ownership of the political process and its regional and international tasks.

More dangerous than recruits drawn from the economically disadvantaged or an overrepresentation of ethnic minorities, are those fascinated with military structures and machinery. Professional militaries necessarily attract those people who willingly join a military to, crassly, shoot guns, drive tanks, fly fighter jets. Realising 'civilian power' goals will remain an elusive task if reliance on professional soldiers, who join military structures due to military fascination, remains in place. The irony of introducing a peace-time conscription programme is that recruits should maintain their revulsion to combat and warfare, though participate as a matter of civic responsibility. For this reason, peace-time conscription should be oriented towards many non-military functions, as well as the more traditional tasks of a military structure (see pages 40-48 below).

2. Fusing Military and Civilian Values

As the EU attempts to create a viable military to ensure its, and international security, its reliance on professional soldiers – particularly those fascinated by military machines and structure – needs to be reduced. Only through the fusion of military and civilian values can there be a 'humanitising' process among soldiers and other recruits. Such a fusion cannot take root in militaries dominated by professional soldiers; it can only be imported from civilians themselves. Thus, peace-time conscription is necessary to infuse the values of society into military structures.

When conscripts are involved in international operations (military, humanitarian or relief work) civilians in their home country show great intolerance at callous deployments, dangerous missions, abuses (against the conscripts

or indigenous population), and excesses of force. This intolerance at putting conscripts in harms way has led to much political upheaval in states deploying them. Both France (during the Algerian conflict) and the US (during the Vietnam conflict) utilising conscripts alongside professional soldiers, were confronted by immense anti-war protests and movements directly related to rising death tolls and horror stories of abuse reported by conscripts. Breaking the military 'code of silence' and loathing abuses and human rights violations are part of 'humanitising' soldiering. Infusing civilian values into a military structure can result in increased awareness of military abuses and force democratic states to take actions to create a greater level of transparency in a military.

Using the case of France in the Algerian war, George Q. Flynn remarked that

... conscripts in Algeria proved to be a two-edged sword. While fulfilling their military obligations, they also criticised torture and channelled unrest back to metropolitan France.¹⁸

Bringing the values of metropolitan France with them, conscripts proved to lack a distinctive military culture and alerted loved ones back in France as to the systemic abuse of Algerians at the hands of French forces. They preformed under the pressures of a professional Officers Corp, however this was a war of occupation, not reconcilable with civilian values.

Similarly, Bjørn Møller asserts that

... as the United States experienced during the Vietnam War, there are limits to what the public will accept in terms of casualties among conscripts, as well as limits to the treatment that conscripted soldiers from all walks of life will endure.¹⁹

Conscripts in Algeria and Vietnam had not chosen to participate in military operations. Under the war-time conscription programmes popular in the immediate post-WWII era, civilians were forced into military structures. However, these conscripts did not abandon their civilian values and very bravely fulfilled their duty while openly questioning the logic of such operations.

Democratic citizens must collectively remember the horrors of war-time conscription – despite its infusion of civilian values – and avoid its return. At the same time, there must be increased awareness that professional soldiers lack civilian values because they generally lack contact with civilians. To solve this problem there must be a wide-scale reintroduction of conscription, carried out however, during peace-time, with legal and democratic full-transparency and guided by 'civilian power' objectives. No longer should militaries be operated solely by professional soldiers. An influx of civilians into a military

¹⁸ George Q. Flynn, "Conscription and Equity in Western Democracies, 1940-75." *Journal of Contemporary History*, 33:1, 1998. Pg. 13.

¹⁹ Bjørn Møller, "Conscription and Its Alternatives." *The Comparative Study of Conscription in the Armed Forces*, Volume 20, 2002. Pg. 280.

structure, which is expanded to include military and non-military roles, will assist in defending (without themselves violating) the core values of a state. In short, civilians can ‘humanitise’ soldiering and increase the accountability of those wishing to deploy force (or other means).

Introducing peace-time conscription programmes in democratic states requires a new ‘social contract,’ one which stresses the importance of the citizen’s responsibility towards the collective and its defence. Since in EU security culture, defence has widened to include a particularly non-military element, the new ‘social contract’ must include the EU’s pledge to govern the deployment of conscripted forces reasonably and in line with the general will of EU civil society. The idea of a ‘social contract’ was first developed by Jean Jacques Rousseau who wrote of men “aggregating a sum of forces that could gain the upper hand (over nature) ... so that their forces are directed by means of a single moving power and made to act in concert.”²⁰

Peace-time conscription is based on a similar approach. There must be an aggregation of people’s forces which could gain the upper hand – over violations to international and European society – however these must not be solely based on war-fighting, but rather on the collective skills and progressive, human rights based identity which European citizens have been developing for several hundreds of years, and intensely since the horrors of the Holocaust and WWII emerged as public discourse. While Rousseau spoke of a social contract for men bartering their freedom (in the state of nature) for security (in the state of society), the new ‘social contract’ governing the actions and deployments of peace-time conscription units must be designed to translate European historic learning, professional expertise and responsibilities, into international realities that reinforce international society.

Peace-time conscription invariably challenges war culture where the distinction between ‘civilians’ (citizens) and ‘combatants’ (soldiers) forms the foundation of the laws of war. Peace-time conscription intractably merges the ‘civilian’ with the ‘soldier’ and forces the latter to be subordinate to the former, as the rank and file members of the variety of conscription programmes are not military minded personnel; they are the equal citizens of democratic states, young men and women who must help shoulder the regional and international responsibilities which will help advance a more human rights based and equitable international society.

A Programme of Peace-time Conscription

After exploring some theoretical aspects of how peace-time conscription may assist in reinforcing current international society which is increasingly

²⁰ Jean Jacques Rousseau, *On the Social Contract*. Translated by, Donald A. Cress. Hackett Publishing, Cambridge UK, 1987. Pg. 147.

defined by cosmopolitan values (see page 28), it is necessary to offer some suggestions of what such conscription programmes should include and how they can translate into fulfilling the ‘civilian power’ goals of the EU. The following is a prototype of a comprehensive peace-time conscription programme. Attention is paid to identifying areas the EU should focus its attention on, and not how these programmes may be realised. There are numerous and hefty questions which must still be answered regarding the economic, legal and social costs and benefits to peace-time conscription. These, unfortunately fall outside of the scope of this work, which is to identify a new perspective over what needs to be done in the EU for dealing with the 21st century security agenda. It should be noted however, that in keeping with the ‘civilian power’ goals of the EU, the mandate to deploy peace-time conscription forces should be bound by EU and international law unless such laws constrict assistance to beleaguered peoples or states. In such circumstances, the EU must reserve the right to intervene (deploying peace-time conscription forces) into a civil or international conflict with a stated goal of preventing or reducing the loss of life to a civilian population. When reviewing some of the more brutal late 20th century conflicts, one may ask whether the EU did enough to end violence, mass murder or genocide. The answer is that it did not. Introducing a peace-time conscription programme may also provide the EU with enough political, humanitarian and military clout – deployable in a timely manner – to see its progressive cosmopolitan values become entrenched in societies afflicted by strife or conflict.

Peace-time conscription programmes must run parallel to higher education institutes. Citizens opting to attend traditional higher educational institutes must be exempt from conscription, for they serve civilian tasks through their education. All other citizens, (with exception given to mentally and physically incapable persons and teenaged parents) would be required to select – in a timely manner – the conscription programme that best suits their expertise, interests and future career ambitions. Peace-time conscription programmes should be made applicable to persons (male and female) between the ages of 19-25 and vary in duration from 12-20 months, including (if applicable) an international deployment period.

Peace-time conscription within the current international political environment should comprise the following 3 broad areas, termed here as units:

- 1) Specialised Medical Unit (SMU)
- 2) Local and International Policing Unit (LIPU)
- 3) Civic and Localised Defence Unit (CLDU)

The following discussion highlights specific aims and attributes of each of the three units. This section is meant as preliminary recommendations of what each unit should aim to achieve.

Specialised Medical Unit (SMU)

Some of the most pressing international challenges are related to medicine distribution, the spread of infectious disease, bio- and chemical terrorism and post-disaster hygiene. As such, it is imperative for developed democracies, for theirs and international security, to have a solid base of medical support which is both regionally and internationally deployable in an organised and timely manner. To that end, the SMU would be responsible for training and preparing conscripts to deal with the variety of challenges related to the field of medicine. Such training is indispensable for the long-term security of the EU and provides many benefits to international society including: increased life-expectancy and higher work-force efficiency, which may result in greater wealth generation and thus a general reduction in wealth disparity, prompting more demands for civilian ownership over the political state and ultimately assists in democratic promotion abroad.

To help achieve medical and health related goals, regionally and internationally, the SMU may be further divided into 2 subsections:

- 1) Civic Medical Aid
- 2) International Medical Aid

While both the Civic and International Medical Aid groups would be designed to prevent, contain and combat infectious diseases and viruses, reduce mortality rates in combat and post-combat areas and states affected by natural disasters and train medical staff in developing countries in modern medicinal techniques, their areas of operation would be different.

Conscripts enrolled in Civic Medical Aid would be trained in the local conditions of Europe. This requires a multinational dimension as language, cultural and sociological barriers are still present in the EU despite the removal of political boundaries. If conducted on a supranational level, much could be gained by mixing conscripts from among the different members of the EU. A Civic Medical Aid group of conscription recruits which operates from Ireland to Cyprus and Spain to Finland requires great coordination at both the inter-governmental and societal levels. This coordination can be utilised to deepen medical relations between different states, increase cooperation in medical research and development, increase the sharing of information and ultimately constructing a network of qualified medical staff which, after their conscription period concludes, will have greater employment mobility, through their qualifications, which would be equally accepted Europe-wide.

The Civic Medical Aid group would be divided into three focuses. First, a general medical assistance focus, which would provide additional support to hospitals and other medical centres for their day-to-day operations. Second, an emergency medical assistance focus, which prepares contingency plans of 'life-saving' following medical disasters such as a biological, chemical or conventional weapons attack, the outbreak of an infectious disease or natural

disasters. Finally, a hygiene, health and illness-prevention focus, which helps educate people towards healthy living.

While these focuses are broad, they are very important. Civic Medical Aid can act as a reserve ‘human resource’ of highly trained and easily mobilised medical staff which can reduce the loss of life caused by political violence, natural disasters or an outbreak of an infectious disease. Although this would be a branch of a peace-time conscription unit, and hence, its recruits would only be trained and mobilised temporarily (and with a high turnover rate), nevertheless, the skills these recruits develop during their training and mobilisation period would (hopefully) remain part of their knowledge base even after their conscription period ends. Thus, in times of conflict or natural devastations, these former recruits will still be able to positively assist in medical care-giving.

Alternatively, the International Medical Aid group should be divided according to specialisation, not geography. To deal with pressing international challenges where medical training is an asset, the International Medical Aid group should be designed as a reinforcement to the NGO, Doctors Without Borders, which is a “medical humanitarian organization that delivers emergency aid to people affected by armed conflict, epidemics, natural or man-made disasters, or exclusion from health care.”²¹

The International Medical Aid group would fulfil its support missions through an intensive training course (in Europe) and a period of international deployment to places in desperate need of medical assistance. Areas of speciality covered by the International Medical Aid group should include, conflict and post-conflict medical aid, field hospital construction, organisation and administration, social and psychological counselling, education, infectious disease containment and prevention. Such a peace-time conscription focus has the potential to assist states and peoples facing extreme health risks and reduce the number of casualties from natural and human-made disasters. The International Medical Aid group would be fundamentally committed to ‘life-saving’ and help provide health care to peoples and regions which lack adequate medical resources. The International Medical Aid group may also help train medical care-givers in developing countries in modern techniques and approaches, to be able to cope without outside assistance in the long-term.

Ultimately, the establishment of a peace-time conscription unit focussing on medical issues will assist the long-term security of the EU and act as a progressive and ‘life-saving’ force in international society. Recruits would be trained to deal with a variety of regional and international challenges through theoretical and practical knowledge involving medical techniques. The SMU would be readily deployable throughout the EU and international society.

²¹ Doctors Without Borders. Available at: <http://www.doctorswithoutborders.org/aboutus/> (accessed 19 April 2007).

Local and International Policing Unit (LIPU)

The material security of the EU is increasingly tied to international stability, peace and the promotion of good governance abroad. Many international conflicts and tensions have the potential for contagion, particularly if aggrieved parties do not attract the attention of the UN or the great powers which could mediate disputes. Additionally, states and other political communities which have emerged from conflicts, man-made or natural disasters, often lack the resources to maintain order and political stability due to pressures on local institutions. Areas which lack political order are breeding grounds for criminality, as people attempt to provide their own security if the state cannot (or will not) provide it for them. These two challenges, preventing the initiation of political violence between states (and other political communities) and assisting in restoring or maintaining political stability and order in post-conflict and post-disaster communities, should be a policy priority in EU foreign affairs.

At present, the EU is not facing significant international threats – freeing it from concentrating solely on its own territorial security – and is commonly regarded as a well-balanced international actor, guided in its policy prioritisation by cosmopolitan values and actualisation increasingly through ‘civilian power.’ The EU could use the present surge of international goodwill to further promote its interests of conflict prevention, and reinforce a cosmopolitan value system as a standard of international exchanges. Utilising a peace-time conscription unit, designed as a cosmopolitan policing force, would greatly enhance the EU capability to achieve such goals. This brief account of a Local and International Policing Unit (LIPU), is meant to describe some areas the EU should focus on, in its quest to establish and protect an international society increasingly characterised by cosmopolitan values (see page 28 above).

LIPU would direct its efforts to achieving three main tasks:

- 1) Post-conflict and disaster policing with the aim of peacekeeping, preventing or reducing criminality, constructing or upholding civil society, local police training and providing a secure platform for humanitarian assistance to be delivered
- 2) Wartime/conflict/crises policing with the aim of peacemaking, separating actual (or potential) combatants, and preventing the callous loss of life among a civilian population
- 3) Investigation and reconciliation with the aim of investigating alleged criminal activities (including ‘crimes against humanity’), bringing (to regional or international courts, such as the ICC) those who are implicated in such criminality, and assisting in reconciliation (where applicable) between conflicting political communities by acting as a neutral arbiter

Policing is an essential element in constructing civil society. The EU should recruit and train peace-time conscripts to assist those parts of international

society where law and order have, or potentially will, collapse. Such deployments would (in most situations) require the acquiescence of the parties facing such a law-and-order breakdown, however, in extreme situations, where civilians face severe perils, LIPU should not await permission but rather be ready to deploy its police units to enforce, or reinforce civil society.

This is perhaps the most controversial peace-time conscription unit identified in this work, as it casts the EU as a purely normative international actor, even as it would assume responsibility for intervening into sovereign territories without the permission of local authorities, if there is a grave threat to a civilian population. To be sure, the EU has its own set of interests and priorities which go beyond bolstering international society. However, policing for the protection of civilians world-wide, to assist in governing post-disaster areas and preventing hostilities from erupting, is an intersection of international and EU security interests. For example, the EU has an interest in sustainable development and the promotion of democracy to encourage civilian ownership and responsible governments abroad. This interest is not purely normative, but also designed to reduce the attraction of Europe for asylum seekers and economic migrants. Ending hostilities and bringing order to post-disaster political communities may act as a catalyst towards these goals because establishing political order and protecting civilians is a first step towards economic rejuvenation, political stability, peace and good governance.

Civic and Localised Defence Unit (CLDU)

In keeping with the EU's 'civilian power' approach to international society, it must not completely abandon traditional military capabilities. The deployment of military force may be – under certain circumstances – a necessary evil, and the EU must be prepared to assume complete responsibility for its territorial, material and political security. Currently, NATO provides the most formidable security guarantee for the EU. However, the expectation that such an arrangement will reach into the indefinite future is misguided. The EU – together with NATO, while such an arrangement lasts – must assert strategic independence from the US. An integrated (politically, economically and militarily) EU must certainly remain in alliance with the US; however such an alignment must be confirmed between two equal partners, which is presently not the case. The EU is a junior partner which relies too heavily on the US and NATO for its security.

Also, NATO is a limiting defence alliance based on Article 5 of the Treaty of Washington (1949) which stipulates that an attack on one member is tantamount to an attack on all.²² While Article 5 was first invoked following the 11 September 2001 terrorist attacks in New York and Washington, there is

²² See "The North Atlantic Treaty", available at: <http://www.nato.int/docu/basicxt/treaty.htm> (accessed 29 April 2007).

no reason to believe that terrorism constitutes an ‘attack’ which would rally NATO states together for collective action, despite terrorism being ranked among the most formidable threats facing EU states. The Madrid (2004) and London (2005) bombings, are stark reminders that the EU must face many security challenges without NATO and US assistance; there were no calls for a similar invocation of Article 5 following those attacks. In fact, upon hearing the news of the London bombings, George Bush Jr. spoke of international resolve to overcome an “ideology of hate,”²³ his response was to “instruct them (homeland security) to be in touch with local and state officials about the facts of what took place here and in London, and to be extra vigilant, as our folks start heading to work.”²⁴

While the scale of death and carnage from the 11 September 2001 attacks was greater than that produced by the Madrid or London bombings, the latter were very important milestones in the so-called ‘war on terror’ and played an important psychological and sociological role in casting European security identification. That the US and NATO did not attempt to further support Spain or the UK indicates a degree of abandonment. Although terrorism does not pose a direct challenge to the viability of a western democratic state, its eradication (by force, special operations or ‘hearts and minds’) remains a key security aim.

Such neglect will become more commonplace as the EU and US part ways over key foreign policy priorities and approaches. It is therefore imperative that the EU construct its own independent military structure, comprised of peace-time conscripts who infuse such structures with civilian values, and hence, maintain equilibrium between EU society and values and its defence provisions. To that end, the EU should develop a Civic and Localised Defence Unit which would be trained and operationally capable to deal with security challenges to the EU.

The CLDU should blend more traditional territorial defence initiatives with those oriented to the emergence of new threats and challenges and would be organised to achieve three directives:

- 1) To increase the traditional military defence capacity of the EU in a manner synchronised with the demands of EU society and values
- 2) Provide a robust civic counterterrorism initiative to identify and prevent incidents of terrorism, (including its financing, recruitment and operational deployment) within EU borders
- 3) To further develop an EU wide civic rapid reaction and disaster relief to deal with a multitude of disaster and post-disaster missions

²³ George W. Bush statement on the London bombing, 07 July 2005. This statement is available at: http://www.cbc.ca/news/background/london_bombing/bush_speech.html (accessed 01 May 2007).

²⁴ Ibid.

The first directive, with its emphasis on traditional military defence, would need to identify potential territorial threats and challenges and then develop appropriate and innovative methods for dealing with them. There are several areas of concern to the EU, which although not currently posing a direct challenge, could do so in the foreseeable future. Russia, the Middle East (including Iran) and Northern Africa may directly challenge – in both symmetrical and asymmetrical manners – EU territorial security.

At the time of this writing, only Russia has overtly threatened EU members. The Czech Republic and Poland have become the centre of a growing international crisis over their plans to assist the US missile defence system. Without opening debate over the wisdom for supporting the US in such a project, the EU must take Russian threats seriously and retain a capacity for deterring Russian interference in EU countries. With Latvia, Estonia and Finland directly bordering Russia, it would be a grave miscalculation to allow external bodies (NATO, UN or the US) to continue to be the principal security providers for the EU. While a more traditional military force is required to increase deterrence against Russia, utilising peace-time conscription will allow such a force to be consistent with the ‘civilian power’ objectives of the EU and ensure that civilian values are maintained within such a force.

The second directive, the establishment of a civic counterterrorism initiative, is an equally important task for the EU; one which may be bolstered by peace-time conscription. This directive would not entail mass recruitment, as counterterrorism is similar to policing in its demand for intelligence and very limited police actions to arrest potential terrorists, interrogate suspects, and use information to avoid future attacks. Conscripts enrolled in this programme would essentially assist professional civil authorities in dealing with terrorism and related challenges.

There are several areas where peace-time conscription recruits would assist the EU deal with the scourge of terrorism. These include: intelligence gathering (including internet monitoring), assessing and utilisation, code-breaking, search and rescue in the aftermath of an attack, trauma counselling for those affected by terrorist attacks and criminal investigation to find those responsible for attacks.

Peace-time conscription is appropriate for counterterrorism because it would be a multinational effort, utilising recruits with different backgrounds (national, linguistic, religious) united by their civilian values and citizenship in the EU. Sharing intelligence; making sure that conduits of information remain open is a key to reducing (or completely eradicating) terrorism. Constructing an EU-wide conscription unit, which deals exclusively with counterterrorism, may help reassure EU publics as there would be a trained and visible EU body of citizen-recruits (working alongside professional counterterrorism police units). Terrorism and counterterrorism rely on clandestine operations. There is growing fear that EU freedoms are under-attack by both terrorist groups and

those charged with pursuing them. By bringing conscripts with citizen's values into the 'war on terror' it is reasonable to assume that they can positively contribute to its success. At the very least, multinational conscripts involved in counterterrorism will demonstrate that all communities which comprise the EU share the burden of this challenge equally.

The final directive, to further develop an EU wide civic rapid reaction and disaster relief to deal with a multitude of disaster and post-disaster missions is vital to regional EU security and reducing the loss of life during crises. Rapid reaction – getting to the scene of a disaster in haste – within the EU, is indispensable for life-saving. To that end, peace-time conscripts dealing with this directive should be trained in a variety of tasks including: search and rescue operations in rural and urban areas, techniques of aid distribution, communication of impending disasters (such as violent storms or flooding) to civil populations and preparation for wide-scale evacuations of civilian populations in times of crises. With predictions of environmental disasters (due to global warming), mounting, and unpredictable localised disasters, such as earthquakes and floods, occurring with increasingly frequency, it is important to train peace-time conscripts for dealing with them and associated problems.

If a prime goal of the EU is to protect the lives of EU citizens, it must be prepared for natural and man-made disasters alike. In this, as indicated throughout this work, professional soldiers will not suffice. Conscripted forces, trained and operationally accessible in a timely manner, may be the key to reducing the victims of disasters. The skills acquired by conscripts enrolled in the rapid reaction and disaster relief unit, as in other proposed parts of a peace-time conscription programme, would maintain their expertise even after their conscription period concludes. Therefore, the EU would preserve an extremely useful 'human resource' which may assist their fellow EU citizens for years into the projected future.

Conclusion

Security questions continue to define much of the EU's 21st century identity. This work sought to reshape an old idea, conscription, to act as a progressive element in the budding EU security culture and how it approaches international society at large. It is no longer permissible for the EU to entrust its value system and security to exogenous security providers. As a union of democratic states, the EU must be prepared to defend itself, and the cosmopolitan values it, and international society are increasingly defined by.

This work opened with a definitional section to try and reach an understanding of what conscription is and how it can be rehashed to provide civilian ownership over the political state, making the state more reflective of civilian values, and civilians more responsible for their state's wellbeing. The second part introduced the 'civilian power' approach to international relations, which

is increasingly defining the EU's policy priorities and implementation with the help of peace-time conscription. The third part focussed entirely on theoretically assessing peace-time conscription and how such programmes may help 'humanitise' soldiering by reducing reliance on professional soldiers and infusing military structures with civilian values. This section concluded with a brief discussion of the new 'social contract' which would be necessary before committing civilians to fulfilling foreign policy goals of the EU. The final section of this work presented three peace-time conscription units which may be indispensable for the long-term security of the EU. These were a Specialised Medical Unit; a Local and International Policing Unit and; a Civic and Local Defence Unit. These units, as part of a large peace-time conscription programme, were meant as policy recommendations. They were conceived idealistically as there are many other considerations which need to be assessed before any reasonable steps could be taken to introduce peace-time conscription on the EU level. However, it is hoped that this work will inspire critiques and comments so that the conceptions raised here can lead to debate over how the EU could advance independence over its security without threatening the cosmopolitan values it has been fostering since the end of WWII and now has the window of opportunity to promote throughout international society.

The Privatization of Peace: Private Military Firms, Conflict Resolution and the Future of NATO

Rouba Al-Fattal¹

‘The future is in nationalising defence and privatising peace.’

(*Shimon Peres*, 2006)²

Introduction

In the last fifteen years the world has witnessed a significant increase in the use of Private Military Firms (PMFs), due largely to globalization and the end of the Cold War, for reasons that will be discussed further.³ Gradually, more peace and conflict studies researchers believe that it is important to take a deeper look at the role of PMFs in peacekeeping. Scholars, of *ripeness theory* within the field, indicate that third parties – like the North Atlantic Treaty Organization (NATO), the United Nations (UN) and recently PMFs forces – could contribute to conflict resolution, through their work in Peace Support Operation (PSO).⁴ To these researchers, PMFs might at least provide temporary stability, by creating power symmetry hence a conducive atmosphere for peace negotiation. However, other peace researchers contest enrolling PMFs as independent third parties due to their ambiguous, unaccountable and commercialized nature. They argue that it is not enough to have a short-term mitigation period (or *negative peace*), which PMFs might provide. Instead they insist that stability is only possible with eradicating root cause

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² Shimon Peres, *The Current Conflict in the Middle East*. (Council of Foreign Relations, 2006 [cited April 15, 2007]); available at: http://www.cfr.org/publication/11213/current_conflict_in_the_middle_east_rush_transcript_federal_news_service_inc.html?breadcrumb=%2Feducators%2Fmodules%3Fgroupby%3D1%26page%3D2.

³ Special thanks to Nico Segers for sharing his thoughts on the subject, and for instigating this article by introducing me to the documentary ‘Why We Fight’.

⁴ Daisy-Ivy Bode, “Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness” (Montreal University, 2007): 9.

of conflicts, which to them is the only way to create sustainable (*positive*) peace. Accordingly, the fact that PMFs contracts are generally short-term and for-profit makes them unreliable (in the long run) to play the role of trusted peacekeepers. They go even further to say that PMFs may do more damage than good, with the ethical and legal challenges they raise.

Evidently, this new and fast growing phenomenon of business-like warfare providers, becoming part of traditional military frameworks such as NATO, has caught academics and practitioners by surprise. It also has created a dichotomy between peace researchers on PMFs' role in resolving protracted intra-state conflicts. Thus, this paper seeks to amend a theoretical inertia, by evaluating PMFs effects on domestic peace and security; see under which conditions they can play a mediator or a stability provider; and evaluate their merits within or opposed to NATO. In doing so, the article tries to answer the following questions: What instigated the rise of PMFs, and what are they? What are the benefits and problems associated with them, and how can they be solved? What does their use as peace supporters entail and lead to? Can combat driven PMFs help resolve conflicts and restore peace in civil war torn countries, and if so under which conditions? What is the future on NATO with the rising use of PMFs? The first three parts of the paper concentrates on the post-Cold War rise of PMFs, their unique character, historical development, the ethical dilemmas they pose and the legality of their actions. The forth part explores ripeness theory, its conditions and how PMFs can fulfil the role of mediating third parties within PSO. The penultimate part focuses on the role of PMFs within NATO operating in Former Republic of Yugoslavia (FROY) – during the Bosnian and Kosovo Wars – and Afghanistan, from 2001 to the present, as case studies. We compare these two cases, of failed and fragile states, to examine under which conditions PMF mandates might lead to peace negotiations between competing factions. The final part looks at the level of cooperation versus competitiveness between NATO and PMFs, and tries to make prediction of their future interactions.

Causes of Proliferation

The end of the Cold War marked the beginning of a new world order and an end of regional strategic patronage of superpowers. Withdrawing support to client regimes created a power void that prompted developing countries – which previously relied on major powers for their security and stability – to look somewhere else to provide them with (at least) their military needs. In addition, the demise of communism meant the repudiation of supra-national ideologies; those that once in history clearly divided states while uniting societal groups. As Huntington posits “In the post-Cold War world ... global politics has become multipolar and multicivilizational ... the most important distinctions among people are not ideological, political or economic. They are cultural ... People define themselves in terms of ancestry, religion, language,

history, values and customs.”⁵ Consequently, the world has witnessed a dampening in inter-state (external, also called traditional) conflicts, accompanied by a boosting in intra-state (internal, also called new) conflicts and terrorist activities; due precisely to what Huntington wistfully called the ‘ideological vacuum.’ What is more, after the Cold War major powers – seeing no point in keeping a gigantic yet futile military base – embarked on a systematic programme of military downsizing, which created a surplus of ex-soldiers who were seeking other venues to utilize their skills.⁶

Simultaneously, the forces of globalization created an open market, which allowed the excess supply of weaponry and military personnel to feed the growing demands of modern warfare in unstable niches of the world.⁷ Indeed, the ‘permanency of Private Military Companies is bewildering. Following extensive research in 2002, the International Consortium of International Journalists (ICIJ) reported that at least 90 companies were operating in 110 states worldwide.’⁸ Suddenly, with the rise of PMFs, Max Weber’s state, ‘which claims the monopoly of the legitimate use of force within a given territory,’ ceased to exist; and what used to be considered a purely public good, suddenly became a private one.⁹ Hence, softening of states’ firm grip over security along with clients rising interest in efficiency, swiftly developed a competitive private military *modus operandi* compatible with post-Cold War needs.¹⁰

Paradoxically however, the same privatization which is compromising states’ powers, is giving them a new apparatus with which they can maximise their strategic interests. This explains why, despite PMFs negative effect on state’s autonomy, to states, they constitute the largest force second to United States (US) forces in Iraq. Added to that, since 1994 the US Defence Department has entered into about 3,016 contracts with US-based PMFs, which Pentagon records value at around \$300 billion. Intriguingly, more than 2,700 of those contracts were signed with two companies only. This phenomenon might indicate a trend of favouritism, which is facilitated by the existence of a clandestine ‘revolving door’ between Pentagon officials and PMFs shareholders, generally of ex-generals calibre.¹¹

⁵ Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1997): 21.

⁶ Jackson Nyamuya Maogoto, “Subcontracting Sovereignty: Commodification of Military Force and Fragmentation of State Authority,” *Brown Journal of World Affairs* 13, no. 1 (2006): 147.

⁷ Richard Lappin, “Peace at What Price? The Uncertain Costs of Privatised Peace Support Operations” (K.U. Leuven, 2005): 19.

⁸ *Ibid.* Pg. 15.

⁹ Max Weber, *The Theory of Social and Economic Organization* (. New York: The Free Press, 1964): 154.

¹⁰ Maogoto, “Subcontracting Sovereignty: Commodification of Military Force and Fragmentation of State Authority,”: 148.

¹¹ Lappin, “Peace at What Price? The Uncertain Costs of Privatised Peace Support Operations“: 36.

Character and Classification

Private Military Firms (a.k.a. Private Military Companies/Corporations/Industry, Private Security Provider or Military Service Providers) are the modern day incarnation of mercenaries (or corporate warriors), and are often confused with Defence Contractors. While the latter supply military hardware and technicians who operate them, PMFs provide personnel with specialized strategic and tactical skills of a combat nature. It is also crucial to distinguish present day PMFs, from mercenaries, who are as old as war itself. The latter are individual combats of unsavoury status, known in recent history as ‘soldiers of fortune’ who have taken advantage of ensuing conflicts mostly in post-colonial Africa. Although, like their successors of PMFs personnel, who fight for private gain or monetary compensation; these *Rambo*-type fighters do not adhere to any code of ethics or international laws.¹² On the contrary, Singer defines PMFs as ‘business organisations that trade in professional services intricately linked to warfare. They are corporate bodies that specialise in the provision of military skills, including combat operations, strategic planning, intelligence, risk assessment, operational support, training, and technical skills.’¹³

Undoubtedly, there are vast variations of services within this industry and in the way they market their expertise. However, there are as well overarching, unifying features. First, PMFs are employed normally to aid states with low military capabilities, facing immediate and high threats. Second, they are firmly entrenched in present international relations, mainly operating with international authorities and within international laws. Third, PMFs, especially those of broader Multinational Corporation type, use internationally accepted and legally financed institutions to secure their commercial arrangements. Finally, they claim to be transparent and to only work with globally recognized government.¹⁴

However, to understand this industry properly, it is wise to use Singer’s categorization. PMFs are ‘broken down into three broad categories: 1) military *provider* firms, 2) military *consultant* firms, and 3) military *support* firms. Each category of services is linked to a specific physical location in the battle space.’ Simply put, the more you pay the closer you can get these firms to the battlefield. Thus, according to Singer’s ‘Tip-of-the-Spear’ typology, military *provider* firms, which are distinctively positioned in the ‘tactical battlefield’, are considered to be the very tip of the spear.¹⁵

Singer’s classification accurately recognizes the dual nature of the private military industry: military and economic. This is a crucial taxonomy, because

¹² P. W. Singer, “Outsourcing War,” *Foreign Affairs* 84, no. 2 (2005): 122.

¹³ P. W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (New York: Cornell University Press, 2003). Pg. 8.

¹⁴ Steven Brayton, “Outsourcing War: Mercenaries and the Privatization of Peacekeeping,” *Journal of International Affairs* 55, no. 2 (2002): 306.

¹⁵ Bode, “Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness”: 23.

it excludes a political aspect from PMFs' character. Indeed, the lack of political resolve defines the stark contrast to the military and political nature that NATO boasts (a point that will be discussed further in the final section of this work).

Benefits, Challenges and Solutions

It is beyond the scope of this paper to analyse all the benefits and problems associated with PMFs. Thus, this author offers a broad overview of the most pressing arguments, while focusing the attention on the role of PMFs in Peace Support Operations (PSO) within international bodies such as NATO.

PSO is a relatively new concept which can be defined as: '[M]ultifunctional operations in which impartial military activities are designed to create a secure environment and to facilitate the efforts of the civilian elements of the mission to create a self sustaining peace.' Moreover, owing to their multidimensional nature, PSOs 'may include peacekeeping *and* peace enforcement, as well as other functions such as conflict prevention, peacemaking, peacebuilding and humanitarian operations. As Lappin aptly notes 'the emphasis on peace *support* rather than *peacekeeping* makes [PSO] a more appropriate expression'; especially, since we can not predict the durability and degree of the ensuing peace.¹⁶

In order to render these PSO effective, massive support was necessary. However, an apt UN reform which is required before it can provide that help, seems implausible and may prove more costly. Whereas, an extensive regional involvement in PSO – cementing a 'Godfather' influence – or, worse, whimsical US unilateral policing, appear to be objectionable resolutions. Add to that, there is a lack of other viable alternatives, and a persisting need for personnel with PSO skills to solve the ever pressing demands of new wars. Thus, all the aforementioned issues led to the resurrection of PMFs, as a conspicuous mean to bridge the strategy-capability gap tarnishing PSO.

It has been argued that using PMFs is more cost-effective than pooling together national forces. Asserting that PMFs management – glutted with experienced high ranking ex-generals of Western armed forces, and propelled by competition – manifests itself into unity of command, standardised weaponry, speed of deployment, relative success of operations and efficiency; all qualities that enhances competence and reduces ancillary spending. Unfortunately, shortage of transparency in government and PMFs financial records leaves the public relying on their discretion and hearsay. Pentagon advisors, for instance, claim that \$6 billion can be saved annually by using PMFs; while Singer posits that a UN-PSO would costs 96% more than a PMFs run one. However, it is not stated clearly how they can do that.¹⁷

¹⁶ Lappin, "Peace at What Price? The Uncertain Costs of Privatised Peace Support Operations": 9.

¹⁷ Ibid.: 20.

Nonetheless, there is a flood of debates that cautions against PMFs use, mostly regarding to their ethical and legal implications. Ethical objections highlight the fact that peace is becoming a commodity only the rich can afford to buy. Meantime, states are becoming more distant from the probably fatal actions of their citizens abroad. In addition, authorities start to reward a new profession that prospers on human miseries. While the bottom line, the underlying *raison d'être* for PMFs is to make money, which by definition, sits in stark paradox to any ethical dedication; pledging loyalties not to counties, ideologies or moral causes, but solely to the “almighty” dollar.¹⁸

PMFs legal ambiguity, their lack of accountability, questionable loyalties, and undetermined legitimacy raises another set of concerns. Initially, the Geneva Convention (GCIII) legislation, in 1949, offered captured mercenaries prisoner of war (POW) status, so long as they fought as part of a legally defined armed force. This ‘ascribed special protection, including immunity from prosecution for normal acts of war.’ However, with rising negativity towards their activities in Africa, in 1977, Protocol-I was added to the GCIII. This protocol not only defined mercenaries (see Article 47), but also removed their POW status. Thus, upon capture they would be tried as ‘unlawful’ combatants. Later, however, with the rise of using *supply* contractors within international forces in conflict zones an amendment was added in 1993 to the GCIII-Protocol-I. This amendment entitles private supply contractors to a POW status upon capture, on the condition that they have been issued a valid identity card from the armed forces which they accompany. However, if these contractors engage in combat and happen to match *all* the criteria that define mercenaries, they lose their POW status upon capture. Nevertheless, it is very difficult to prove that a combatant matches *all* conditions of Article 47, especially when questions about motives create a loophole that can not withstand lawyers’ acumen.¹⁹

Another pressing issue arises because most PMFs contracted staff are not subject to fixed international military codes of conducts, which allocates accountability and punishes desertion or immoral behaviours. Private contractors are often *legally* responsible merely to the states that they are operating in, although they boast of following a voluntary code of conduct. However, such client states (like Iraq and Afghanistan) are unlikely to provide adequate liability and reinforcement. Indeed, until January 2007, private contractors, from US based companies, were exempt from the disciplinary structures of national militaries, such as the Uniform Code of Military Justice (UCMJ), unless they were part of a war declared formally by US Congress. However,

¹⁸ Kateri Carmola, “It’s All Contracts Now: Private Military Firms and a Clash of Legal Culture,” *Brown Journal of World Affairs* 13, no. 1 (2006): 168.

¹⁹ *Third Convention Relative to the Treatment of Prisoners of War* (International Humanitarian Law-Treaties and Documents, 1949 [cited April 15, 2007]); available at: <http://www.icrc.org/ihl.nsf/CONVPRES?OpenView>.

owing to repeated scandals of their misconducts in Iraq, the text of UCMJ had been amended to allow for the prosecution of private military contractors, who are deployed in a declared war or ‘contingency operation.’²⁰

The surge of ‘new wars’ (internal wars) is far from abating. And while there is a stronger need for PSO, there are few national competent donating hands; so, creating a more pressing demand for alternatives and keeping PMFs around. Obviously, it is neither wise to maintain PMFs *status quo* of ‘self regulation,’ nor to prohibit their use altogether. Also, considering the fact that legal quandaries – associated with PMFs – are not necessarily inherent in their design, solution designed to mitigate these legal issues could be sought instead. Actually, regulations can be tackled either at the national or the international level. Although, national regulations are easier to enforce and subsidize, they might drive PMFs to become more covert or to relocate away from these states’ jurisdictions. In comparison, stricter international regulations are harder to set up and finance. Nonetheless, they allow for the creation of observatory bodies with – greater credential and sanctioning mechanism – to ensure that mandates are fulfilled, without breaching any international laws or violating human rights.²¹

Ripeness Theory

1) *Logic and conditions:*

In 1998, Kofi Annan (then head of UN peacekeeping Operations) fittingly estimated that ‘the world may not be ready to privatise peace.’ Conversely, years later (as UN Secretary General), Annan divulges in regards to peace support operations: ‘In the face of mass murder... [PMFs are] an option that cannot be relinquished.’²² This shift in attitude towards PMFs appeared in political and academic rhetoric alike.

Scholars of conflict resolution theory concede that military force can be the ‘decisive factor in ending prolonged conflict.’ Some go as far as saying that a clear military victory is more likely to reduce the chance of continued violence than a negotiated settlement. However, they also agree that this solution is compromised by the fact that it may result in an increased chance of genocide.²³

This brings us to the heart of the matter. In an internal conflict, PMFs, participating in PSO that are supported by international bodies (like NATO),

²⁰ Brayton, “Outsourcing War: Mercenaries and the Privatization of Peacekeeping,” 326.

²¹ James Larry Taulbee, “The Privatization of Security: Modern Conflict, Globalization and Weak States,” *Civil Wars* 5, no. 2 (2002): 17.

²² Quoted in: Lappin, “Peace at What Price? The Uncertain Costs of Privatised Peace Support Operations “: 15, 6.

²³ Luc Reyckler, *Democratic Peacebuilding: The Devil Is in the Transition*, Leuven: Leuven University Press (Leuven: Leuven University Press, 1999).

can prompt peace negotiations. This is because, in intra-states' wars – where one group is weaker materially than the other – PMFs could tilt military scales against the stronger party (generally the aggressor) in favour of the weaker one; thus creating military symmetry between the two groups.²⁴ In order to enter into negotiations, fighting parties must believe (objectively or subjectively) that they have reached at least one of the following points, which are hence considered conditions for negotiations: 1) a mutually hurting stalemate, 2) a looming catastrophe, and 3) a deadlock where there is no other way out. Hence, what PMFs in PSO do by eliminating military asymmetry, is create a situation where unilateral victory is impossible and intractability is unfavoured. Indeed, this PMF's artificially induced symmetry facilitates the realization of the aforementioned negotiation conditions.²⁵

What is 'imperative to acknowledge about ripeness though is that it is not tautological, in other words, its existence is not similar to its effects.' You may have ripeness (caused by PMFs) but it is up to the parties to take advantage of this ripeness and transform it into a successful negotiated resolution (which is a political process that cannot be fulfilled by PMFs, who are solely tactical and strategic agents of change). In brief, 'PMFs can induce ripeness by paving the way for the conditions, and it is precisely this ripeness which prepares the fertile terrain for political negotiations to take place.' But the implementation of political negotiations is the mandate of diplomatic and political actors, not of tactical ones. Zartman concedes that 'there are many instances of ripeness that have not been grasped and there are many instances of a lack of ripeness that have been grasped but failed to ever produce peace. This is because ripeness is a necessary but not sufficient element for temporary or permanent peace.'²⁶

2) Critique of ripeness theory:

Some authors believe that using PMFs (especially reputable ones) may induce wars and sustain conflicts, instead of fostering the opposite desired effect of ending them. In this case, a party may overestimate the strength of private contractors and believe its new forces can easily be successful through war. Consequently, states which hire PMFs may provoke wars which they believe they can win, or prolong conflicts hoping that their opponents will eventually loose.²⁷ In addition, political actors might not conceive of negotiations with an enemy as a possibility (as we will later see in the case of Afghanistan). Here,

²⁴ Bode, "Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness".

²⁵ William I. Zartman, *Elusive Peace: Negotiating an End to Civil Wars*. (Washington DC: Brookings Institution Press 1995): 6-8, 67-78.

²⁶ Quoted in: Bode, "Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness": 31.

²⁷ Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*: 234.

the unspoken single objective is to reverse the tide of war for a unilateral victory, which becomes a limiting factor that renders ripeness conditions, reached by PMFs efforts, futile. What is also pressing to note is that even if PMFs do manage to bring both sides to the negotiation table, there are no guarantees that such meetings will resolve the conflict.

Assuming however, that negotiations concluded with reaching a peace agreement; this is by no mean a warranty of long term peace consolidation. Here, we must decide which peace is of interest to us, a positive or a negative one. Whereas the latter is simply an immediate cessation of physical violence; the former is sustainable peace that addresses root causes of problems and generally is longer in duration and deeper in effect.²⁸ Consequently, if one seeks long-term resolve then PMFs may not be the best solution since, as Spicer states, ‘they are not in the business of addressing such long-term issues, rather the main aim of PMF activity is to create a situation where negotiations can start and diplomacy can work.’²⁹

Regardless of these critiques ‘Military companies may in fact offer new possibilities for building peace that, while not universally applicable, can hasten the end to internal wars and limit the loss of lives.’³⁰ Ideally, it is better to have sustainable peace than a short-term and shaky one. But since, in a lethal conflict, politicians’ priority is (ostensibly) to protect life immediately; it is left to intellectuals to analyse the root causes of conflict and to come up with viable proposals for sustainable peace, after the main objective (of ending life loss) has been achieved.

The Peace Road from FROY to Afghanistan

1) NATO and PMFs in FROY:

PMFs forces were involved with NATO-PSO during the Bosnian War, in 1995, and the Kosovo War, in 1999. These companies and their respective forces are not chosen by NATO command *per say*, but they are contracted with and financed directly by national governments who are supporting and/or contributing to NATO forces.³¹

Briefly, the conflict commenced in the aftermath of the Soviet demise in the early 1990s. The militarily stronger Serbian (Orthodox Christian) army, under the rule of President Slobodan Milosevic, declared war and began a policy of ethnic cleansing against militarily weaker Bosnians (Muslim) and Croats

²⁸ Reychler, *Democratic Peacebuilding: The Devil Is in the Transition*, Leuven: Leuven University Press.

²⁹ Tim Spicer, *An Unorthodox Soldier: Peace and War and the Sandline Affair* (Edinburgh: Mainstream Publishing, 1999): 20.

³⁰ David Shaerer, “Outsourcing War,” *Foreign Policy*, no. 112 (1998): 79-80.

³¹ Christopher Pang, NATO ex-intern, meeting with author, Brussels, 2007.

(Catholic) forces. The conflict was initially waged between Bosnian-Croats on the one hand and Serbs on the other. It then transformed into Bosnians vs. Serbs and Croats vs. Serbs and Bosnians vs. Croats. The resulting tragedy may be numbered in many thousands of casualties, and the war dragged on from 1991 until 1994, when NATO-led coalition forces finally intervened and led a PSO under US command.³²

During this ordeal, three (US based) companies are known to have participated alongside NATO forces: DynCorp, Brown & Root Services (BRS) and Military Professional Resources Incorporated (MPRI).³³ MPRI was paid for by the US and Saudi Arabia, who mostly funded MPRI training of Bosnian army (as a Muslim fellow nation). MPRI equipped and trained the Army of the Federation of Bosnia and Herzegovina (the Muslim-Croat army); while DynCorp was known to fly helicopters over the region for international peacekeepers, and BRS to supply US forces with food and fuel.³⁴

PMFs were used to professionalise the Croatian and Bosnian army to be able to compete against the Serbian army. However, the balance of force that they facilitated was consistent with the US and European Union (EU) member-states objectives of reversing the tides of war, equilibrating both sides and bringing them to the negotiating table. In such instance, the ability of PMFs in the field to create equilibrium facilitated a peaceful outcome that would otherwise have been too tricky to attain.³⁵ Indeed, MPRI training led to two successful operations by Croatian and Bosnian armed forces successively, which recaptured Serb-held territory, ground they had been unable to regain in the preceding four years. This ultimately resulted in peace talks and eventually helped conclude the Yugoslav wars.³⁶

PMFs within NATO altered the military asymmetry, and balanced powers between conflicting parties. Thus, creating a ripe moment for negotiation and diplomacy that was wisely used; which led as a result to ceasefire, and the signing of the Dayton Peace Accords in late 1995. Although this Accord managed to maintain peace between Bosnians and Croats, it failed to sustain peace between Kosovo Albanians (Muslims) and Serbs in Kosovo. Therefore, after three years of its signature, another bloody conflict arisen between Albanians and Serbs in Kosovo. And once again contractors from PMFs alongside NATO forces managed to put an end to this horrifying second war, which also ended in bringing the two parties to the negotiation table, signing yet another peace agreement in 1999 which, luckily, is still effective.

³² James K Wither, "European Security and Private Military Companies: The Prospects for Privatized "Battlegroups"," *The Quarterly Journal* 66, no. 9 (2005): 115.

³³ *Ibid.*: 113.

³⁴ Virginia and Benedict Sheehy Newell, "Corporate Militaries and States: Actors Interactions, and Reactions," *Texas International Law Journal* 41, no. 67 (2006): 92-3.

³⁵ E. Schrader, "US Companies Hired to Train Foreign Armies," *Los Angeles Times*, April 14, 2002.

³⁶ Newell, "Corporate Militaries and States: Actors Interactions, and Reactions," 93.

In the FROY case, negotiations were sought because power symmetry was achieved and the three necessary conditions of negotiations, which subsist on symmetry, were realized. Both parties conceded that they are at a mutually hurting deadlock and that a unilateral victory, where the benefits of war would outweigh the cost of prolonging it, was unforeseen. Moreover, *all* competing parties (along with the US and the EU) agreed that negotiations were acceptable means to evade an approaching catastrophe that would result from a protracted war. Although peace agreement did not last long after first negotiation round, it did manage to end immediate human suffering, at least for a while. A second round of negotiations, also led to peace agreement. This accord is now being maintained by a continued involvement of, none other than, PMFs' 'stay behind' contractors. So, in this case PMFs proved successful because they met the realistic objectives set in advance for them. In addition, they were backed by the political will to foster negotiations through legitimate NATO body; while working on sustainable peace with the help of 'stay behind' companies.³⁷

2) NATO and PMFs in Afghanistan:

At this early stage of the research on PMFs and their role in peace and conflict resolution, further examination of their involvement in hotspots of the world remains pressing, yet unmapped territory. Research on PMFs' involvement in PSO (especially in Afghanistan) is still very much in its infancy; hence, this paper endeavours to broaden knowledge on the issue. However, this is not the only reason behind selecting Afghanistan case to compare to FROY case. In fact, it was chosen because both cases are related precisely to PSO working under NATO's legitimate umbrella. Also, both cases occurred within the last fifteen years during the post-Cold War era. Intriguingly though PMF involvement in Afghanistan produced opposite results to their participation in FROY, despite the similarity of power dynamics between the competing parties. This makes it an even more interesting case to look at, precisely if one wants to examine operability of ripeness conditions in a comparative way.

This being said, the novelty of the subject, unfortunately, makes it a harder case to analyse due to lack of sufficient information. Still, this contribution may lead the path to further and deeper investigation in so far as it opens new avenues for exploration. Nevertheless, due to data limitation, the author will use deductive reasoning to reach at a compelling argument. Thus, relying mostly on the author's intuitions and judgment of news reports is of the essence.

In the aftermath of the September 11th 2001 terrorist attacks on the US by al Qaeda which was hosted in Afghanistan by the Taliban (Afghani government at the time), a common belief – especially among US and EU officials

³⁷ James R. Davis, *Fortune's Warriors: Private Armies and the New World Order* (Toronto: Douglas and McIntyre, 2002): 138.

– started to mushroom, and that is, democracy instigates peace and eradicates terrorism. So, based on this premise, the obvious solution was to overthrow the ‘theocratic’ ‘Islamic fundamentalist,’ ‘terrorist harbouring’ Taliban regime and establish, in its place, a ‘democratic,’ ‘Islamic moderate,’ ‘responsible’ government that will foster liberal economics, peace and stability. Shortly after, Western powers launched aerial attacks on the Taliban under NATO, and with the extra helping hands from PMFs. At first, NATO-PMF forces managed to bring down the Taliban and replace them with US approved Afghan government. The Taliban, however – a strong and experienced guerrilla movement well sustained by bin Laden’s wealth – did not disappear. Indeed, it still poses a great threat to NATO’s ‘coalition of the willing,’ as well as to the new and weak Afghani government.³⁸

Similar to the case of the FROY, Afghanistan’s internal conflict wages between (stronger) Taliban militias and a weaker new Afghani government. Once again, PMFs were involved in NATO-PSO, and power symmetry was relatively achieved. Still, the expected negotiations that followed in the FROY case, did not take place here. In fact, negotiations did not occur because symmetry managed to consolidate only the first two necessary conditions of ripeness: mutually hurting stalemate and a sense of a looming catastrophe. This feeling of an approaching disaster, and the fear of the consequences of failure were clearly captured in General David Richards, head of NATO’s international security force in Afghanistan, stark warning ‘we are running out of time...[and the West] could not afford not to succeed.’³⁹

Despite reaching military symmetry and the fear of a harmful deadlock or an even worse catastrophe, actors in this conflict – such as the Afghani government, US, EU, and the Taliban – do not seem to consider the third necessary condition for ripeness, that is negotiations as a way out. In fact, during a conference attended in Brussels in 2007, organized by East West Institute’ entitled ‘Democracy and Terrorism’, the common view was that ‘negotiations with Taliban were not a viable option.’

The idea of the US conducting negotiations, even by proxy (through the Afghani government) with Taliban forces indirectly linked to the September 11th 2001 attacks, seems unconceivable. Negotiations, in this instance appear damaging to US prestige and public image, which makes no US official dare to suggest such an idea. This is especially true when US elections are close at hand as neither democrats nor republicans are willing to risk testing these murky grounds. On the other hand, the Taliban does not want to negotiate because they dream of a unilateral victory, and want to uphold their image as ‘ex-freedom fighters’ and ‘warriors of God.’

³⁸ Newell, “Corporate Militaries and States: Actors Interactions, and Reactions,”:109.

³⁹ Richard Norton-Taylor, *Afghanistan Close to Anarchy, Warns General* (The Guardian, 2006 [cited April 13, 2007]); available from <http://www.guardian.co.uk/afghanistan/story/0,,1826303,00.html>.

In this situation there is no real incentive to negotiate since each party still hopes to escalate the conflict until it reaches unilateral victory. As Zartman explains, ‘The goal is to conquer and annihilate the adversary in order to reap all the benefits of a unilateral victory. In other words, both strong now (due to symmetry) parties hope to win since the benefits of prolonging a war appear to outweigh the costs.’⁴⁰ So, whereas circumstances behind asymmetrical structures render conflicts intractable, since they are not conducive to negotiations, situations of symmetry favour flexibility but they are not sufficient. Hence, in the Afghan case, PMFs providing military symmetry proved futile because the last necessary condition of negotiation is not an acceptable solution by any of the major parties involved. Here, we can only hope to deploy more NATO-PSO (with any additional help from PMFs if possible) to alleviate the suffering of the people and to protect civilians who must live with the consequences of a complex world, where clashes of interest and ideas with normative inflexibilities do not allow a place for peace to materialize.

Evaluation of PMFs and NATO Roles

Some may contend that PMFs – due to their questionable ethics and profit based nature – should not be used for PSO altogether. But when there is a pressing need for their assistance, and compelling evidence that they can, if used under the legitimate umbrella of international forces, directly or indirectly induce peace negotiations then one must decide what is more important the means or the ends? And what is more ethical to leave those in need suffering or to help them in any way possible?

Still, we should not get carried away. By comparing the two aforementioned case studies, we realise indeed that PMFs working on PSO alongside NATO forces can indeed create a ripe moment for negotiations. However, PMFs role is restricted to their ability to induce military symmetry that cultivates the first two conditions of ripeness (mutually hurting stalemate and a notion of looming catastrophe). Therefore, on its own, symmetry does not spill over to create the last condition (considering negotiations as a way out). Using a military muscle to alter power asymmetry is thus necessary instrument in internal conflicts, but not sufficient to reach the negotiation table.

To arrive at the last condition, we need first to have the political aspiration; a willingness and ability to negotiate. Political actors’ objectives – which are tackled by issuing PSO and using PMF – must then be pursued with the desire to produce and seize ripe moments of negotiations. Simultaneously, political players must possess a certain amount of discretion to notice even the narrowest window of opportunity, when negotiations are possible; and to be prudent enough not to let them pass by in vain.

⁴⁰ Quoted in: Bode, “Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness”: 29.

This is why NATO – which is widely recognized as a legitimate military body (especially in the West), backed with political mandate – has greater influence on peace consolidation; and PMFs acting within NATO’s jurisdictions becomes a more effective military implement to use for conflict resolution. The politico-military scope of NATO versus the military-economic aspect of PMFs is, in fact, the defining difference between these two. What is important to realize, is that PMFs do not maintain a political agenda and thus cannot be used as a diplomatic platform for peace negotiations. While NATO, in contrast, is more capable of providing diplomacy along with its peace support operation forces. And since NATO is internationally recognized they are regarded as legitimate and trustworthy entities, who obey international laws and have respect for human rights.

In combination with the fact that, while PMFs boast ethics, they will always keep an eye on the financial profit. And knowing that it is crucial to restrict PMFs potential illegal activities; such as abuse of power and personnel, exploitation of resources, corruption, covert control and proxy influencing, it becomes clear that the continuation of PMFs within NATO is not only *needed*, but it remains a *desired* involvement from client states and the international community, who want to keep PMFs under check.⁴¹ In this case, PMFs would be established under the legal patronage of the current NATO command, thus providing a logical entry-point and basis for possible broadening of their peace support mandates.

This reaffirms the need for international organisations, like NATO, with the necessary function, citizen’s accountability and legitimacy, to work toward more fundamental and sensitive concerns such as conflict resolution and peace consolidation. Obviously, PMFs are manipulators which might bring about a settlement, but they are not legitimate enough mediators and peace settlements need both functions to materialize. So, while PMFs might be a more effective military tool, NATO still proves to be a better peace negotiator and consolidation tool. Therefore, in PSOs, where the underlying objective is to reach some sort of a peace settlement (long or short term), NATO remains the ultimate, not only military but also, political peace apparatus.

Conclusion and Prediction

The proliferation of PMFs over the past two decades has not gone unnoticed. Freed from Cold War security shackles, parties seeking effective PSO can currently hire and deploy PMFs, which could help establish a military balance between conflicting parties. This is important if we consider that creating power symmetry prepares for a ripe moment for peace negotiations, which in turn might lead to domestic and/or regional stability. However, field in-

⁴¹ Schrader, “US Companies Hired to Train Foreign Armies.”

vestigation tells a different story. One cannot refute the ability of PMFs, in some cases of internal unrests, to create virtual power symmetry, an important negotiation prerequisite. However, this does not necessitate that this ripe moment is desired by actors or will be seized by political players. Accordingly, by their virtue, PMFs are not a panacea, especially since they are plagued by problems that require more rigorous international regulation. Indeed, if we look at PMFs involvement in Former Yugoslavia and today's Afghanistan, we realize that they are becoming a necessary PSO instrument which can be used to as means for settlement negotiations. Still, we must not forget that they are not political or diplomatic agents and thus their presence in conflict zones does not automatically lead to settlements. Ultimately, it is up to the will of political actors to decide whether they consider negotiations as a viable alternative, or whether they prefer to drag the conflict on in the hope of unilateral victory.

Another objective of this article was to assess the future of NATO forces with the rise of PMFs contractors, who claim to do a better job at a fraction of the price. Put in other way, what is the choice of political actors going to be: PMFs within NATO or PMFs versus NATO? By far, it is clear that political actors determine how to use the ripe moment for negotiation. So, even if PMFs are more cost-effective and tactically more efficient than NATO, they hitherto do not provide the legitimate political leadership that accompanies NATO's mandate. That is because PMFs are only tactical and strategic agents, lacking political orientation. Whereas NATO acts not only as a strategic agent but also as a political platform, which works closely with key decision makers, who are in general the corner stones of peace negotiations. Therefore, in spite of the mounting demand for PMFs, NATO – due to its dual politico-military nature and legitimacy – will not be disposed of easily in the near future.

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Demos and Ethnos: Dangerous Democratisation in Pre-Genocide Rwanda

Marie-Eve Desrosiers¹

Growing interest in civil wars has called for a reassessment of traditional conceptions of violent conflict.² With most of these wars occurring in the developing world, these reassessments have often led to a focus on the particular predicaments of developing nations. In the early 1980s, Crawford Young identified class and ethnicity as the major patterns of social conflict in the developing world.³ Young has now become one in a large group of academics insistent on the importance of ethnicity, or communal identities, as a root cause of conflict. Much of the literature on post-colonial Africa, for example, has tended to concentrate on the importance of 'ethnic politics' on the continent, particularly in cases of violent conflicts. For many, African politics continue to be severely disrupted and divided by ethnic conflict.⁴ For Howard Handelman, "no cleavage has more sharply, and oftentimes violently, divided countries during the

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² For a study of new patterns of war and their implications for traditional 'Clausewitzian' conceptions of interstate conflict, see Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Oxford: Polity Press, 1999). In terms of trends, while much of the violence experienced in the twentieth century resulted of interstate conflicts, civil strife at the century's dawn eclipsed interstate wars in terms of violence. Close to half of the conflicts recorded in those hundred years were fought within state boundaries. David Welsh, "Domestic Politics and Ethnic Conflict," *Survival* 35 (1993): 63. In turn, the growing number of civil wars has radically changed the face of violent conflict. While early in the twentieth century approximately fifteen percent of casualties were civilians, at its close this number was thought to have reached close to ninety percent. Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict* (Washington, D.C.: Carnegie Corporation of New York, 1997), 11.

³ Crawford Young, "Patterns of Social Conflict: State, Class and Ethnicity," *Daedalus* 111 (1982): 72.

⁴ Harvey Glickman, "Ethnicity, Elections, and Constitutional Democracy in Africa," in Timothy D. Sisk and Andrew Reynolds, eds. *Elections and Conflict Management in Africa* (Washington, D.C.: United States Institute of Peace Press, 1998), 37.

past century than has ethnicity.”⁵ For many developing states ethnic or communal politics are effectively an additional source of unrest at a time when they are struggling to achieve stability.

A parallel trend purportedly favouring stability in recent decades has been democratisation.⁶ A wave of liberalisation and democratisation, often referred to as the ‘Third Wave’ in reference to Samuel Huntington’s seminal *The Third Wave: Democratization in the Late Twentieth Century*, swept the developing world in the late nineteen-eighties and early nineteen-nineties.⁷ Particularly, Sub-Saharan Africa saw a growing number of authoritarian regimes move towards liberalisation and democratisation.⁸ Many looked optimistically to this wave as the beginning of an era of growing stability for developing states. Fifteen years later, many developing nations are still wrought with problems of political instability. Democratisation has not proved a solution to the problems facing many developing states. In certain instances, the process of democratisation has even reversed or accentuated internal divisions, leading, in some cases, to the outbreak of violence. While both important topics of inquiry in political science and comparative politics, democratisation and communal identities have rarely been studied in relation to one another.⁹

The present analysis addresses the link between ethnicity (as a form of communal identity) and democratisation.¹⁰ The argument centres on assessing the role

⁵ Howard Handelman, *The Challenge of Third World Development* (Upper Saddle River, N.J.: Prentice Hall, 1996), 48.

⁶ Liberalisation is understood as an opening of the system to civic liberties, while democratisation is more specifically tied to liberalisation of the political realm, of political competition. For Linz and Stepan, for example, “democratization requires open contestation over the right to win control of the government, and this in turn requires free competitive elections, the results of which determine who governs.” Juan J. Linz and Alfred C. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and post-Communist Europe* (Baltimore, Md.: John Hopkins University Press, 1996), 3.

⁷ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, Okla.: University of Oklahoma Press, 1991).

⁸ See for example Bruce Baker, “The Class of 1990: How Have Autocratic Leaders of Sub-Saharan Africa Fared under Democratisation,” *Third World Quarterly* 19 (1998): 115-127.

⁹ Zeric Kay Smith, “The Impact of Political Liberalisation and Democratisation on Ethnic Conflict in Africa: An Empirical Test of Common Assumptions,” *Journal of Modern African Studies* 38 (2000): 22, 26. A notable exception is Bruce Berman, Dickson Eyoh and Will Kymlicka, eds. *Ethnicity and Democracy in Africa* (Oxford: James Currey, 2004).

¹⁰ While widely used, the term ‘ethnicity’ is a contentious one. James Fearon and David Laitin described ethnicity as “defined mainly by descent rules of group membership and content typically composed of cultural attributes, such as religion, language, customs and shared historical myths.” James D. Fearon and David D. Laitin, “Violence and the Social Construction of Ethnic Identity,” *International Organization* 54 (2000): 848. In his definition, Anthony Smith insisted on solidarity that exists between members of a particular ethnic identity that serves to unite them in what he calls the ‘ethnie.’ Anthony D. Smith, “The Ethnic Sources of Nationalism,” *Survival* 35 (1993): 49. This solidarity is fundamental to the constitution ethnic ties: it is the common acknowledgement that specific shared cultural attributes are the basis for a common identity for one’s group, as well the material on which to build distinctions from other groups:

played by governing elites in times of democratic transitions. It contends that in certain instances the process of democratisation can mean dangerous times at which political entrepreneurs ‘play the ethnic, religious or communal card’ in order to hold, or gain access, to power and resources. Finally, this article reviews how the democratisation process affected the outbreak of violence in Rwanda in the early 1990s. This analysis is not intended as an exercise to uncover absolute and direct causal links between democratisation and communal violence. The result of complex interactions between a number of historical, sociological, economic and political factors, civil strife is rarely the result of a single factor or trend, though a unique factor may prove to be the catalyst of prior factors. Nor does democratisation necessarily lead to ethnic or communal conflict. Not all instances of democratic transition have translated into bloodshed. Some have proven to be success stories.¹¹ The processes that might apply in one state might have radically different outcomes in another. In the postcolonial world, states are necessarily different, particularly across regions. The purpose of the present analysis is to highlight broad patterns and processes, but not establish iron laws, of the dynamics between democratisation and communal relations.

Democratisation in the Hands of Cunning Political Entrepreneurs

The last decades of the twentieth century witnessed a worldwide wave of democratisation.¹² In Sub-Saharan Africa alone, twenty-one states had, by 1990, embarked on a process to liberalise their political arena, leading to the ousting of eleven authoritarian leaders.¹³ The democratisation process in many of these countries was the result of a combination of internal contention and international pressures.¹⁴ In a number of instances, the process ran parallel to the emergence of a civil society, or at least vocal challengers eager to have the national arena opened up to new democratic practices. The democratisation

“group consciousness [...] enables them to establish mental boundaries between themselves and ‘others’.” Howard Handelman, *The Challenge of Third World Development*, 49. However, as Jason Clay argued, “there is considerable confusion about which terms are most appropriate to describe the world’s peoples and the subtle distinction between these terms.” Jason W. Clay, “Epilogue: The Ethnic Future of Nations,” *Third World Quarterly*, 11 (1989): 223. Ethnicity is but one conceptual tool, along with nationality, tribe, race, caste and regional affinities, used by social scientists to represent communal identities, to speak of the ties and attachment individuals feel for a social group. To reflect the plurality of forms of social identities, ‘communal identities’ is employed instead of the narrower term ‘ethnicity’. For a description of the types of communal identities see for example Crawford Young, *The Politics of Cultural Pluralism* (Madison, Wis.: The University of Wisconsin Press, 1976), 48-65.

¹¹ Success stories include, for example, Benin which moved towards democratisation in the early nineties and nowadays is stable and relatively free. Another example is post-apartheid South Africa.

¹² Donald L. Horowitz, “Democracy in Divided Societies,” *Journal of Democracy* 4 (1993), 18.

¹³ Harvey Glickman, “Ethnicity, Elections and Constitutional Democracy in Africa,” 42.

¹⁴ Bruce Baker, “The Class of 1990,” 119.

trend also followed external pressures, particularly from international donors' intent on tying processes of economic reform in numerous Southern countries with the need to adopt norms of greater transparency, accountability and democracy by political leaders in debtor states. At the time, many looked to this wide spanning democratisation trend with great optimism.

Looking at the numbers of these decades, this wave of democratisation seems to have translated into liberalisation and more political and civil freedom. Between the 1970s and the first years of the new millennium, the number of authoritarian regimes in Sub-Saharan Africa dropped by half, from 60,5% of Sub-Saharan African states to 29,8%, while free states more than doubled, from 7,9% to 23,4% (See Table 1). The greatest changes occurred in the 1990s with a dramatic drop from 32 autocratic regimes (in 1989/90) to 14 by 2004, and with the number of free rising from 3 in 1989/90 to 11 by 2005.

Table 1. Trends in Political and Civil Freedom in Sub-Saharan Africa

Year	Status			Total Countries
	Not Free	Partly Free	Free	
1973	23 – (60,5)	12 – (31,6)	3 – (7,9)	38 (100%)
1979	26 ↑ (57,8)	15 ↑ (33,3)	4 ↑ (8,9)	45 (100%)
1982/83	26 – (57,8)	16 ↑ (35,6)	3 ↓ (6,7)	45 (100%)
1989/90	32 ↑ (69,6)	11 ↓ (23,9)	3 – (6,5)	46 (100%)
1993	24 ↓ (51,1)	15 ↑ (31,9)	8 ↑ (17,0)	47 (100%)
1999	15 ↓ (31,9)	24 ↑ (51,1)	8 – (17,0)	47 (100%)
2005	14 ↓ (29,8)	22 ↓ (46,8)	11 ↑ (23,4)	47 (100%)

Source: Freedom House, *Freedom in the World Country Ratings 1972-2006* (Washington, D.C., 2006). Available online at: <http://www.freedomhouse.org/uploads/fiw/FIWAIScores.xls>.¹⁵

Despite this trend, not all cases of democratisation were successful. If twenty-one states embarked on the path to liberalisation and democratisation, it resulted in the ousting of half of their authoritarian leaders, and, following these events, only 8 new countries emerged as 'free.' The optimism of the early days of the 'third wave' requires moderation. Almost two decades later, fourteen

¹⁵ It should be noted that Freedom House changed its rating system in 2003. Overall, Freedom House creates its scale by looking at 10 political rights issues—looking at the 'electoral process', 'political pluralism and participation', and the 'functioning of government'—and 15 civil liberties issues—looking at 'freedom of expression and belief', 'associational and organizational rights', 'rule of law', and 'personal autonomy and individual rights.' Before 2003, countries with combined average ratings for Political Rights and for Civil Liberties between 3,0 and 5,5 were classified as 'Partly Free,' and between 5,5 and 7,0 as 'Not Free.' Following the changes, countries with combined average ratings for Political Rights and for Civil Liberties between 3,0 and 5,0 were classified as 'Partly Free,' and between 5,5 and 7,0 as 'Not Free.'

African states are rated not free, while twenty-two were deemed partly free. In many cases, few gains have been made. Incumbent leaders managed to survive the democratisation process because of their access to power and resources, or simply by manipulating the process itself.¹⁶ Others used democratisation rhetoric to satisfy the international community (and international creditors) without actually adhering to the principles of democracy.¹⁷ And even when leaders were ousted, in some cases, those who replaced them simply reverted to autocratic tactics. In many other cases, however, the final outcome is unknown. While the number of strongly authoritarian regimes dropped and the number of free states rose over the course of this period, the number of partly free states also rose.

This rise in the number of partly free countries is tied to the drop in ‘not free’ states. Extremely repressive regimes, outside of a dramatic coup, should not be expected to embrace complete liberalisation and democratisation on a whim. Such processes often tend to be incremental. Their liberalisation, without necessarily paralleling a consistent democratisation process and the relaxing of authoritarian rule, is represented by this passage to a partly free rating. While an encouraging trend, it should also be a source of concern. While transitions open the door to further positive changes and democratisation, they can be dangerous times during which political hierarchies and the balance of power are shaken. Research indicates that there exists a relationship between the relative openness of a system and contention, including violent opposition.

The political process approach, developed in the 1970s addressed this relationship. Charles Tilly argued that the relationship between contention and the political system follows a curvilinear relationship. As he described it, “... protest occurs when there is a space of toleration by a polity and when claimants are neither sufficiently advantaged to obviate the need to use dramatic means to express their interests nor so completely repressed to prevent them from trying to get what they want.”¹⁸ Mildly authoritarian and repressive regimes, characterised by ‘cracks in the system’, can in fact stimulate contentious action, contrary to extremely oppressive regime where there exists no tolerance of dissent. In a recent study, Monica Duffy Toft examined the relationship between degrees of authoritarianism and the onset of conflict. Her results lent credence to Tilly’s argument. States, on average, tend to move towards a decrease in authoritarianism in the year prior to a conflict. At the onset of conflict, states slip slightly back towards authoritarianism. As Duffy Toft explained, “[a]s the war approaches, we do see the level of authoritarianism increasing ever so lightly. Such a dynamic lends credence to the idea that ‘liberalization’ of the system is precarious as it might put too much stress on the system, leading to more calls

¹⁶ Bruce Baker, “The Class of 1990,” 119.

¹⁷ Patrick Chabal, “The African Crisis: Context and Interpretation,” in Richard Werbner and Terence Ranger, eds. *Postcolonial Identities in Africa* (London: Zed Books, 1996), 43.

¹⁸ Quoted in David S. Meyer, “Protest and Political Opportunities,” *Annual Review of Sociology* 30 (2004): 128.

for even more liberalization. Should these calls not be met, frustration sets in, repression picks up, and violence ensues.”¹⁹

The road to liberalisation and democratisation is a potentially dangerous one, a fact to be remembered beyond hopes held for the stabilising effects of effective democratisation. In particular, rushing to organise an election and pushing a democratisation process in an unstable and historically divided state might precipitate disaster. While a change in regime entails conflict, many believe the risks of an upsurge of conflict at times of democratisation to be particularly great in ethnically or communally fragmented societies.²⁰ For Donald Horowitz, “[i]n many countries of Africa ... a major reason for the failure of democratization is ethnic conflict.”²¹ For these divided polities, democratisation proves to be a dangerous time because of the inherent instability that accompanies the liberalisation of the political arena which can be recuperated to entrench dividing lines between communities.

In certain cases of democratisation, this resulted from the manipulation of perceptions of communal identities on the part of elites to win the support of constituents. Manipulation of these perceptions of communal identity can lead to a rapid and profound polarisation of divided societies.²² The incentive to manipulate communal identities served as a strategy amidst intense competition to fill the power vacuum created by the reshuffling of political positions. Those studying instances of elites, (or political entrepreneurs), ‘playing the ethnic, religious or communal card’ generally agree that such behaviour can come as a response to perceived changes in available opportunities or environmental, political or economic changes. For many, elite behaviour in situations of threat is motivated by their wish to hold onto power in the short term and to ensure possibilities for their political survival in the long run.²³ Or, on the part of emerging challengers, playing on perceptions of communal attachment constitutes a strategy to win popular support and power and influence.

This is not to say that elites are necessarily calculating egoistic actors. Democratisation, or any type of transition that entails the reconfiguration of relations of power and influence, constitutes a turning point for elites. McAdam, Tarrow and Tilly indicated that, for elites, “these episodic moments of contention, [create] uncertainty [...]; [reveal] fault lines, hence possible realignments

¹⁹ Monica Duffy Toft, “Peace Through Security: Making Negotiated Settlements Stick,” presented at the *Exit Strategies: Iraq, Afghanistan, and Beyond*, Centre for Security and Defence Studies, Ottawa, Canada, 23 March 2007, 22-23.

²⁰ Marina Ottaway, “Democratization in Collapsed States,” in I. William Zartman, ed. *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder, Co.: Lynne Rienner Publishers, 1995), 236.

²¹ Donald L. Horowitz, “Democracy in Divided Societies,” 18.

²² David A. Lake and Donald Rothchild, “Containing Fear: The Origins and Management of Ethnic Conflict,” *International Security* 21 (1996): 54.

²³ V. P. Gagnon, Jr., “Ethnic Nationalism and International Conflict: The Case of Serbia,” *International Security* 19 (1994/1995): 140.

in the body politic; [threaten] and [encourage] challengers to take further contentious actions; [and force] elites to reconsider their commitments and allegiances.²⁴ Their rationality or interest-driven behaviour comes, however, as a result of the rules of the political game to which they belong. Political competitions are construed as a struggle in which outcomes are often binary. They are much like a zero-sum game in which gains and losses are relative: to keep one's post or not, to have influence and power or not, to be in the winning party/group or not. Paul Pierson referred to this as the 'lumpy' or 'winner-take-all' quality of some political goals: "politicians seeking re-election, coup plotters, and lobbyists either win or lose; legislation either passes or is rejected [...] Unlike economic markets, in which there usually is room for many firms, in politics finishing second may not count for much."²⁵ As a result, the parameters of the game suggest instrumental behaviour in order to strategise ways to come out ahead of the competition. Democratisation further adds to the reasons for an intense competition. Fighting to gain control of the democratisation process can become a goal in itself. In a political transition process, many risk more than a political posting. An institutionalised democratic environment can prove to offer little to elites: "power positions are few, tenure is insecure, and the future for an out-of-office politician is bleak – there are no lucrative private sector jobs awaiting those who step out of the political fray."²⁶ As a result, as F.G. Bailey argued, "leadership [is] an enterprise," and elites often turn into political entrepreneurs in the midst of political competitions.²⁷

While elites and political entrepreneurs have a choice of stratagems to compete and manipulate the process of democratisation to their advantage, 'playing the ethnic, religious and communal card' can prove a formidable one. As Cynthia Enloe argued, "ethnicity ... is a resource which regimes may well be able to manipulate to their advantage, whether to legitimate their authority, enhance their power, strengthen state security or promote national unity."²⁸ Ethnicity can serve as a rallying cry allowing elites and political entrepreneurs to mobilise their respective groups for their purposes. The support of their ethnic constituents is an extremely appealing one for communal elites and political entrepreneurs as mobilisation along ethnic lines limits the possibilities of defection to opponents from different ethnic groups.²⁹ Building on shared collective backgrounds, political entrepreneurs thus have incentives to inten-

²⁴ Doug McAdam, Sidney Tarrow and Charles Tilly, *Dynamics of Contention* (New York: Cambridge University Press, 2001), 9.

²⁵ Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review* 94 (2000), 258.

²⁶ Marina Ottaway, "Democratization in Collapsed States," 243.

²⁷ F. G. Bailey, *Stratagems and Spoils: A Social Anthropology of Politics* (Toronto: Copp Clark Publishing Company, 1969), 36.

²⁸ Quoted in David Brown, "Ethnic Revival: Perspectives on State and Society," *Third World Quarterly* 11 (1989): 6, 10.

²⁹ Larry Diamond, "Ethnicity and Ethnic Conflict," 124.

sify their ethnic appeals during democratisation to maximise the turnout for the vote among their constituents.³⁰ This tactic can prove dangerous, however, because in intensifying their appeals to their constituents, elites deepen divisions in fragmented societies. In politicising communal ties and intensifying their communal appeals, their tactics can serve to vilify their opponents and their respective communal groups. For groups, the situation might come to be framed not simply as one of political competition, but as one of intense conflict between antagonistic groups. In certain cases, such strategies can potentially escalate the situation to a flare up of violence. One of the most violent examples of a democratisation process falling prey to elite manipulation is the Rwandese case.

Arrested Democratisation in Rwanda: The Violent Consequences of the Manipulation of Communal Identities

Sources of Conflict

Anthropologists and historians disagree on the origins of the different Rwandese populations. Recent accounts of Rwandese history tend to point to the changing nature of communal identities. Distinction between Hutu, Tutsi and Twa originally served as a form of socio-economic division of society, with the Hutu as agriculturalists, the Tutsi as cattle herders and the Twa as potters. Over time, with the centralisation of the country around a Tutsi monarchy, these labels began to take on a class connotation. Another change in the nature of communal identities came with the arrival of colonisers. Under two successive colonial administrations, German and Belgian, these socio-economic divisions were recast as racial categories.

The Germans took control of Rwanda in 1885. From the onset, to establish indirect rule in the region, German colonisers engaged in racial theorising to determine which community was best suited to take administrative ‘control’ of Rwanda. In line with the thinking of the first German explorers, European colonisers generally perceived the Tutsi population as the ‘superior’ group. Hanning Speke’s early descriptions of the Hutu, Tutsi and Twa played a fundamental role in shaping German perceptions of Rwanda’s communal groups. Speke described “the Tutsi people as descendants of Ethiopians, and more ‘European’ and ‘superior’ to the Hutu and Twa.”³¹ The thesis of an Ethiopian descent of the Tutsi population was based on physical characteristics attributed to the Tutsis. They were judged slender and with finer facial traits than other Rwandese communities. For many Europeans, it seemed inconceivable that a population with physical traits akin to European physical characteristics

³⁰ Ibid.

³¹ Christine L. Kellow and H. Leslie Steeves, “The Role of Radio in the Rwandan Genocide,” *Journal of Communication* 48 (1998): 113.

could have emerged from such a deeply African region; they could only be from regions closer to Europe. Such physical superiority was also thought to translate into superior ‘mental’ capacities. For Europeans, “the Tutsi were more intelligent, reliable, hardworking – in short, more like themselves – than the Hutu.”³² A final characteristic attributed to Tutsis was greater leadership skills. Europeans colonisers were fascinated by the large Tutsi kingdom to the South of the country. For indirect rule, a large Tutsi kingdom seemed better suited than a series of smaller Hutu kingdom.³³ The Germans, (and the Belgians following their victory over the Germans), consolidated Tutsi dominance in the region by helping the Tutsi monarchy assume control of other kingdoms in the region. The ensuing decade saw a hardening of racially discriminatory policies in the country. More and more, Hutu were granted limited access to schooling as well as limited opportunities for upward mobility.

In the 1950s the situation changed. Hutu populations began to openly express resentment towards the Tutsi regime. Such sentiment corresponded with important changes in the Belgian administration. A younger generation of colonial administrators now sided with the Hutu. By 1959, with support of the Belgian administration, the Hutu staged a coup to take control of the country. The coup came to be known as the 1959 Social Revolution. While instituting a new regime, the new Hutu government, under the MDR-Parmehutu, did not rescind ingrained practices of communal division, however. The Revolution was presented as a victory against foreign – Ethiopian – feudalists, the Tutsi. The new ideology became that “Rwanda belongs to the Hutus, its original inhabitants, who had been brutally subjugated for centuries by the foreign masters, the Tutsi ... the Hutu had wrestled power away from their former masters and installed a true democracy, representing the vast majority of the people.”³⁴ A hierarchical system similar to the previous Tutsi dominated regime was established. Tutsi were offered very limited access to services and employment opportunities through the institution of a quota system. Nevertheless, despite this inherently inequitable system, and despite violent upsurges against Tutsis in 1963-1967 and 1972, the groups managed to co-habit relatively peacefully. As Gérard Prunier argued, “[a]ll in all, life was difficult for the Tutsi who were victims of institutional discrimination, but in everyday life it was quite tolerable.”³⁵ While the politics of difference was clearly upheld by successive Hutu regimes, it rarely translated into large scale violence.

³² Peter Uvin, “Prejudice, Crisis, and Genocide in Rwanda,” *African Studies Review* 40 (1997): 95.

³³ Dominique Franche, *Rwanda: Généalogie d'un Génocide* (Paris: Éditions Les Mille et Une Nuits, 1997), 39.

³⁴ Peter Uvin, “Prejudice, Crisis, and Genocide in Rwanda,” 98. The reference to a representative democracy served to underline the fact the Hutu account for the majority of the Rwandese population, while the Tutsi account for between 10 to 15 per cent of the population.

³⁵ Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (London: Hurst and Company, 1995), 76.

Dangerous Democratisation

The process behind the construction of collective identities in Rwanda also made them into powerful tools for communal mobilisation. They were put to the test by governmental authorities and a clique of extremist elites in the 1990s, in light of the quickly fading legitimacy of the government and pressures for democratisation, both internal and international.

Demands for a democratic transition began in the late 1980s as the country experienced deep economic problems. Coupled with droughts and a famine, economic problems discredited the government. Rwandese civil society, in the process of organising itself, began making strong demands for a liberalisation of the political arena. In the midst of a wave of democratisation on the African continent, the international community was also eager to see the Rwandese regime of the time, under President Juvénal Habyarimana, follow suit, though Kigali had long been reluctant to open the country to democratic political competition. Rwanda finally reached a turning point in June 1990 during a France-Africa summit in La Baule, France. There, Habyarimana was pressed by one of his most prominent allies, President François Mitterrand, to begin democratising the country.

1990 dealt another blow to the Habyarimana regime. The government's legitimacy was further eroded following attacks by the Rwandese Patriotic Front (RPF), a group composed of Rwandese, mostly Tutsi, refugees in Uganda. The conflict with the Rwandese Patriotic Front offered the government an opportunity to reconsolidate its shaken hold on the country. Because of the RPF's mostly Tutsi membership, the conflict in the North could be framed as a general insurgency by Tutsis against the Hutu population. This scapegoating was used to legitimise the Hutu government as the only one capable of defending and entitled to defend the Hutu population. As Peter Uvin argued, following the RPF attack, "a variety of dynamics were created that sought to radicalize racist prejudice [...] The first was the extension of the FPR threat to all Tutsi, whether linked to the FPR or not."³⁶ This served to generate a sense of psychosis against the Tutsi, the 'enemy within.'³⁷ Rapidly, a vast majority of the Hutu population gave their support to the regime in its fight against a common enemy.³⁸ From the early 1990s, the regime, with the help of a group of extremists, proceeded with the promotion of rhetoric aimed at framing Tutsis as the enemy.

The radio and newspapers were great tools to disseminate anti-Tutsi propaganda. The newly liberalised political arena proved to be a great playing field as well. The new multi-party system borne of the democratisation process paved the way for a sweeping mobilisation enterprise that allowed the regime

³⁶ The FPR is the French acronym for the Rwandese Patriotic Front. Peter Uvin, "Prejudice, Crisis, and Genocide in Rwanda," 109.

³⁷ *Ibid.*, 110.

³⁸ Filip Reyntjens, *L'Afrique des Grands Lacs en Crise: Rwanda, Burundi 1988-1994* (Paris: Éditions Karthala, 1994), 93.

and its acolytes to reach even remote rural populations. According to Jean-Paul Kimonyo and corroborated by interviews conducted in Rwanda, “everywhere, most people will identify the emergence of political parties as the moment at which there is the resurgence of an ethnocentric and ideological antagonism against the Tutsi.”³⁹ Initially, however, none of the new parties necessarily claimed Hutu and Tutsi affiliation and the Rwandese held hopes that a more democratic system would bring about positive changes in the country.

On 10 June 1991 the regime in Kigali presented the population with a new constitution permitting new opposition parties. Political groups quickly organised and the ‘Mouvement révolutionnaire national pour le développement’ (MRND), the incumbent party, planned its survival strategy in this new political game. As if to confirm its intention of playing fair, the MRND renamed itself the ‘Mouvement révolutionnaire national pour le développement *et la démocratie*,’ or MRND(D).⁴⁰ New parties began to emerge, the first to be instituted being the Mouvement démocratique républicain (MDR). Though taking the name of the party originally behind the 1959 Social Revolution, the MDR-Parmehutu, the new party claimed that, though true to the legacy of the Revolution it sought reconciliation and peace, unlike its 1959 predecessor.⁴¹ Other parties soon followed, including the Parti social démocrate (PSD), the Parti libéral (PL) and the Parti démocrate chrétien (PDC). There was, in parallel, a flurry of smaller parties with various platforms from environmental interests to the promotion of the Muslim Rwandese. As of July 1991, most new political parties had been formed. The difficult process of including these parties within Rwandese political institutions could begin.

Having been developed and instituted mainly by members of the old state party, the new multi-party system remained inherently biased.⁴² The system became an arena of intense political competition between strong personalities. These conflicts between political elites and parties increasingly turned towards sectarianism. The MRND, the better organised and more experienced, fed the divisions and then blamed the new parties as the source of problems and division in the country. The regime and extremists in Rwanda had, in effect, gained a new public platform to express their views.

Ironically, it is by playing by the rules of the new system that they developed the ultimate tool to promote their divisive views: by creating a new party expressly for that purpose. The creation of the ‘Coalition pour la défense de la République’ (CDR) in March 1992 was a strategic move of the part of the MRND to resist the forces of democratisation by agitating the threat of war and dissension in the country. It was “an openly racist party [...], a limited

³⁹ Ibid.

⁴⁰ Gérard Prunier, *The Rwanda Crisis*, 126.

⁴¹ Jean-Paul Kimonyo, *La participation populaire au Rwanda: de la révolution au génocide (1959-1994)* (Université du Québec à Montréal, Unpublished Ph.D. thesis, 2002), 156.

⁴² Interviewee no. 8, Kigali, Rwanda, 16 March 2004.

political organisation but extremely violent. The CDR wanted the creation of a common Hutu front that would fight by all means necessary all Tutsi as well as Hutu collaborating with the Tutsi.⁴³ In an interview conducted by this author, one Rwandese recalled campaigns by the CDR during which individuals aboard a motorised vehicle shouted in megaphones: “I swear on my mother’s head, the CDR is the best party and there is only one enemy: it is the Tutsi.”⁴⁴ To maintain a semblance of legitimacy and international credibility, the MRND chose to refrain from adopting such overtly hateful rhetoric. Many saw this as a scheme on the part of a clique of extremists behind the Habyarimana regime to give themselves an alternate medium for their message. The arrival of the CDR on the political scene dramatically changed the language tolerated within the new political system.

The paradox of the democratisation process in Rwanda is that it opened a public space for opinions to be expressed after decades of governmental control. Aware of this, new parties seized the opportunity to express their views in the public realm. All of them created, for example, supporting newspapers.⁴⁵ In the few months and years after the beginning of the democratisation process, the population was bombarded with party propaganda and overwhelmed by constant campaigning and rallies. People were given shirts and hats bearing the colours of new political movements. Personal political opinions became prominent topics of conversation in social gatherings, restaurants and cabarets. Opened to a range of political ideas, the political arena expanded to include racist and divisive opinions. With this newly acquired right of freedom of speech, corrosive ideas were expressed as well. And, with the emergence of the CDR, campaigns began radicalising, leaving citizens to feel that “things really started heating up.”⁴⁶

Competition for posts and party standing within the democratising political arena became fiercer. The president of the PSD, Félicien Gatabazi, described the growing tensions and violence of the period in these words: “[e]ach time there are some difficulties (in the democratic process) there is a flare-up of tribal violence instigated by the regime, and threats of civil war are used to justify the *status quo*.”⁴⁷ For the population, the new multi-party system was becoming a source of renewed ethnic divisions instead of initiating a new democratic era. Some comments by people interviewed by African Rights are telling. One stated that: “[m]ultipartyism brought confusion and violence.”⁴⁸ Another explained that: “[t]here was no real peace after 1992, because of the activities of political parties inciting hatred and general concern about the RPF

⁴³ Jean-Paul Kimonyo, *La participation populaire au Rwanda*, 161.

⁴⁴ Interviewee no. 20, Kigali, Rwanda, 29 March 2004.

⁴⁵ Gérard Prunier, *The Rwanda Crisis*, 131.

⁴⁶ Interviewee no. 26, Kigali, Rwanda, 5 April 2004.

⁴⁷ Quoted in Gérard Prunier, *The Rwanda Crisis*, 144.

⁴⁸ Quoted in *Tribute to Courage* (London: African Rights, 2002), 243.

advance.”⁴⁹ A female interviewee stated that: “[t]hese troubles were caused by the political parties that had just been formed. All they did was incite ethnic violence between Hutus and Tutsis.”⁵⁰ Finally, a woman from the sector of Ngoma explained that: [t]hese political parties created a lot of tension in Mbogo in 1992. They claimed that the Tutsi RPF had killed all the Hutus in Byumba and so the Hutu should take revenge.”⁵¹ Not all parties upheld such trenchant views, but ethnocentric divisions did enter onto the political scene.

In parallel to growing anti-Tutsi rhetoric in national politics, other authorities supported the anti-Tutsi agenda. Certainly one of the most infamous examples of this trend is the incendiary speech given on 22 November 1992 by Léon Mugesera, a renowned linguist affiliated with the MRND. Rehashing the old myth of the Tutsi’s Ethiopian origin, he invited the Hutu to send the Tutsi back to their homeland, Ethiopia, via a shortcut, the Nyabarongo River which flows northwards.⁵² At the local level too, authorities joined in the effort, as grassroots administrations they remained close to the presidential party’s structure as they had been in previous decades. These local administrations organised rallies and demonstrations, incited anti-Tutsi violence, playing the role of intermediaries to the masses for messages emanating from the capitol.

1992-1993 saw the true radicalisation of Rwandese society. According to Jean-Paul Kimonyo, towards the end of 1992 plans for the genocide and numerous additional schemes to heighten tensions were developed.⁵³ Particularly effective to intensify animosity were the militias: the infamous *Interahamwe* and *Impuzamugambi*. The *Interahamwe* were created in April 1992 by the MRND, a strategy quickly followed by the CDR with its formation of the *Impuzamugambi*.⁵⁴ At the start, the *Interahamwe* were formed from the youth wings of the MRND. These youth wings were composed of devoted young men who served as an activist force within the presidential party. In light of recurrent hostilities with the RPF and of the insufficient number of troops in the Forces armées rwandaises, the regime claimed it needed to compensate by organising these youths as militias.⁵⁵ With the help of French troops, the Rwandese regime provided the militias with training, weapons and colourful uniforms.⁵⁶ Once trained, the militias were dispatched to communities where they actively worked to sensitise the population to the ‘Tutsi threat,’ not al-

⁴⁹ Ibid., 245.

⁵⁰ Ibid., 244.

⁵¹ Ibid., 231.

⁵² Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Harper Collins, 2002), 339-340.

⁵³ Jean-Paul Kimonyo, *La participation populaire au Rwanda*, 164.

⁵⁴ Organisation of African Unity, *Rwanda: The Preventable Genocide*, Report of the International Panel of Eminent Personalities, July 2000, 56.

⁵⁵ Interviewee no. 22, Kigali, Rwanda, 1 April 2004, Interviewee no. 24, Kigali, Rwanda, 2 April 2004.

⁵⁶ On the French involvement, see Gérard Prunier, *The Rwanda Crisis*, 165.

ways pacifically, and at times directly “inciting the Hutu to violence” or terrorising the inhabitants of these communities.⁵⁷

This radicalisation also paralleled the beginning of peace talks, known as the Arusha Peace Process, to resolve the war with the RPF. The talks began on 10 July 1992 and resulted in a cease-fire between the belligerents, supervised by a small Neutral Military Observer Group (NMOG) from the Organisation of African Unity (OAU). As soon as the talks began, however, the Rwandese political elites split into two camps: the pro and anti-Arusha factions, with the latter intent on framing the negotiations as dealings with Tutsi invaders, the RPF, a betrayal of the Revolution and its legacy.⁵⁸ As Gérard Prunier argued:

[t]he announcement of the cease-fire [...] caused consternation among the supporters of the extremist Hutu state. Within days the MRND(D) ministers were boycotting cabinet meetings and demonstrations hostile to Prime Minister Dismas Nsenyiremye [the head of the Rwandese negotiation team] had erupted in the strongly conservative *préfectures* of Gisenyi and Ruhengeri.⁵⁹

Despite growing tensions, negotiations progressed relatively smoothly and on 18 August 1992 the first protocol of the agreement was signed. This first protocol on the Rule of Law consisted of a jointly approved assessment of the conflict and drew up plans for restoring peace in Rwanda through national unity, reconciliation, democracy, pluralism and the respect for human rights.⁶⁰

The negotiations of the second protocol on power-sharing were more complicated. As Kimonyo explained: [t]he ideological and political climate changed radically the day after the first protocol of the Accord was signed. Following this, every period around the finalisation date for a protocol saw a flare up of political tension and massacres of Tutsi as a strategy by the regime to derail the peace process.⁶¹ The second protocol, in particular, could only be the source of tensions within the country. Already the establishment of a transitional government in Rwanda, composed of the five main parties and under Dismas Nsenyiremye in April 1992, had been extremely difficult, but the negotiations at Arusha meant that the ‘enemy’ had to be included as an equal in a Broad Based Transitional Government (BBTG) and in the Transitional National Assembly (TNA), a situation hardly acceptable for more extremist factions. A central issue of contention was that the hardliners from the extremist groups among the MRND and the CDR saw the team in charge of negotiations in Arusha, under

⁵⁷ African Rights, *Tribute to Courage*, 59

⁵⁸ Interviewee no. 21, Kigali, Rwanda, 31 March 2004.

⁵⁹ Gérard Prunier, *The Rwanda Crisis*, 160-161. The ‘préfecture’ was prior to the genocide the largest administrative unit in Rwanda. They have now been renamed ‘provinces’.

⁶⁰ For a transcript of this protocol and of the complete Arusha Peace Agreement, see Emmanuel Nkuzumwami, *La tragédie rwandaise: historique et perspectives* (Paris: Éditions L’Harmattan, 1996), 391-461.

⁶¹ Personal translation. Jean-Paul Kimonyo, *La participation populaire au Rwanda*, 160.

Prime Minister Nsengiyaremye of the MDR, as biased in favour of defending the interests of opposition parties. They were further frustrated by the perception that the allocation of future ministerial portfolios lacked transparency. These allocations took place in Arusha without the oversight of elites in Kigali. A final issue of contention was that the negotiators had opted for a chosen Transitional National Assembly over an elected one, a proposition that had been brought to the table by the RPF.⁶² Tensions at the political level were starting to have an impact on the ground. In Rwanda, supporters of extremist groups kept clashing with supporters of the opposition during demonstrations, engendering renewed political violence in the country.

Habyarimana's position during the negotiations seemed somewhat more ambiguous. He was increasingly perceived as too soft by the extremists, even within his own party. By agreeing to the Arusha peace process, he alienated himself from the elites within the party. He was also disregarded by the opposition parties who had, from the outset of the democratisation process, built their platforms on opposing the President's authoritarian state party. Caught between these two forces, Habyarimana found himself in a weakened political position and thus saw hindering the peace process as his chance to buy time and strengthen his position. While he continued to give his support to negotiations, he simultaneously worked within Rwanda to undermine them.

The negotiations on the protocol were finally concluded with a first section signed on 30 October 1992 and a second on 9 January 1993. The protocol stipulated that the Presidency would remain in the hands of the MRND, the Prime Minister's post be attributed to the MDR and the Vice-Prime Ministerial position to the RPF. Ministerial portfolios would be split among the parties represented at the negotiations and 59 of the 70 seats in the Transitional National Assembly would also be attributed to them.⁶³

Soon after, the MRND and the CDR reacted by organising violent protests in the streets. Between 21 and 25 January, hundreds of Tutsi were massacred in the cities of Gisenyi and Kibuye. This renewed anti-Tutsi violence convinced the RPF to break the cease-fire and launch an attack on 8 February 1993. Their attack brought them within 50 kilometres of Kigali and displaced hundreds of thousands fleeing before their troops.⁶⁴ On 20 February, though only a small distance away from the capitol, the RPF proclaimed it would renew its decision to respect the cease-fire. Many attribute this decision to the RPF's realisation of the negative impact their military advance had had on the civilian population.⁶⁵

Negotiations could begin again in Arusha. Despite growing dissension among political elites, a third protocol on the repatriation of refugees and resettlement of displaced persons was signed on 9 June 1993. Negotiations

⁶² Gérard Prunier, *The Rwanda Crisis*, 163.

⁶³ Emmanuel Nkuzumwami, *La tragédie rwandaise*, 157-160.

⁶⁴ Jean-Paul Kimonyo, *La participation populaire au Rwanda*, 162.

⁶⁵ Gérard Prunier, *The Rwanda Crisis*, 178.

began on a difficult issue, the integration of armed forces. Considered the most contentious issue after power-sharing, it involved determining the composition of the new Rwandese army and the inclusion of troops from each belligerent. Agreement was finally reached and the protocol signed on 3 August 1993, along with an additional protocol on miscellaneous matters and final provisions. The latter included: “the determination of the duration of the transitional period; the timetable for the implementation of the peace agreement; the relationship between the peace agreement and the National Constitution; and procedures for the indictment of the President in case of violations of the peace agreement.”⁶⁶ The next day, the Arusha Peace Agreement was officially signed by the parties at a ceremony attended by the Heads of State of Rwanda, Tanzania, Uganda, Burundi and the Prime Minister of (then) Zaire.

The Arusha peace process had proved successful. New transitional institutions were to be set in place within 37 days of the finalisation of the Accord and the implementation to be supervised by UN troops. Future success, at least in its implementation, was however, far from guaranteed. The peace process had also reinforced tensions between political factions in Rwanda. Positions had become extremely contentious and ruled out a tranquil transition.

This division, particularly flagrant among the opposition parties and encouraged by cooptation and corruption on the part of the presidential clique, was the extremists’ final major achievement before the genocide began. All new parties with the exception of the PSD split into moderate and extremist wings. The new radical front, composed of the extremist wings of the MDR, PL and PDC now posed as an alternative to the ‘softer’ moderate wings as well as to the old state party. As Prunier argued, this extremist front sought “to give the impression of a broad multi-party movement which would preach ‘common sense’ by giving a new ‘intrinsically democratic’ voice to the *Rubanda Nyamwinshi* – the ‘majority people’, i.e. the Hutu.”⁶⁷ This new group, going by the name of Hutu Power, quickly became popular among Hutu masses.

The creation of a common front among all extremist factions played a fundamental role in achieving the mobilisation of the Hutu masses; without an alliance with the new extremist wings of the opposition parties, the presidential party, discredited over the years in certain regions would not have been able to rally the masses across the country. As Kimonyo explained:

[a]fter three years of multi-party politics, the ex-state party, the MRND, had lost the political control of many regions, which in turned had passed under control of opposition parties, especially the most powerful of them: the MDR. [...] In these regions, it is these opposition parties, the MDR

⁶⁶ Ami R. Mpungwe, “Crises and Response in Rwanda: Reflections on the Arusha Peace Process,” in *Monograph No. 36: Whither Peacekeeping in Africa?* (Pretoria: Institute for Security Studies, 1999).

⁶⁷ Gérard Prunier, *The Rwanda Crisis*, 183.

in particular, that were the main agents of the popular mobilisation in the genocide.⁶⁸

Without this collaboration among extremists, the genocide might have remained limited to the strongholds of the MRND and the CDR.⁶⁹ The new consolidated extremist forces also had the political impact of weakening and overshadowing the more moderate factions, which had lost some of their more popular politicians to the extremists and had now become a constellation of eclectic parties facing a political behemoth, the Hutu Power. There thus remained few actors capable of contesting the latter's hateful and violent agenda.

President Habyarimana, still trying to find a way to regain his standing, chose to resist the implementation of the agreement, desperate to delay as "a kind of survival reflex."⁷⁰ Time for his stalling tactics was running out, however, as international pressure to institute the BBTG was mounting. He was ultimately confronted by his peers on the issue on 6 April 1994 when taking part in a regional summit in Dar-es-Salaam. The talks quickly turned to the Rwandese situation and Habyarimana was strongly urged by the Heads of State of the Great Lakes region to comply with the Arusha Peace Agreement.

History would not allow him to announce his intentions, however. That same evening, while returning to Rwanda aboard his private plane, two missiles were launched from the surroundings of the Kigali airport. The plane was shot down, killing all occupants on board. To this day, neither the perpetrators of the assassination, nor the interests behind it, have been officially identified, though rumours abound. The event is now widely regarded as the trigger for one of the most brutal genocides in modern history. Within hours of the plane crash, radio stations blamed the RPF and the Tutsi and called on the Hutu population to 'get to work.' One interviewee remembers that the message was unambiguous: "[t]hey killed our father, now we must also eliminate them."⁷¹ Within hours roadblocks had been set up by the military and militias and the massacre had begun, its first victims turning out to be not only Tutsi but also Hutu moderates opposed to the extremists.⁷² The latter represented some of the last that could have publicly stood in the way of genocide. In the following days, as René

⁶⁸ Personal translation. Jean-Paul Kimonyo, *La participation populaire au Rwanda*, 28. According to Jean-Paul Kimonyo what played a very important role in this case is that in certain regions old sentiments of affiliation to the original MDR-Parmehutu of the 1950s and 1960s resurfaced. There existed an ideological continuity among the masses between support for the party between 1959-1963 and between 1991-1994. As he explained, "people decided to affiliate with the MDR in the 1990s by fidelity to the MDR-Parmehutu," 563. These were "family groups, keepers of the historical legacy of the Parmehutu [...] generally [...] rural social elites [that] owed their upward social mobility to the Revolution," 569.

⁶⁹ Jean-Paul Kimonyo, *La participation populaire au Rwanda*, 194.

⁷⁰ Gérard Prunier, *The Rwanda Crisis*, 203.

⁷¹ Interviewee no. 21, Kigali, Rwanda, 31 March 2004.

⁷² Catharine Newbury and David Newbury, "A Catholic Mass in Kigali: Contested Views of the Genocide and Ethnicity in Rwanda," *Canadian Journal of African Studies* 33 (1999): 295.

Lemarchand describes, “the diffuse anxiety of a return to Tutsi hegemony was replaced by collective psychosis that the media amplified and channelled into paroxysmal violence. Ethnic hatred and fear lead to panic to murder.”⁷³

Conclusion

The result of complex factors, the violence in Rwanda in the early 1990s can also be related to the country’s unfolding democratisation process. Much of the violence was organised from above, using instruments of the state, in order to allow political entrepreneurs, incumbents and a clique of extremists, to maintain their privileged position. Rwanda, though an extreme case, flagged the dangers of democratisation in divided countries.

While the goals of democratisation are commendable, cases like Rwanda raise questions about the form of democratisation processes developing states should adopt. Cases where democratisation has led to violence clearly indicate that democratisation is a difficult task, particularly in fragmented societies. Particularly, certain instances of ‘derailed democratisation’ have pointed to the danger associated with power vacuums – the shuffling of power relations – created by democratisation, which can be a powerful incentive for political entrepreneurs to ‘play the ethnic, religious and communal card.’

Establishing democratic institutions and good governance at the national level is fundamental, but it is not sufficient. In fragmented societies, it is necessary to build a counterweight to malicious political entrepreneurs’ strategies. Detaching them from potential supporters is a counter-strategy. It requires building the bases of democracy at the grassroots level. Democratisation should rest on popular support being given to institutions and the process of democratisation, not in the act of supporting a candidate among many. Outside of a parallel bottom-up democratisation involving the strengthening of civil society organisations and of cosmopolitan forms of identity, outside of instituting simultaneous trust in the process from the ground up, the danger of derailment of the process remains. The population may be swayed to ‘buy into’ the ‘ethnic, religious and communal card.’

Rwanda may yet serve us another lesson. In interviews conducted in Rwanda (by the author), Rwandese consistently pointed to the emergence of political parties as a factor in the explosion of violence in April 1994. With such a perception of political parties, trust in the electoral game and democratic institutions is low. In light of this, the next wave of democratisation to sweep over the country should be a difficult one yet again.⁷⁴

⁷³ René Lemarchand, quoted in Jean-Paul Kimonyo, *La participation populaire au Rwanda*, 27.

⁷⁴ Rwanda is an authoritarian state. It rated 6 in terms of political rights (1 being the freest and 7 the least free) and 5 in terms of civil liberties (1 being the freest and 7 the least free) in the *Freedom in the world 2007* survey. Freedom House, *Freedom in the World 2007* (Washington, D.C., 2007). Available online at: http://www.freedomhouse.org/uploads/press_release/fiw07_charts.pdf.

Humanitarian Intervention, Dirty Hands, and Deliberation

Charles A. Robinson¹

Introduction

The theory and practice of humanitarian intervention in an increasingly globalised world present many problems for an international community committed to norms of freedom, justice, human rights, and democracy. In particular, those advocating humanitarian intervention, especially of a unilateral nature, face the problem of dirty hands, which involves hard choices for which there seems to be no morally correct solution. For example, whatever we may think regarding the motivation and public reason-giving of President George W. Bush and Prime Minister Tony Blair, amongst others, one must admit that difficult moral choices were faced, that a certain amount of moral and political legitimacy was lost, and that this would have been the case whichever decision was finally arrived at. The moral dilemma faced by those proposing and supporting intervention in Iraq, part of the justification for which was intervention on specifically humanitarian grounds, shows up the need for tough moral dilemmas to be discussed – whether resolved definitively and to the satisfaction of all, or not – in international institutions that encourage deliberation among interested and affected parties. This would, I propose, require the strengthening of international and European law, thus making up for the loss of moral and political legitimacy that is the inevitable result of such ‘dirty hands’ scenarios, so called because agents cannot avoid getting their hands dirty, so to speak.

I will begin by giving a short account of theories of humanitarian intervention, set in the context of a discussion about just war theory. We are here more concerned with criteria that must be met in order for an *intervention* to be properly justified, and less concerned with the criteria that must be fulfilled in order for a war to be fought justly, and those pertaining to the aftermath of any conflict (1). Next, I turn to the problem of ‘dirty hands,’ and argue that

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the decision to intervene on humanitarian grounds almost always involves the key actors in moral dilemmas for which there appear to be no morally correct answers – or, at least, no decision that will not leave the political actor with dirty hands and feelings of guilt, regret, remorse, etc. (2). These opening parts lay the theoretical ground and establish that humanitarian intervention is an area of decision-making fraught with moral and practical dilemmas. In the next section, I turn my attention towards the idea of an overlapping consensus of moral values, such as human rights and democracy that would serve as the foundation of an international deliberative decision-making process (3). Of course, dirty hands scenarios, by definition, do not admit of solutions morally acceptable to all interested and affected parties, and there is a sense in which spreading responsibility, by making the decision dependent upon the result of a period of deliberation amongst a number of interlocutors, appears to place the “blame” on so many different shoulders that responsibility cannot be traced to any source. Nevertheless, decisions reached through deliberation can be said to be epistemically superior to those reached unilaterally, and so decisions on humanitarian intervention reached through deliberation can claim a provisional legitimacy beyond that to be expected from unilateral or bilateral decision-making that does not involve interested and affected parties in a process of deliberation.

Just War Theory and Humanitarian Intervention

Let’s begin with a short exegesis of humanitarian intervention couched in terms of just war theory (JWT), in order to establish some practical and moral guidelines for the former. Of course, these criteria of action are meant as relatively specific and tight practical and moral constraints for the purposes of establishing the legitimacy of wars before, during, and after conflict and/or humanitarian intervention. As such, no war could claim to be completely just in the sense to be explained below. Even the Second World War, which many consider to be the paradigmatic example of a just war, does not conform to the constraints of JWT criteria, in that it violates some basic requirements of the theory.

Nevertheless, this does not mean that wars and humanitarian interventions cannot enjoy *degrees* of legitimacy. If we were to insist upon the satisfaction of all criteria, no war in the history or future of mankind could be considered “just” or legitimate. So, the reader is warned that JWT acts something like a regulative ideal or an operative fiction, and wars and interventions can be considered more or less just and legitimate, but never completely so. Nonetheless, humanitarian intervention should not be rejected on the grounds that it will fail to meet the criteria of JWT. The theory itself offers consequentialist and deontological conditions that help those formulating and carrying out humanitarian intervention to bear in mind the morality of that intervention.

As noted above, wars are conducted in three stages: before (*jus ad bellum*), during (*jus in bello*), and after (*jus post bellum*) conflict. We can briefly give an account of some of the principles and norms contained by the first of these three aspects². *Jus ad bellum* requires that a number of normative considerations be borne in mind, including that the intervening state have a just cause, such as acting in self-defence, protecting citizens of another state from human rights violations perpetrated by their own state, and/or punishment for a wrongdoing that has not been corrected.

We should devote more time to this “just cause” requirement, as it requires an account of state legitimacy that is of philosophical interest to us. Firstly, in order to be considered legitimate, a state must be recognised both by itself and the international community. The consent of the people, or a majority of the people, is evidently vital to its legitimacy, for no state could reasonably make a claim to legitimacy in the face of widespread discontent within its borders and the suppression of signs of discontent. Legitimacy obviously cannot depend on the continuing and overt consent of all citizens. It is enough to say that the majority are not opposed to it, that a minority is not suppressed, and that the procedures, mechanisms, and institutions through which governments are chosen generate outcomes that are seen as legitimate, even though some will disagree with the substantive outcome. Secondly, since the state exists primarily as a set of institutions, procedures, and practices to protect the basic rights of citizens – which can, of course, be interpreted in a variety of ways, at least within certain limits – it is only legitimate to the extent that it carries out this function. Thirdly and finally, a state cannot violate the rights of other states or the people of other states. Evidently, these three criteria of legitimacy allow us to speak of intervention in the event of any rights violation, even when the state in question violates the rights of its own people, as we could not be morally consistent if we washed our hands of civil war, as well as terrorism.

Is it correct to say that for a state to be legitimate that it must also be democratic? According to the brief definition given above, the answer to this question might be No. Legitimacy, according to this understanding anyway, requires only the maintenance of basic rights, general consent, and the understanding of the people that the system is fair. In this case, one’s understanding of the fairness of the procedures for deciding leaders and governments is the determining factor, and not the democratic nature of those institutions per se. However, there is clearly a sense in which a democratically-run state is more legitimate than undemocratic states, to the extent that deliberation is a function of legitimacy, along with other features of the democratic state. Obviously, there is a question mark over the legitimacy of illiberal and undemocratic states, and whether this supposed illegitimacy, which comes about as much by

² My analysis of the conditions required for a war to be just closely follows that of Brian Orend. See Orend, “War,” Stanford Encyclopedia of Philosophy, 2005. <http://www.seop.leeds.ac.uk/entries/war/>

definitional fiat as anything else, always provides uncontested grounds for intervention. For if a state is not democratic, even if it fulfills the other conditions of legitimacy discussed above (that it has general consent, and does not violate the basic rights of its own citizens), it is illegitimate overall simply and only by virtue of its not being democratic, and other states always have cause (we cannot say just yet whether it is a *just* cause) to intervene.

We will refer occasionally in this paper to empirical examples of humanitarian intervention, and here we mention the recent and ongoing war in Iraq. Was the intervention of American- and British-led troops in Iraq a just intervention, conducted on humanitarian grounds? So far we can say that Saddam Hussein violated the rights of Iraqi citizens, and that the perception of legitimacy was not shared by many Iraqi citizens and the international community, the war appeared just. Also – and this is something of a moot point – Saddam was suspected of hiding and developing weapons with the capacity to cause mass destruction. As it turned out, no such weapons existed, although it could be argued that since other criteria of legitimacy had already been violated, the question of the existence or non-existence of WMDs is neither here nor there. In this case, the knowledge that Saddam did not possess WMDs means that the argument itself was a cover and a pretext for an intervention that had already been agreed upon, and this means that the condition of right intention was violated.

Continuing with the example of Iraq, any consideration of rights violations and illegitimacy may be beside the point if the intervening state or states do not themselves act for the right reason or reasons, or if their motivation is different from the publicly stated reasons given. In the case of the Iraq war, there has been much consternation over the motives of the American President, George W. Bush, and his British equivalent, Prime Minister Tony Blair, which were suspected of not being pure. Does it really matter if motives are not pure, or differ from the professed reasons? In other words, does the end justify the means, and are we fooling ourselves by thinking that our politicians will always act out of motives connected directly to the common good or requirements of justice? The problem is that JWT threatens to impose restrictions, of both a practical and moral nature, that would render every conflict and act of intervention illegitimate and unjust, and this could not do. However, perhaps we should not demand that for a war or act of humanitarian intervention to be just it must fulfill every single criteria laid down. In any case, humanitarian intervention always risks violating deeply-held moral principles even when the case in favour of intervention seems fairly straightforward and the *jus ad bellum* conditions are met, and we will turn to the subject of “dirty hands” shortly.

Before that, we must complete our account of *jus ad bellum* by noting some further conditions, with our attention turned mainly to the final one. Firstly, intervention must be a last resort, and no other channels, legal or otherwise, that

would obviate the need for intervention should be available. Secondly, the intervening state must be assured that the probability of success is high, and that a potentially dangerous and costly intervention not be liable to fail. Thirdly, the condition of proportionality stipulates that states must weigh the costs of fighting, or continuing to fight, against the expected benefits. As Orend points out, the pros and cons of intervention must be considered universal goods, in order to avoid the unfortunate situation of an intervening state only taking into account its own potential gains and losses, and not those of its enemy and third parties.³ Finally, and most importantly from our point of view, is the condition of “proper authority and public declaration,” which stipulates that intervening states make their decision to go to war or to intervene through the proper channels and procedures, and that the decision be publicly announced, both to the state’s citizens and those of the “enemy.” States lacking in this requirement, Orend states, lack the legitimacy to go to war in the first place.⁴

That will do for a short introduction to just war theory and the morality of humanitarian intervention. We have passed over a discussion of the conditions and criteria demanded during and after war or intervention, as they are not directly relevant to the case at hand. Rather, we are here concerned with showing that such instances of humanitarian intervention always require morally troubling decisions, and that under normal circumstances, just wars and just humanitarian interventions can be realised and fully justified even if certain just war requirements are violated. We will see now that such dilemmas are a part of our moral reality and cannot be wished away by invoking a too strict conception of JWT. For these reasons, we can say that certain cases of humanitarian intervention lead to political actors getting dirty hands in a way that is regrettable but inevitable.

Dirty Hands: Humanitarian Intervention and Moral Dilemmas

The term ‘dirty hands’ was first coined by the French Marxist-existentialist Jean-Paul Sartre in his play of the same name (*Les Mains Sales*). In the play, Hoederer, a realistic communist party official, castigates the young Hugo, an idealistic party member, for his apparent inability to realise that politics is a business in which one must plunge one’s hands and arms into ‘filth and blood’ in order to achieve the overall aim of attaining a higher good, in this instance the abolition of class distinctions. Thus, Hoederer argues, politicians cannot avoid getting dirty hands.⁵ Michael Walzer also highlights the problem of dirty hands, especially so in his characterisation of a situation in which

³ See: Michael Walzer, *Just and Unjust Wars: A Moral Argument With Historical Illustrations* (New York: Basic Books, 2000), p. 119, and Orend, “War.”

⁴ Orend, “War.”

⁵ Steven de Wijze, “Dirty Hands: Doing Wrong to do Right,” *South African Journal of Philosophy*, 13:1 (1994), pp. 3-19. Here, pp. 4-5.

a politician must choose whether or not to order the torture of a suspected terrorist, who may or may not have access to information regarding the location of a bomb, expected to explode soon, which would kill many innocent civilians.⁶ The Canadian politician and political theorist Michael Ignatieff also discusses the so-called “ticking bomb” example as paradigmatic of dirty hands theory.⁷ Whichever way one would choose to act, an immoral act has been committed that leaves the agent in question with certain feelings of guilt, even though the alternative course of action would also result in the same or similar feelings, specifically, what de Wijze refers to as ‘tragic-remorse,’⁸ or what might otherwise be referred to as “agent-regret.”

Humanitarian intervention, more or less due to its very nature, involves protagonists, i.e. decision-makers, in moral dilemmas that cannot be resolved. All acts of war involve irresolvable moral dilemmas, because war will inevitably lead to loss of life. Only the most carefully fought war could avoid the death of civilians and one’s own soldiers (the loss of life of enemy combatants would presumably not present an especially significant moral dilemma for decision-makers). Humanitarian intervention, of course, need not be accompanied by war. For example, when a state allows humanitarian forces to provide personnel and services to help displaced or severely disadvantaged groups, there is no real moral dilemma to be faced, except, perhaps, the dilemma of whether one should deploy resources to provide support for foreigners at all (although I do not think that such cases represent a dilemma anyway, as the morally right course of action is obvious). The most interesting cases, and the ones with which we are here concerned, are those involving force or war in the effort to intervene on humanitarian grounds. In these cases, decision-makers do face an irresolvable moral dilemma, in the sense that civilian casualties will almost certainly result from intervention. Decision-makers here face getting “dirty hands,” for (to simplify matters somewhat) intervening risks civilian casualties, as well as casualties to one’s own forces, whereas a policy of non-intervention will allow, say, the violation of human rights to continue unchecked. In short, however one acts, one is left with dirty hands, and feelings of regret. Each possible response seems to violate some moral principle or principles, and so one must inevitably do wrong in order to do right.

Dirty hands are a regrettable part of our moral reality, and such situations cannot be wished away by claiming that those, such as Walzer, who maintain the reality of such moral dilemmas, suffer from a conceptual confusion. For instance, it might be argued that dirty hands is a conceptual confusion for the reason that, logically at least, one cannot do right and wrong at the same time. But saying that a moral conflict can lead to dirty hands is not the same as an

⁶ de Wijze, “Dirty Hands,” p. 4.

⁷ Michael Ignatieff, “If Torture Works...,” *Prospect*, April 2006, pp. 34-37.

⁸ Steven de Wijze, “Tragic-Remorse – The Anguish of Dirty Hands,” *Ethical Theory and Moral Practice*, 7 (2004), pp. 453-471.

empirical claim that rests on facts. Whilst it is either true or false, and never both or neither, that there is a cup of coffee on the table in front of me, such considerations do not translate over to the moral realm in such a clear-cut way. De Wijze invokes the example of impossible desires to demonstrate the possibility of dirty hands. I may have a desire to eat a doughnut and a desire to lose weight, but this does not mean that I cannot have both these desires at the same time. If I do eat a doughnut, satisfying one desire but frustrating the other, I may feel guilt at having let myself down or allowing my behaviour to be swayed by a short-term desire. But nonetheless, moral claims are, de Wijze argues, more like desires in this relevant sense, and this clears the conceptual confusion over the possibility of the phenomenon of dirty hands.⁹

It should be pointed out that moral conflicts or dilemmas do not always involve getting dirty hands. To spell out and then justify this claim is beyond the scope of this paper, but suffice it to say that we can distinguish between ordinary cases of moral conflict and dirty hands scenarios.¹⁰ What, then, is the difference? What constitutes the “dirty” feature of dirty hands scenarios? As de Wijze argues, following Stocker, ‘in all cases of dirty hands what is common is that actions involve the *justified* betrayal of persons, values or principles due to the immoral circumstances created by other persons...within which an agent finds herself.’¹¹ As such, even good people, moved by moral considerations, can commit moral violations. Thus, the real difference between moral dilemmas or conflicts and dirty hands scenarios is that the evil circumstances, within which one must commit another moral violation, are created by other human beings as part of an “evil” project.

We are beginning to see now that cases of humanitarian intervention are not always cases of dirty hands. It should be clear that a decision whether or not to intervene in the case of a natural disaster is not a dirty hands scenario, and not even a moral dilemma. What is important is that the situation in which one must intervene or not is one created by other human beings, and that one’s actions lead to a moral violation of some sort in the effort to realise the lesser of two evils. Whilst cases of humanitarian intervention are not necessarily characterised by man-made evil circumstances and the necessary violation of a moral principle or principles, it is still the case that instances of humanitarian intervention that do not have these “dirty” features are relatively uncontroversial, and do not involve an irresolvable moral dilemma. Therefore, such cases do not require the same amount of philosophical attention that dirty hands cases warrant.

How, then, does one go about deciding in such cases how one ought to act? These cases of humanitarian dirty hands involve all the characteristics of private dirty hands scenarios, but, in addition, the situation is very much com-

⁹ de Wijze, “Dirty Hands,” p. 8.

¹⁰ de Wijze, “Dirty Hands,” pp. 9-10.

¹¹ de Wijze, “Dirty Hands,” p. 11.

plicated by the existence of many international actors, including nation-states and international organisations such as the EU and the UN, that potentially will each have different values, or different lexical orderings of values. Therefore, an already-complicated situation, in which a moral violation must necessarily take place, is further complicated by the fact that different international actors will disagree on the preferred course of action. Moral conflict, then, is irresolvable on one level (the dirty hands scenario), and potentially irresolvable at yet another (international actors with different values). It is therefore important that institutions exist that can attempt to bring together interested or affected parties so as to resolve the moral conflict at the level of international actors, even though through such action the dirty hands moral dilemma cannot be satisfactorily resolved.

We noted towards the beginning of this paper that state legitimacy, to a large extent, is a function of the consent of the people. Now, it is also the case that the legitimacy of political decisions, taken within the nation-state, is a function of a deliberative process amongst roughly free and equal citizens. This is the most basic and most vital feature of models of deliberative democracy. The extent to which models of deliberative democracy can be carried over to the international realm is a matter of controversy, for it is normally held, by realists, that the international scene is one characterised by a Hobbesian “state of nature,” in which states act in their own self-interest, and are only occasionally constrained by international law or international disapprobation. Whilst moral disagreement persists at the individual level, so that decision-making cannot terminate in consensus, the problem is surely magnified at the international level, especially if international relations is an amoral realm of pure national self-interest. But if deliberation can accommodate persistent and fundamental moral disagreement within the nation-state, then it should be able to do so at the international level, in the face of the different moral codes of specific nation-states. In any case, the idea that international relations is a Hobbesian state of nature has descriptive force only, and no prescriptive force. To describe international relations as Hobbesian is not to say that this state of affairs is morally acceptable or tolerable – an “is” does not imply an “ought.” In any case, prescriptive realism, as we can call it, ignores the reality of international relations. For even when international actors act purely in their own self-interest, they rarely justify themselves by reference to this self-interest. As such, the embedded norms of international law and international justice constrain international actors, even when the latter are attempting to manipulate the system by shrouding their self-interest in terms of morality or justice. It is a mark of the power of international norms of morality and justice that even the worst dictator must justify themselves in terms of those norms.

Such observations point to the deeply embeddedness of morality in international law and international relations. Thus, it can be maintained, institutions that foster dialogue and deliberation amongst international actors can

help to make good the promise of norms relating to international justice. In any case, as we have already noted, deliberation is the condition that secures the legitimacy of decisions, whether at the national or international level, even where consensus cannot be secured on certain issues. Nonetheless, whilst consensus on substantive moral principles might not be possible even after a process of deliberation, decisions relating to humanitarian intervention, as difficult as they sometimes are, can be reached. Essentially, the decision not to intervene is itself a decision and an action, so either way, whichever course of action is chosen, a period of deliberation amongst interested and affected international actors will at least increase and improve the legitimacy of the final outcome, and at most result in a decision that commands provisional legitimacy, in the sense that it is supported by a majority of the participants. To this end, we turn now to a brief account of the decision-making ability of the EU, and ask whether even agreement over procedures would be possible amongst the various international actors that comprise it. I will support the idea that European politics can be characterised, at least amongst certain countries, by an overlapping consensus of norms and values, for instance, over the values of democracy, self-determination, and basic human rights. This should form the foundation of a deliberative decision-making process that attempts to flesh out more substantive questions, such as the actual form that humanitarian intervention will take. This is possible against a background consensus already established between reasonable persons.

It is unfortunate that dirty hands cases involve moral violations, because this will result in the violation of certain JWT criteria. But, as we have already said, wars and interventions cannot satisfy all of the above criteria. As such, decisions are accompanied by feelings of agent-regret or tragic-remorse, as they should, and this can only be viewed as the unhappy and unfortunate consequence of holding political office, as decision-makers are always aware that the responsibility of making difficult decisions is part and parcel of the role they have willingly taken on, and that it involves moral obligations that extend well beyond those to be reasonably expected in the private realm.

International Politics and Overlapping Consensus

The American political theorist John Rawls initially employed the idea of an overlapping consensus to support a liberal political conception of justice that is freestanding in relation to the various reasonable worldviews of citizens of a liberal democracy. Even though reasonable disagreement persists in democratic states that allow for the use of reason under democratic conditions, reasonable persons can be expected, Rawls tells us, to agree on certain matters of political importance, and such reasonable persons do so out of a commitment to their own comprehensive moral or religious doctrine.¹² Thus, for

¹² See: John Rawls, *Political Liberalism*, second edition (New York: Columbia University Press, 1996).

example, reasonable persons will happen to agree that all citizens are roughly free and equal, at least in a political sense. Such convictions are supported as part of a comprehensive doctrine and for different reasons, which is why the consensus is said to overlap.

Similarly, Habermas's conception of constitutional patriotism shares some features with Rawls's conception of an overlapping consensus. Citizens of a democratic culture will not agree on the substantive content of ethical norms and values, but yet may still agree on the procedures for the legitimate enactment of laws and the legitimate use of political power.¹³ Thus a procedural consensus can be said to exist at a more abstract level than reasonable disagreements over ethical values and ways of life. It might also be added that citizens not holding to all or most aspects of such an overlapping consensus would be acting unreasonably, in the sense that a commitment to certain basic norms and values, such as the right to freedom of speech and political participation, is a requirement of living in a liberal democratic state that is considered an association of individuals and groups cooperating non-violently and characterised by reasonable disagreement.

Is it possible that such an overlapping consensus, or commitment to a constitution (i.e. constitutional patriotism) might be possible at the European or international level? Certainly, many EU member states are equally committed to basic human rights and freedoms, and would welcome their introduction, or more effective realisation, in other states that currently suffer from the lack of democratic institutions or substantively realised (rather than merely formally guaranteed) human rights. The question of whether Europe could have a constitution I leave to one side,¹⁴ although a written constitution signed by all member states would certainly lend humanitarian interventions more legitimacy, were they to be included and justified by a constitution enjoying provisional legitimacy amongst member states. In any case, the rapid expansion of the EU undermines the possibility of a constitution enjoying the consensual support of its members, although it could be argued that one of the basic conditions of membership of the EU should be genuine support for the values of democracy, freedom, and human rights, and so therefore there seems to be no reason that a written constitution could not be implemented. Thus, the withdrawal or denial of support for a constitution requiring just those basic commitments would be a strong sign that the state in question takes an unreasonable or sceptical view of the human rights of its own and other citizens, and this seems to me to be reason enough to reject or seriously question their potential or ongoing membership of the EU.

¹³ Jürgen Habermas, "Struggles for Recognition in the Democratic Constitutional State," in his *The Inclusion of the Other: Studies in Political Theory*, edited by Ciaran Cronin and Pablo de Greiff (Cambridge: Polity Press, 2002), pp. 203-236. Here, p. 225.

¹⁴ See: Jürgen Habermas, "Does Europe Need a Constitution?," in his *Inclusion of the Other*, pp. 155-161.

One of the main problems regarding the EU and its status as a decision-making set of institutions that bind the member states through European law is its supposed democratic deficit.¹⁵ As Habermas correctly points out, EU institutions lack direct democratic legitimacy because their legitimacy is derived from that of the member states, rather than from the democratic will of the united citizens of Europe.¹⁶ As such, decisions to intervene similarly lack legitimacy, at least as they sometimes appear to individual member states and citizens. Thus we leave open the idea of a substantive European constitution covering substantive and wide-reaching matters of policy. But a more limited constitution, covering only the basic norms and values that unite the disparate nations and citizens of Europe could be possible, on the basis of an overlapping consensus on these basic norms and values. The areas of agreement thus form the overlapping consensus, and could serve as the basis of a limited constitution that would also provide the guidelines for humanitarian intervention, say, by specifying the conditions under which humanitarian intervention is morally justified, as when basic rights are systematically and violently violated. It almost goes without saying that just war theory would here offer certain guidelines; but the point is that such issues are open to reasonable interpretation, and, as such, should be the subject of a deliberative process that aims to produce epistemically superior outcomes to ones reached unilaterally or bilaterally. As we shall see later, human rights and minority interest groups located in civil society are vital in providing competing – but always *reasonable* – interpretations of the same moral and political phenomena. It is then the task of decision-making bodies to take account of these interpretations (both of the situation itself and its possible happy resolution) and provide a decision and a framework for action, should action be taken.

This is obviously an empirical question, as to whether such an overlapping consensus exists, and what the exact content of it would be. But the burden of proof, it seems, rests with opponents of a European constitution, and not the other way around. Opponents would do well to ask themselves whether any member states would reject this minimal content (a commitment to democracy and basic human rights) of a potential European constitution. If the answer to that question is affirmative, then opponents would do equally well to ask whether member states that do reject these basic norms and values could ever satisfactorily function as members of the EU. The EU seems to so fundamentally rest on these commitments that any state choosing to reject them would, almost by definition, be unreasonable towards both its own citizens and those of other states, whether members or not. Thus these basic commitments could form the unproblematic core of a limited written European constitution.

This would offset the problem identified by Grimm, namely, that the people of Europe are not homogenous enough to accept or give continuing sup-

¹⁵ Habermas, “Does Europe Need a Constitution?,” p. 155.

¹⁶ Habermas, “Does Europe Need a Constitution?,” p. 156.

port to a European constitution. For even though deep and substantive differences in ethical outlook persist and should be expected to persist, reasonable persons can – or should – all agree that human beings are entitled to basic mutual respect, which itself entails the granting of basic rights and freedoms, guaranteed by a democratic state. To this end, a political culture characterised by free-flowing communicative action must be the basic requirement of EU (and, for that matter, UN) decision-making, so that European institutions are receptive to the democratic opinion- and will-formation of citizens united by their commitment to democracy and basic rights. As Habermas acknowledges, the functional requirements of this deliberative conception can hardly be realised even within the boundaries of an individual nation state, and therefore the chances of enacting a European-wide deliberative process are even less realistic.¹⁷ But I am here less interested in the empirical possibility of European-wide deliberation than with the normative justification for instituting such a process by way of a limited written constitution. In any case, as Habermas rightly argues, ‘Given the political will, there is no a priori reason why it [Europe] cannot create the politically necessary communicative context once the constitutional basis for such a context has been laid down.’¹⁸

Even so, if Europe is united not by substantive ethical agreement but by a more abstract, and partially procedural, consensus on democracy and human rights, then this could serve as the basis for a deliberative process geared towards the justification (or not, as the case may be) of humanitarian intervention. Nor should Europe or European institutions be overly fearful of using its commitment to democracy and human rights to justify intervention on humanitarian grounds. Although a full justification of the freedom and equality of human beings is beyond the scope of this paper, it should suffice to say that these values are so deeply embedded in the democratic political culture of England, for example, that they do not stand in need of a philosophical justification that refers to first principles or axiomatic foundations. It is enough, as Walzer and, to some extent, Rawls, point out, that the shared meanings of many European citizens actually support the principle of intervention on humanitarian grounds.¹⁹ Reasonable citizens, I would maintain, share a certain thin or minimalist morality that contains a commitment to norms pertaining to freedom and equality, and, it follows, to democracy too, for the democratic state is the only one that can guarantee formal rights to freedom and equality at the same time, even if the empirical reality of established democratic states has been a disappointing experience up to now.

¹⁷ Habermas, “Does Europe Need a Constitution?,” p. 160.

¹⁸ Habermas, “Does Europe Need a Constitution?,” p. 161.

¹⁹ See, for example, Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Democracy* (New York: Basic Books, 1983), and Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame Press, 1994).

If reasonable persons share this minimal morality, then they also fill out this thin conception themselves into a thick morality, so that each culture or nation (although it is increasingly rare for pluralistic nations to share a thick morality) understands and interprets the issues or norms at hand differently. It is largely for this reason, and in the interests of generating legitimacy, that decisions over the shape and content of humanitarian interventions should have a deliberative aspect. First of all, we may agree that intervention should occur under certain circumstances, but it is by no means clear what these circumstances should be. Is the state in question forfeiting its legitimacy and sovereignty by violating human rights in a systematic way? Will intervention solve the problem or make it worse? Etc. Secondly, even if we were to agree that certain criteria have been met and that humanitarian intervention is thus justified, it is again not obvious what exact form the intervention should take. Should ground troops be involved, or are air strikes more likely to result in certain objectives being achieved? What form should these objectives take? Does the intervening force intend to stay in the country to oversee its recovery and development? If yes, what substantive content should these plans have? These are questions that so not admit of objectively correct answers, and a period of deliberation, conducted within a reasonable time frame and terminating in a majority decision, would increase the legitimacy of the final outcome.

Such a process should not involve citizen participation at the level of national or international decision-making bodies – even deliberative democrats realise that this is an unrealistic expectation. Instead, decision-making bodies should be responsive to a liberal political culture that allows for free flowing communication at the level of civil society, amongst, for example, minority rights groups, human rights groups, women's groups, and so on. Decision-making bodies should thus be responsive, accountable, and responsible to a civil society engaged in processes of opinion-formation. Evidently, the media here play a vital role in the transformation of communicative power, generated by citizens in civil society, into messages that are fed up through sluices to arenas of official will-formation and administrative power.²⁰

It might, of course, be objected that issues of humanitarian intervention are both complex and subject to strict time constraints, as when the need to act quickly and decisively overrides the need for deliberation. As for the first objection, the complex issues surrounding humanitarian intervention are not all of a specialised manner, requiring the expertise of officials and bureaucrats. Even the technicalities of complex issues overlap with moral questions that communicatively competent citizens are capable of discussing and deciding. As for

²⁰ See: Jurgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, translated by William Rehg (Cambridge: Polity Press, 1996), and Kenneth Baynes, "Democracy and the *Rechtsstaat*: Habermas's *Faktizat und Geltung*," in *The Cambridge Companion to Habermas*, edited by Stephen K. White (Cambridge: CUP, 1995), pp. 201-232. Here, p. 213.

the second objection, time constraints will surely apply, but this is not a reason to limit deliberation per se – it is only a reason to limit deliberation to the point at which a decision needs to be made. Furthermore, because many instances of humanitarian intervention are also cases of dirty hands, the issue of whether to intervene or remain neutral is one that requires careful consideration, and there is no a priori reason why interested and affected citizens cannot be included in such discussions, at least to the extent that their interpretations and considered reflections are allowed to feed up into decision-making institutions.

Now, this deliberative process confuses the subject of dirty hands in at least one way. For, on the one hand, if decisions are ultimately taken by one politician (or a small group of politicians), then it is easy to place the blame when moral violations take place, even when they are unavoidable and must be taken to realise the lesser of two evils. But when decisions are made in a more deliberative way, the blame, and attendant feelings of tragic-remorse, are spread so far and wide that responsibility cannot be said to lie with one individual or small group. However, on the other hand, the expectation of feelings of tragic-remorse may move individual political actors to shy away from tough decisions (even though obviously, as we said earlier, inaction is a form of action). Therefore, if the guilt attached to the expected or realised costs of humanitarian intervention is spread over the citizenry of various nation-states, or at least amongst those with the moral fortitude to take a stand against tyrannical regimes, then states and international decision-making bodies may be more inclined to take a moral position, rather than a self-interested position cloaked in talk of justice, and act decisively to prevent the gross and systematic violation of human rights. For example, why do the leaders of countries such as Great Britain justify a morally dubious war (or intervention) in Iraq, yet shy away from acting to prevent humanitarian disasters in Rwanda, Zimbabwe, and Darfur? Despite pressure from grass-roots human rights and aid organisations, instances of human rights violations go unpunished in some countries but not in others. What is the rationalisation for such a selective policy? Perhaps, and one merely speculates here, many deaths could have been avoided and human rights (re)asserted in certain countries if national and international institutions had been more responsive and accountable to groups in civil society that warned of impending disaster. A more deliberative approach to humanitarian intervention would not solve such problems immediately and decisively, but it would be a step in the right direction towards a European or international order no longer ashamed to *genuinely* pursue a policy of protecting and extending the human rights of citizens worldwide.

Conclusion

In this paper we have argued that the most important instances of humanitarian intervention involve actors in dirty hands scenarios. As such, they very often involve the violation of certain just war criteria. But this need not detract

from the legitimacy or justness of humanitarian intervention. Dirty hands scenarios are characterised by moral violations necessitated by terrible situations created by human beings, rather than natural disasters, for example, and are a part of our moral reality. Such decisions can be decided on moral grounds, even though they will involve a moral violation. As such, international decision-making bodies take the lead in guaranteeing the human rights of citizens in foreign countries, based on the shared and overlapping commitment to freedom, equality, and democracy. It has been argued here that since we can expect disagreement on substantive matters of policy, that humanitarian intervention should be preceded by dialogue amongst interested and affected parties. In this way, decision-making institutions become more accountable and responsive, even though time pressures sometimes override the dialogical aspect set in European civil society.

Search for a European Identity – Psycho-Sociological Perspective (An Attempt at Agency Approach)¹

Karel B. Müller²

Contextualising the Problem

One of the basic dilemmas in the social sciences is how to bridge the gap between the agency approach, which refers towards a context of individual agents, and the structural approach, which refers towards the complexity of a social structure (Giddens 1991). In this article I offer an account of European identity from the agency approach perspective. I presume that in order to understand the process of collective identity formation we must, first of all, deal with the context of individual agents. Furthermore, the very distinction between collective and individual identity is problematic since each identity is essentially subjective and collective identity is always a part of individual identity. Separating these two concepts as analytical tools could be, according to my opinion, malignant and counter-productive. It is important to follow the structural approach of (European) identity formation, nevertheless the perspective (or context) of individual agents has been, in ongoing debates on European identity, the European demos and the EU's search-for-legitimacy, vastly overlooked and neglected. In my opinion, the context of individual agents has to be taken into account, if we want to deal successfully with the problem of European identity on a (more abstract) structural level. Furthermore, we should try to search for links between both researches perspectives. This is, according to my view, the only way to deal with such complex issues and to avoid rather naive and simplified findings.³

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³ Referring to a context of individual agents I prefer to use the word *European identities*, in order to emphasise the multiplicity and complementarities of identities, when I refer to a structural level I put the singular (*European identity*).

I argue that European identity should be, first of all, understood and pursued as a process of fair communication and as a search for positive identities. At the same time I admit that the quest for strong European political identity (a sense of belonging and self-understanding of Europeans) is a relevant and upwardly important question. In particular with respect to a current transformation (crisis) of national states which instigates the necessity to form a transnational framework of governance to increase political readiness and institutional capacities to tackle risks of globalising modernity (Beck 1992). This is relevant in relation to the EU's decision-making procedures and its need to apply the mechanism of majority vote more often. The lack of a collective self-understanding among Europeans makes the applicability of such a mechanism very limited, hence the political capacities of the EU (consequently of Europeans) are very constrained. Here I accept the communitarian argument that democratic decision-making processes can only take place when the individuals of a given polity consider themselves as members of one society; e.g. if they share bonds of common identity (Taylor 1995). Only under such a condition is the political system resistant against a tendency towards fragmentation. A common identity guarantees the loyalty of those whose interests were not reflected in the political systems output. Furthermore, the lack of a European public (demos) does not allow the exercise of a transparent and accountable democratic political power on a European level (Pérez-Díaz 1998).

The question of European identity has primarily both theoretical and practical relevance and is part of the wider problem of the legitimacy of the EU. The EU's need for an active search for legitimacy could prove to be, after all, the EU's advantage over national governments, who tend to rely on static social segments and take the existence of national states for granted (Eriksen, Fossum 2000). At the same time it is not an exaggeration to claim that there is a demand for strengthening the EU's legitimacy among Europeans themselves.⁴ With respect to the EU's legitimacy, it is important to emphasise that it is not, and never was, a singular-term category, but rather a plurality of legitimacy codes has always been the case during integration processes. As Eriksen and Fossum's (2004) analysis shows, in the European public discourse there is to be found three specific types of legitimisation - utilitarian, cultural and procedural⁵ – and I support their suggestion that only a contextual combina-

⁴ Not only the EU officials but public opinion across the EU countries also calls for stronger EU's political capacities, at least in some areas. The last Eurobarometer survey shows that two out of every three citizens (25 EU countries) wish that the Union pursued a common foreign policy, and even three out of every four support a common defence and security policy (Standard Eurobarometer 66/autumn 2006).

⁵ In the *utilitarian strategy* the EU is predominantly perceived as a problem solving entity. The *cultural strategy* emphasizes the need to deepen the collective identity of Europeans, since the EU is primarily seen as a value-based community. The *procedural strategy* stresses the need to develop the EU into a community, which is founded on civic rights and democratic decision-making procedures. Eriksen and Fossum (2004) suggest that in particular the first

tion of all three types of legitimisation could provide a satisfactory alternative for the legitimacy crises of the EU. In addition to that, we should bear in mind, as convincingly Tocqueville (1968) already showed, that legitimacy crisis is to a certain extent inevitable and a permanent problem of any democratic polity.

We have to stress that Europeans have inherited a wide range of European cultures (including political cultures) which encompass a variety of visions of an integrated Europe and a variety of legitimising strategies traditions. In despite of this, an overlapping consensus seems to be found in defining European diversity, its institutional protection and further development, as a major building block of European unity, and thus European identity. This argument is supported by followers of Habermasian concept of “constitutional patriotism”, which is seen as a major inclusive mechanism allowing a formation of relations of solidarity and general reciprocity among Europeans across national contexts (Habermas 2001b). At another level, many others oppose that it is not at all clear how Europeans will succeed in making a positive virtue of their diversity (Delanty, Rumford 2005). I suggest that examining the phenomenon of European identity formation from the context of individual agents could prove to be a productive and innovative approach which could shed a clearer light on these complicated issues and might increase our understanding of such entangled phenomena as the European polity and its legitimacy, emerging European identity and the European public.

Collective versus individual identity

Many authors distinguish between collective and individual identity, or between the collective and individual dimensions of identity (e.g. Calhoun 1994, Taylor 1989). At first glance it seems quite obvious that European identity is a collective identity or a collective dimension of identity. On closer inspection we find that both identities (and its dimension) are bound together and both are a part of personal, subjective identity. The collective dimension arises, manifests and transforms itself when experiencing cultural differences, e.g. in a situation when I cannot successfully apply other dimensions of my identity. For example, we can imagine that in being a member of an ethnically dominant

strategy is becoming very problematic due to the expanding diversity of the EU. The second strategy, although strongly historically embedded, could turn the Union into an exclusive fortress of (Western) Christianity with insufficient capacity for a wider social and political inclusion; social rigidity seems to be the major drawback of this second strategy. The third strategy appears to envision, according to Eriksen and Fossum, the most viable alternative; nevertheless its salient normative connotations do not allow it, in the short term, to become the prevalent feasible option. The authors argue that the varieties of the EU's (political) cultures resonate with the need to understand the EU in terms of its plurality of various legitimising strategies. The contextual pursuit for achieving equilibrium between the value-based and procedure-based foundation of the EU presents, according to me, the most plausible and attractive option.

group one does not encounter different cultures so often, as being a member of an ethnically non-dominant group. Hence, the collective identity of ethnic minorities is stronger as well as the bonds of solidarity and loyalty. On the other hand, the members of dominant ethnic groups do not show such strong mutual solidarity and loyalty. Let us pose the important question: Why do we have the need of collective identity at all? It is because collective identity is the manifestation of individual identity and the need to identify ourselves with something as abstract as national identity is the consequence of crisis of individual identity (Cohen 2000).

Collective identity could be understood as an overlap of individual identities (Appiah 1994). When we research collective identities we deal with the serious problem of dialectics between a subjective identity and a socially recognised (or inflicted) identity. By using the notion of collective identity we are at risk of cementing a fake hypostasis (Berger and Luckman 1999). The category of collective identity could work as a kind of scenario which reproduces embedded cultural patterns and stereotypes (Appiah 1994), and therefore creates an obstacle in the open and reflexive process of identity formation. We are getting into the trap of the methodological nationalism which consists of fostering national stereotypes, foreclosure, and mutual ignorance, hence conserving group antagonism and ground for potential conflicts (Lesaar 2001: 181).

When talking about collective identity we have to realise that collective identity is not a “thing”, a “real entity”, let alone a “static entity”, but it is a kind of theory, a concept or analytical tool, something like the lens of camera, through which we perceive and interpret reality (Melucci 1996: 77). As Appiah (1994) argues, there is not a clear borderline between the multicultural policy of recognition and the policy of coercion. Exploring the question of European identity, national identity and their mutual relationships create a serious methodological challenge for the social sciences. Since national identities have become our “second nature” we need to foster multicultural dialogue and literacy in order to develop and maintain political and civic communication across Europe (Habermas 1996). The dilemma facing the collective identities across Europe comprises the fact that both the recognition and the rejection of national identities cause certain barriers towards reflexive and open identity formation.

What is identity? (Erikson’s theory)

Identity is like our health, it disconcerts us only when it is threatened (Pitch 1993: 82). What is identity? Human identity is very contextual, very structural, dynamic, and is a multiple social and psychological phenomenon. Each identity has a tendency both towards internal division and towards merging into a higher category of primary identity (Calhoun 1994: 27). The main sources of our identities are families, friends, colleges at work or school, and only after

that comes into play more abstract identification with an “imagined community” (Anderson). Each identity consists of features both fictional and real, and reflects both our moral aspirations and our experiences with the “life world”. It has both a static and a dynamic dimension (Melucci 1996). It depends on a given situation and a type of human activity which factor of identity prevails. Changes in our environment and our activities might cause changes of both forms of identity and contents of those forms. I give you an example. If I am abroad I often unconsciously defend Czech culture, whereas if I am in the Czech Republic, I am usually very critical towards Czechs. It might be caused by the fact that when I am abroad to be confronted with Czechness means to look at myself, whereas in the Czech Republic it means to look at others. Simply put, particular dimensions of our identity come into play only when other dimensions fail.

I have drawn inspiration from Hoovers (1997) theory of identity formation which is based on the lifelong research of Erik Erikson (1963, 1968, 1974, 1982), which, I argue, is crucial for our topic of collective (European) identity. Erikson’s concept of identity has been validated in more than 300 studies. It provides a reliable perspective on how political processes and policies can foster the development of identities. Erikson’s central proposition, generated from extensive clinical research, is that the common strand in human nature consists in striving for an identity based on two elements. The first is competence in productive, social, and personal relations. That is why, when asked who we are, most of us answer in terms of what we do - our vocations, avocations, and statuses that are attached to them. The second identity element rests on a sense of integrity within a sensible world of meaning. So, when pressed further about identity, we describe how we are situated in social context: as believers in a religion, natives of a certain region etc. Both competence and integrity involve transactions between the self and society. Competence must be both achieved by one’s effort and validated through social recognition. Identity grows and is nurtured or frustrated in a complex bonding of self and society (Hoover 1997: 19-21).

Erikson’s theory has been hugely criticized for its individualism and for ignoring biological and gender differences, which in fact create crucial limits in developing our competence and integrity. Feminist critics have been stressing that Erikson’s theory fails to differentiate gendered components in human development adequately. Without the capacity for relational mutuality which helps to break stereotypical patterns of socially inflicted identities, we cannot assert competence and social integrity and freely de/construct our own identities. Consequently, according to Hoover (ibid: 25), it is important to add to competence and integrity an additional element of identity formation, mutuality. Contemporary research suggests it is critical for all.

Erikson distinguishes between positive and negative identity. Negative identity usually manifests itself by exploitation and pseudo speciation and

Erikson considers it as a pathological phenomenon in identity formation. There are two, usually connected levels of negative identity, negative typing of oneself or others. Negative identities are very common among ethnic minorities which identify themselves against members of dominant cultures. This reinforces mutual antagonisms or intergroup aggression. The long term consequences of negative identity formation are usually hatred, frustration and lack of self-esteem. Pathology of such identities comprises the fact that it leads to destructive social and political consequences. As Erikson observes, *“once we have learned to reduce the other - any living human being in the wrong place, the wrong category, or the wrong uniform - to a dirty speck in our moral vision, and potentially a mere target in the sight of our gun (or our soldiers), we are on the way to violating mans essence, if not his very life”* (quoted from Hoover 1997: 33).

Identity formation is never straightforward. There is always a tension between positive and negative identities. The risk of composing negative identities is always present. Everyone is shadowed by negative identities that threaten and confuse daily life but the key is to have the means of coping with, or mastering the urge to give in to the negative typing of oneself or others. Identities could be in a complementary or discriminatory relationship and Erikson (ibid: 76) analyses discrimination (and chauvinism) as a source of pathology in identity formation. Identity, when formed by the victimization of others, is pathological. Dynamics of pathological identities could vary, but mostly they lead to violence and strife for dominance. The non-neurotic nature of positive identities, on the other hand, consists of skills to assert competence, integrity and mutuality. Such identities generate feelings of self-mastery and ego gratification (ibid: 33).

National versus European identities

As the analyses of modern nationalism have proven, national identities are to a great extent defined as negative identities (Luhmann 1971: 60). Hoover (1997: 40) suggests that the opportunity of direct state intervention into identity forming processes is being opened by the crises of identity. Usually it has a pathological nature of stereotypical identity formation and it substitutes a lack of personal confidence and maturity, and leads towards negative identities formation. Such a type of politics of identity has, sooner or later, a problem with its legitimacy since negative identities present shaky and unreliable sources of civic loyalty. Being loyal to something (a political authority) only because it is different from something else (another political authority), means that loyalty suddenly fades if that “something else” is not present or threatening enough. Fostering civic loyalty then requires active seeking or generating a “something else” and to exercise what is nowadays being called “politics of fear”.

Identity formation is a way to reduce uncertainty and ambiguity. The inability to assert our competence, to be an integral part of a community, and

to build the bonds of mutuality, causes the identity crises. Identity crises might lead - striving for functional “psychosocial equilibrium” (Erikson) - to stereotypical identity formation, foreclosure and pseudo speciation, which, as Marcia (1997) suggests, makes individuals more gullible and mouldable by demagogic political agitation, and more susceptible towards dependency on authoritarian leaders. The politics of fear creates distrust, and in order to sustain its power it has to germinate “fake enemies”, hence to support and to reinforce pathological elements in identity formation: pseudo speciation, exploitation, and negative identities. As long as pathological forms penetrate into politics, identities become adverse towards differences, and differences start to destroy identities themselves. Every political authority which tries to abuse and exploit human desperation and confusion without trying to offer reasonable solutions, will always be very unstable and of quite limited duration. Crisis of identities bring about both the rise and the decline of such a political authority. National identities have many pathological elements and the consequences of those elements reached in the last century, due to modern technological development, an unimaginable catastrophic scale. A similar, but slightly more radical, diagnosis is expressed Tom Nairn (quoted by Anderson 2003: 243):

“Nationalism is pathology of modern historical development; it is as inevitable as an individual neurosis, ensued by similar substantial ambiguity encompassing the latent possibility to turn into insanity. It grows from dilemma of confusion (for society an equivalent of infantilism), which most of the world suffers from, and which is in the fact incurable.”

Hoover (1997: 72) suggests that a source of legitimacy of any political authority should be sought in reducing the pathological elements in identity formation processes. The main objective of any government should comprise not in bribing its citizens by material benefits, but in creating a suitable environment for individual development and for an open and reflexive positive identity formation, which is based on competence, social integrity and mutuality. Positive identities usually lead to mutual recognition, to attenuation of inter-group conflicts, to reinforcement of a sense of belonging, and to self-gratification (Hoover 1997: 66). Identity formation takes place primarily in civil society, rather than through the state or economy. As Alan Wolfe (1989) finds in comparing social conditions in Scandinavia and the U.S., wherever the state, or the market, takes over essential life functions from civil society, social conditions deteriorate.

I have already mentioned that the EU’s need for an active search for legitimacy could prove to be an advantage of the EU over national governments, which rely on nested identities of national states which are being perpetuated by an institutional machinery of social supervision and control of information, and which are still embedded in national contexts. Nevertheless, as Ulrich Beck (1992) argues, European unity must be considered as an attempt to

both affirm and alleviate European national intricacies. The transformation of national identities should be envisaged, to cite Gellner (1997), as a process of de-nationalisation, e.g. affirmation of the cultural dimensions of national identities and the attenuation of their pathological elements. The project of European identity does not mean a loss of national identities, although we can expect the attenuation of national identities and reinforcement, or the rise of other forms. National identities are social constructs, hence they could be de/re/constructed. This is, from a constructivist point of view, happening anyway. As Habermas (2001a: 75) argues, we have to reject the traditional image of a multicultural dialogue as a dialogue of ‘ultimate totalities.’ He proposes a dynamic image of an ongoing construction of new modes of belonging, new subcultures and lifestyles, a process kept in motion through intercultural contacts and multi-ethnic connections. The latest anthropological research proves the validity of such a presumption. Globalisation does not cause neither homogenization, nor break down of collective identities. Reacting to the homogenizing pressure of a material world culture, new constellations often emerge which do not so much level out existing cultural differences as create a new multiplicity of hybridized forms (ibid).

European integration – a chance for positive identities

I suggest that European identity should be primarily seen as a complex of multiple positive identities, as a new enlightenment project, indeed, which encapsulates the attempt to overcome the biasness of national identities and national consciousness. The EU and European civil society should strive for maintaining and fostering an environment which allows the reflexive and open processes of identity formation. Erikson’s theory shows that the process of socialization and the process of developing our own competence and integrity inevitably encompass the crises of identity, which sooner or later confronts everyone. With respect to the complex and reflexive dynamics of identity concept, no one possesses a single, entire and utterly harmonic identity (Calhoun 1994: 27). Europe is and will be an environment dealing with identity crises, which will be accompanied by the threats of potential pathologies found in identity formation. Therefore, EU policies and politics have to actively foster the means of reducing these pathological tendencies and help to form positive identities. European civil society could be defined as a niche providing those very sources, and creating chances for an open and reflexive identity formation based on competence, social integrity and mutuality. The maintenance of reflexive skills and personal development is to be understood as a lifelong process. Such a situation could provide a method (and substance) for creating European identity, which I suggest to conceptualize - in the context of an individual agency and with respect to a dynamic (prescriptive) dimension of identity - rather than a singular collective identity, as a (strive for) complementarities of multiple positive identities. Such conditions could work to-

wards the open de/re/construction of collective identities in Europe; and could work towards building European identity. Positive identities are most likely to work towards complementary identities, and negative identity towards discrimination.

Although a structural account on the European identity debate is not the aim of this article, let me put forward one remark considering a linkage between the agency and structural approaches. Making a rigid distinction between identity as an aspiration and identity as a reality is not, regarding its subjectivity and reflexivity, possible. This, by the way, significantly constrains any empirical survey of (collective) identities. A healthy and balanced identity should be the result of equilibrium between fiction and reality, between its dynamic and static dimensions (Melucci 1996). European identity – with respect to a social structure and regarding the static (descriptive) dimension of identity – should be based on both political and cultural criteria, and Europeans should try to combine with subtle sensitivity the cultural and civic code of collective identity. Here, I concur with the already mentioned position of the Habermasian concept of “constitutional patriotism”. I believe that through peaceful conflict resolution and democratic citizenship we can provide abstract rule of law-mediated solidarity between “strangers” or “others.” (For cultural/civic codes of collective identity, see Shils 1975). It is important to mention that identity formation necessarily involves difference, which constitutes the edges (borders) of one’s identity. The affirmation of these edges is the critical political aspect of identity formation which implies the potential for discrimination. The civic code of collective identity formation deals with the problem of “borders” (and therefore collective identity) by not stressing or emphasizing it explicitly (Shils 1975); hence the civic code is well suited for fostering an environment, which is favourable for the formation of positive identities.

European identities as a process of communication

I agree with Outhwaite (1999) who suggests that European identity cannot be conceived in traditional conventional terms, like national identities. The main characteristics of European identity cannot be a definition of “borders” by creating the dichotomy of “we” and “others”. If European cultural specificity consists of cultural diversity, then a European identity necessarily remains (in a certain sense) unclear. Outhwaite calls conventional national identity atavistic identity, post-national identity must be a post-conventional identity.

In what sense could identities be comprehended as post-conventional? To build complementary, multiple and positive identities is feasible and imaginable only through specific methods of civic and multicultural communication. Giddens suggests (1991) that in the condition of radicalised modernity civic engagement, participation and communication, which are recognized as fair and open, create crucial preconditions for strengthening and establishing bonds

of belonging and solidarity, and therefore positive identities. The concept of European identity as a means of communication, dialogue and participation presumes a (non-conventional) procedure-like (procedural) concept of identity with a dominance of civic code elements in (collective) identity formation, hence an emphasis on the value of rules in the process of communication. As Outhwaite (1999) puts it, the procedures of not reaching a consensus are as important (if not more important) as the procedures of reaching consensus, and they should be recognised as a key factor of European political culture and as a decisive precondition to form a collective identity in any stronger sense. In other words, the characters of the political processes and of the processes within civil society, which are recognised by their participants as fair and open, matters more, in some sense, than particular outcomes of these processes.

More than common values, communication itself is creating important sources for the formation of bonds of belonging and solidarity. As a parallel to political processes we can see a deeper transformation of social relations and societal systems, when social interactions are 'lifting out' from local contexts and their restructuring across indefinite spans of time-space (Giddens 1991). Since radicalised modernity is featured by a complex reorganisation of time-space relations (Rifkin 2004), it is more accurate to comprehend society as an open system of communication, rather than as an integrated social system of shared meanings and morals which is embedded in a local context. Societies are nowadays, first of all, communicating societies, networks of mobility, flows and social communication (Castells 2001, Delanty 2003). Therefore identity, including a European one, should be comprehended as a project, whose main objective is the active participation in the process of fair and open communication. Communication itself could be (and should be) the main overarching defining characteristic of European identities.

Conclusion

The aim of this article has been to contribute to the debate on European identity from a psycho-sociological perspective. I have followed the agency approach and tried to consider the formative processes of European identity within the context of individual action, using the psychological concept of identity as a crucial analytical tool. The article has drawn inspiration from Erik Erikson's psychological theory, which analyses negative national identities as an outcome of a dominance of pathological elements emerging during identity formation processes. Unlike negative identities, sound positive identities are founded on social competence and social integrity. Furthermore, positive identities could be formed and reaffirmed only in dynamic and vital social contexts, which employ active participation and effective communication skills and experience. Moreover, positive identities work towards complementarities of identities; negative identity, on the contrary, towards discriminatory relations between identities.

Since European identity should be comprehended as a set of multiple complementary identities, the prevalence of positive elements in identity formation processes is to be seen as a major precondition for European (post-conventional – unlike national) identity formation. This is not to say that national identities must vanish in order to form European identity. Nevertheless, European identities can be formed and strengthened only if both the EU and European civil societies will work towards the attenuation of discriminatory tensions among national identities, and providing sufficient preventative means, against the dominance of pathological elements in processes of identity formation.

In the condition of radicalised modernity every positive identity is a multiple, dynamic and contra-factual social and psychological phenomenon, which is being constructed, deconstructed, and reconstructed throughout the whole of human life. Thus European identity cannot be an exception. Hence, fair and ongoing communication and participation seem to be both a precondition, and the best method and defining feature of sound – dynamic, inclusive and balanced – European identities. Therefore, in the future we have to pay more focused attention to the cluster of social and political institutions, which could be labelled as an (emerging) European public sphere, or better, as a sphere of European publics. Phenomena such as the role of historical memories and narratives, new forms of civil society, political socialisation, civic education, and the role of media etc. must be dealt with by innovative approaches in order to achieve a better understanding of significant elements affecting the processes of identity formation in the European context.

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EU Official Development Aid to the Palestinian Authority and the Rise of Hamas

Jaroslav Petřík¹

Introduction

While the post-9/11 world witnessed the renewal of foreign assistance to Pakistan after a three-year suspension following Pakistani tests of its nuclear device in 1998, the security community worldwide started a massive debate about the causes of terrorism and the usefulness of poverty reduction as a strategy to eliminate them. By resuming its Official Development Aid (ODA) to Pakistan, the US hoped to help General Musharraf in fighting Taliban insurgents outside Afghanistan and disrupt their hotbeds in the northern Tribal Administered Regions like Waziristan. Five years on, both US-lead Operation Enduring Freedom and NATO-lead International Security Assistance Force fear the predicted spring offensive of the Taliban, grieving for 563 deceased soldiers (as of April 20, 2007). Meanwhile, the Taliban are believed to gain ground in Pakistan, right behind the border. The question about the efficiency of financial aid to a country in pursuit of security has become urging.

To explore the validity of the perceived consequence of ODA on the support for extremism and terrorism, it is useful to make comparisons with other parts of the world. One of regions most prone to conflict is the Middle East, particularly the West Bank and the Gaza Strip, with their anti-Israeli offensive, called intifada. The international community has long engaged in the region, revealing a wide arsenal of methods to calm down the passion on both sides on the conflict and diminish the support for a violent resolution. Along with persevering diplomatic efforts, Western countries have long supported moderate political representations in the region, hoping to dwindle down the support for extremist parties and factions, like Hamas. Yet despite these con-

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tinuous efforts, shortly before this organisation classified as a terrorist group by Western powers turned twenty, it won the legislative elections and became the ruling party of the Palestinian Administration. The international community responded by closing the tap of financial flows to the PA, confused and puzzled over the future of its financial assistance. Baffled, the leaders could not explain why the people of Palestine voluntarily gave up the aid they were receiving in turn for installing extremist figures as their leaders. This text offers an answer: the financial situation of the population has nothing to do with its willingness to support terrorist activity, and the belief in development aid as a means of promoting security and social integrity is based on false premises.

Contemporary Palestine in the Centre of Donors' Attention

The economic situation of the West Bank and the Gaza Strip is to a large extent determined by its security condition. Given that a considerable part of Palestinians work on Israeli territory, the 2000 intifada followed by the closure of the borders, stringent checkpoint controls and eventually leading to the construction of a security barrier physically barring Palestinians from crossing to Israel outside regular checkpoints, brought a 16 % increase in unemployment and 33 % drop in average per capita income by 2003. Although data on poverty rates in the West Bank and Gaza are scarce (even the annual World Indicators volumes by the World Bank leave the West Bank and Gaza Strip in the Poverty rate table blank), it can be estimated from other sources at around 50 %, with fluctuation of 10 percent to each side (European Union, World Bank). This indicator has doubled since the outbreak of the 2000 intifada (some 23 % were considered to live in poverty in 1998); the Gaza Strip is deemed to be more stricken with poverty than the West Bank.

Territories under the administration of the Palestinian Authority (PA) are particularly vulnerable to the way poverty is defined, as a considerable portion of the population live just above the official poverty line, which is estimated at 1 USD a day (Iqbal 2006, 4). More accurate measurements of poverty in the West Bank and Gaza conclude that some 16 % of the population live in subsistence poverty, i.e. with less income than 205 New Israeli Shekal (NIS) a month, which leaves them below the minimum caloric intake and without sufficient clothing and shelter (Poverty in the WBG 2005, 1). The same study however concludes that emergency assistance has succeeded to reduce the number of impoverished people by almost 1/3 (from a possible 22 %). Although it could have been allocated more effectively, exceeding in total the minimum aggregate needs by 40 % and hitting a leakage rate of 55 %, it still reached the most needy quite well in comparison with other regions. Nevertheless, it is not the purpose of this article to measure the efficiency of emergency aid provided to

PA, although it might be quite important². Finally, simulation scenarios have revealed that major economic recovery would not alleviate poverty by much, given that a significant share of poor people already have jobs and some 10 % remain in structural, not temporary poverty.

Given this bleak record, it is understandable that the international community would engage in the region, struggling to alleviate poverty. It can be argued though that this involvement is considerably higher than in other parts of the world. In 2004, the Palestinian Authority received the largest sum of Official Development Assistance (ODA) per capita worldwide. With 324 USD per person annually, it well outmatched all other recipients, with Nicaragua on the second rank with almost a hundred USD less (at 229 USD per person annually). In the last five years, total ODA to the West Bank and Gaza has more than doubled (from 516 mil. USD in 1999 to 1,136 mil. USD in 2004). The EU alone was the 3rd biggest donor for the PA, providing funds worth 197 mil. USD in 2004, while the biggest donor (UNRWA) provided 290 mil. USD and USA 227 mil. USD. The EU however takes the lead over UNRWA if the total of its ODA flows to the PA includes bilateral ODA by EU member countries – around 650 mil. USD.

Regardless of the indisputable necessity and appropriateness of such support, when comparing the volume of ODA to the PA and to other countries, as well as regions worldwide, one might raise concerns over its distribution and the extent to which it is meant to answer the needs of the poorest. In the latter case, while the Middle East as a region has the second smallest share of population living on less than 1 USD a day (1.5 % compared with Sub-Saharan Africa 41.1 % as of 2005), it receives almost the same share of ODA per capita as Sub-Saharan Africa (around 35 %). Moreover, Sub-Saharan Africa is the only region where the total number of poor people increased (by 60 million in the period of 1990-2004) (World Development Indicators 2007, 4).

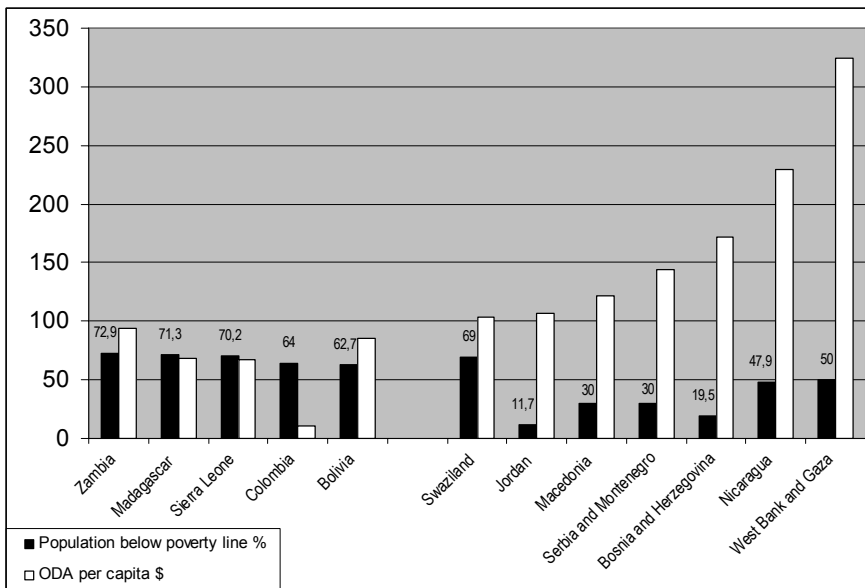
A closer look at different countries reveals even further disparities. The figure below compares countries with the highest shares of population living below the poverty line (left part, black columns) with countries with highest per capita ODA income (right part, white columns). It can be concluded that the biggest recipients of ODA per capita are not the most needy ones; furthermore, by juxtaposing the gap between the white and black columns, it is clear that rather than ‘significant’, the difference should be described as ‘huge’ or even ‘alarming’. No country with a poverty line above 60 % of the population receives over 100 USD ODA per capita, while two countries (the West Bank and the Gaza Strip and Nicaragua) receive well above 200 USD per capita, while their poverty level is by 20 to 12 points lower than in the poorest five. Furthermore, countries like Bosnia and Herzegovina, Serbia and Macedonia

² A share of those 55 % funds provided to not-needy recipients might have been subverted to finance terrorist activities.

with a maximum 30 % of poor people receive between 120 to 172 USD per capita. Jordan, although little stricken with poverty (11.7 %), receives annually 107 USD per capita. The only exception is Swaziland, which receives 100 USD of ODA, but is severely affected by poverty with almost 70 % of its population living on less than 1 USD a day³.

It must be noted though that the cases of the former Yugoslav republics are very specific, given their impaired infrastructure, legacy of war and the commitment of the EU to play a significant role in their rebuilding. Therefore, they should be considered outside strict comparisons; nevertheless this focus on regions with volatile security situations further supports my argument below.

Figure 1

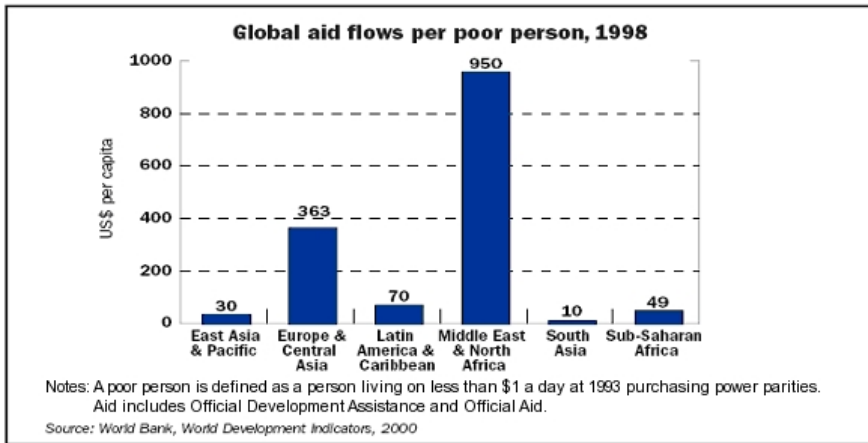


Sources: CIA World Factbook, World Development Report 2007, World Development Indicators 2006. Most figures as of 2004.

An even more clinching proof that ODA is being distributed according to other criteria than poverty indicators is the fact that the Middle East and North Africa is the region with the highest global aid flow per poor person, at the level of 950 USD per capita well above the rest – Europe and Central Asia at 363 USD on the 2nd place and Sub-Saharan Africa at only 49 USD per capita (White Paper 2000, 86):

³ The analysis is deliberately oblivious of foreign direct investment and other aid instruments, as the primary focus of this study is ODA. The author is however understands that when framed in broader context of financial flows, conclusions may be altered.

Figure 2



Source: Graph taken from White Paper 2000, p. 86.

The reasons for such disparity in distribution of funds might be multiple, but one explanation seems to stand out well above the others. Given the half century history of ongoing conflict and the incredible amount of energy flung by political leaders worldwide in vain efforts to break this vicious circle of violence, the international community continues to perceive issues in the Middle East through the lenses of the Israeli-Palestinian conflict. The same argument would apply to the figures in the world of development aid and foreign assistance. Examples of the former Yugoslav republics in Figure 1 demonstrate the determination of the international community to promote security. When commenting on the recent spur of violence between Israel and Palestine following the kidnapping of Corporal Shalid in June 2006, the European Commissioner in charge of External Relations and European Neighbourhood Policy Benita Ferrero-Waldner asked the European Parliament: “Doesn’t it threaten to reinforce the vicious circle of poverty and extremism?” (Ferrero-Waldner 2006, 4). On its Frequently Asked Questions webpage, the EU answers:

“EU assistance serves to promote stability, security and prosperity, whether this is through the provision of humanitarian aid to Palestinian refugees or whether through the promotion of vital Palestinian institution-building efforts, internal reform and economic recovery, which will bolster the Palestinian Authority as a negotiating partner for Israel and the viability of the future Palestinian State.” (EU FAQ).

Finally, after Alberto Alesina and David Dollar published their study on foreign aid distribution, no-one can any longer naively assume that donor funds may be distributed according to poverty indicators so that the most needy are prioritised. The authors have presented evidence that “[d]irection of foreign aid is dictated as much by political and strategic considerations, as by the economic

needs and policy performance of the recipients” and that “[c]olonial past and political alliances are major determinants of foreign aid” (Alesina and Dollar 2000, 1). Regarding the moral obligation the West feels towards the Middle East after re-designing the region after WW2 and the contemporary social construct of terrorism as a major threat, it is understandable that aid allocation to the region tends to be biased. Assuming that ODA is the international community’s weapon in the battle over hearts and minds of the Palestinian people, the enemy is particularly strong and difficult to beat (see section III).

The European Union (then European Community) started its assistance to the Palestinians in 1971, when it submitted its first contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This support continues, contributing to the main areas of UNRWA activities, health and education. In the Venice declaration of 1980, the Community expressed its support for Palestinian self-determination and launched the funding of various NGO projects. Since 1993, when the Oslo Accords were signed, the EU participated in the Ad Hoc Liaison Committee coordinating the donor’s pledged 2 billion USD development aid. Over the next twelve years until the end of 2005, the EU had committed almost 3 billion USD, plus an even greater amount in bilateral aid from its member states. Since the Barcelona Declaration of 1995, the PA enjoys full benefits as a full and equal partner of the Euro-Mediterranean Partnership (MEDA), which provides instruments to facilitate the implementation of the Interim Association Agreement on Trade and Cooperation between the EC and the PLO (EU’s relations with WBG).

After the outbreak of the second intifada (2000), the EU shifted its focus from long-term institution building to urgently needed humanitarian assistance, support to refugees (through UNRWA), and development assistance. Between 2001 and 2003 a significant part of the EU assistance was directly provided to the PA’s budget, conditioned by improved fiscal transparency from the PA, such as consolidation of all sources into a single treasury account monitored by the IMF. After Israel resumed the monthly transfers of tax revenues collected on the behalf of the PA in late 2002, the EU tailored its support to better fit the PA’s reform efforts and cooperated with the PA’s Ministry of Finance to identify more specific needs of the society. Since 2004, the Commission has been the main donor for the Public Financial Management Reform Trust Fund, set up as an emergency response with limited duration to the continued fiscal crisis of the PA and let to expire after Hamas took over (EU’s relations with WBG).

In June 2006, the European Commission established the Temporary International Mechanism (TIM), designed to facilitate the need-based assistance to the Palestinian people after virtually all the donors suspended their aid flow and Israel the tax revenues. The TIM was created to address the needs of the most needy people suffering from the absence of foreign aid, while circum-

venting the PA in order to deprive Hamas of any funds that may be abused for the support of terrorism. On its website (EU's relations with WBG) the EU boasts success with the TIM, claiming that 106,000 heads of households have received financial support, with 636,000 persons directly benefiting from the TIM apart from ongoing UNRWA assistance. Beneficiaries of the TIM include patients of public and NGO hospitals; 1.3 million of Gaza Strip inhabitants receiving access to water, health care and proper sanitation; 12,000 employees in public health facilities; 48,000 Low Income Cases among public sector workers; 6,400 pensioners and 40,000 Social Hardship Cases. Total funds released through TIM were the highest assistance provided annually to the West Bank and the Gaza Strip so far.

Nevertheless, concerns about the overall outcome of the international boycott of the PA remain. *The Economist* has warned that the boycott "produced small political gains and caused a lot of economic damage". With the GDP shrinking by 10 %, the number of families living below the poverty line has doubled; services (such as health and education) have deteriorated. Furthermore, assets have been frozen and old loans called back. The PA, formerly a regional leader in fiscal transparency due to the donors' conditions and IMF monitoring, suffered a blow in the eyes of international community. While the long-term structural damage to the economy is worrying, the Palestinians themselves are directly receiving more aid than ever before (estimated 1.2 billion USD). Apart from averting the worst collapse, such massive food aid might debilitate local agriculture and business, leaving Palestinians far more dependent on aid. After the situation will be normalized, with the economy contracted by 30 % and far less participation in business than before, it will be very difficult for them to free themselves from the so-called 'aid dependency trap' (The Economist 2007).

Hamas as an alternative to the PA

Following the example of the Muslim Brotherhood, areas most affected by outside intervention saw increasing Muslims efforts to replace failed social systems by their own social nets and Muslim relief organisations (Bureš 2006, Čejka 2005, 173-175). A large proportion of charities building schools, clinics and other facilities are strictly apolitical (sometimes even secular), but some of them have internal militant wings, that exercise armed resistance against entities considered as the enemy. The civilian wing of Hamas (Harakat al-Muqawama al-Islamia, Movement of Islamic Resistance) runs its own schools and social security system, while its militant wing (Kata'ib ash-Shahid Izz al-Din al-Quassam, The Brigades of the Martyr Izz ad-Din al-Quassam, shortly Quassam Brigades) has to date killed hundreds of people, making no distinction between Israeli Occupation Forces (IOF) or Israeli civilians, as it considers every citizen of the Israeli state, including women, as

an aide to the IOF. Paradoxically, in the beginning of its activities in the late 80s, largely aimed at civilian charity, Hamas enjoyed a silent support from Israel, which hoped to foster a potential moderate opponent to the then radical Palestine Liberation Organisation (PLO). Eventually, a radical faction took Hamas over and the group became terrorist (Čejka 2005, 173-174).

The concept of Islamic charity is institutionalized in the Koran in the form of Zakat (obligatory alms), sadaqa (voluntary alms) and kaffara (obligatory payment when one has committed a sin) (Bureš 2006). The Koran often reminds the obligation of paying alms and helping the poor. For example, Muslims in border areas with “enemy states” (i.e. a lot of Palestinians) are regular recipients of Zakat as a form of a pay-off to keep them living in the region in spite of the threat of being attacked. When assessing the role of Islamic tradition in the contemporary support for terrorism, it is vital to mention the issue of Jihad. Jihad, being in fact a much broader concept than usually understood in the West, is firstly an Arabic word for the effort to lead a good life, in consistence with Allah and the Koran. Therefore it allows scores of interpretations, but the one which is being described as ‘holy war’ is a very narrow and limiting one. Nevertheless, Muslims who identify themselves with this interpretation might exercise their Jihad not only by blowing themselves up, but also by providing financial and other support to people who eventually do so. In this context, it should be mentioned that the amount of remittances coming to the West Bank and the Gaza Strip in 2005 was 690 mil. USD, which is 18 % of the Gross National Income.

The majority of Zakat payments are gathered in waqfas, originally informal but increasingly formalized institutions concentrating on charitable and other beneficiary facilities. The immovable assets of these waqfas formally belong to God, as waqfas were originally created to absorb tensions among society. Since the 19th century an overwhelming majority of waqfas however moved under the administration of states (some Muslim countries have a separate ministry to run waqfas) and some countries have confiscated their property. Moreover, there is an ongoing debate in Muslim countries over whether the Zakat should be redistributed by the state or not. Some Islamists even claim that the whole tax system should be cancelled as illegitimate (Bureš 2006, 51-53).

Given such a deep tradition of social charities, independent of the state, in Islam, it is quite easy to raise enough resources to establish an independent educational and health care system. Regarding terrorist activity; potential risk stems from privately-run schools (madrasas),⁴ and mosques, where unchecked extremist ideologies may spread. Mosques are much more complex institutions which do not only provide religious services, but might facilitate

⁴ The role of madrasas in preaching violent extremism can be profoundly studied on the example of Pakistan, where it is a particularly hot topic regarding the strength of the Taliban and the porosity of the border with Afghanistan. See the studies of the International Crisis Group.

a whole range of social functions which are beyond the consent of the state. In this regard, mosques are incomparable to churches in Western society, which must maintain transparency.

Mosques can serve to spread an extremist ideology (as there are a variety of interpretations of the Koran – some are very extreme), or they may support the official policy of a state – it chiefly depends on who organises and runs them. Financial sources available to various charities, extremist or not, are vast. Bureš claims that the annual turnover of ‘new economics of terror’ reaches 1.5 trillion USD, accounting for 5 % of the world economy. Only part of it comes from ‘dirty’ business, e.g. the 9/11 attacks were mostly financed through legal means. Generally, these finances may come from state or pan-Islamic financial institutions⁵; covert global Islamic funds (these are difficult to unveil); the Muslim population (Zakat and other payments) and Islamic banks (Bureš 2006, 58). Sometimes finances may come from other sources, like the al-Aksa or al-Quds NGOs, which were established in Amman by madrasas, student associations and cultural institutions in 2000 after the outbreak of the 2nd intifada. Their official purpose is to protect the Arab-Islamic identity of Jerusalem and help the families of the victims in the fight against the “Zionists”. Much of their resources have been diverted to Hamas (Bureš 2006, 59).

The ideological background of many of these charities show attributes of terrorist thinking, just like a simplified world view (strictly black and white). Also, in countries where political parties are forbidden, these Islamic charities unofficially substitute their role, so when they have gained enough ground to enter the political process they already have enough support so not to be simply disbanded. It can be concluded then that for many of the extremists, violence is simply the only resort left, as due to the absence of democracy, they cannot participate in politics. As the influence of indigenous Islamic NGOs is set to rise in the future, it is important to notice that liberalizing the economies of Muslim countries, often widening the gap between rich and poor, would only strengthen the role of Islamic NGOs. Moreover, as these focus mainly on the middle class, simply lifting the most miserable from their woe would not undermine the preponderance of Islamic NGOs that much.

Finally, Jaroslav Bureš explains that the refusal of western NGOs by Muslim population is often caused by these NGOs themselves; by being disrespectful to Muslim traditions. Besides that, the Muslim approach to the US and EU is schizophrenic, as they formally belong to the “grey zone” (i.e. not Muslim countries, but allowing their citizens to choose their own religion and therefore not hostile to Islam), but at the same time they are believed to cause harm to Muslim countries. Generally, EU-backed NGOs are being rejected as ‘Western pawns’ (Bureš 2006, 66).

⁵ Financed by Muslim World League (wahabist movement), Islamic Monetary Fund (Organisation of Islamic Conference), these include the Islamic Bank of Development and International Islamic Relief Organisation

It can be concluded, that given the complexity of indigenous Islamic charities and the debate over the role of Zakat and the way of its redistribution, such charities could be regarded as an alternative to state institutions. However, massive turnout at the last Palestinian polls has shown that the majority of the population still sees the official authority of the state as the key facilitator of the social system.

As for Hamas, it started in the wake of the First Intifada in 1987 as a branch of the Muslim Brotherhood. Building a social-security net, it created an alternative to the Red Crescent controlled by the Palestinian Authority. By focusing on refugee camps, youth and families of those killed in the armed resistance, it soon garnered considerable support from the population. Financed by Zakat payments, Saudi Arabia and other Arab states, Hamas rallied support mainly in the times of security hardship, e.g. after the Operation Desert Storm, when the Gulf Cooperation Council ceased to finance the Palestinian Authority, as the (then) leading party PLO backed Saddam Hussein. Another rise of Hamas was triggered by Ariel Sharon's shattering of the Palestinian Authority's infrastructure (Bureš 2006, 57).

A year after its success in the legislative elections, Hamas still copes with an international boycott and remains hard on its previous positions, denying the right of existence to Israel and denouncing the agreements that the former PA signed prior to Hamas' accession. It is unclear if the unity government brokered by Palestinian President Mahmoud Abbas, which Hamas entered after arduous negotiations, can be interpreted as a concession or not.

The Illusion of Development as a Weapon against Terrorism

Many have established a linkage between terrorism and poverty, unemployment and lack of education.

“People are frustrated by the fall in their living standard, they lose self-confidence and become an easy prey for populists and extremists. It is no wonder then that among the less educated, Hamas is getting ground.” (Čejka 2005: 229)

However, when submitted to rigorous investigation, this hypothesis starts to wobble and finally loses ground. Murphy (2007) notes that “[o]f the 50 poorest countries in the world, only Afghanistan (and perhaps Bangladesh and Yemen) has much experience in terrorism, global or domestic. ... most of the 19 hijackers on 9/11 were middle-class sons of Saudi Arabia and many were well-educated.” More thoroughly, two studies are essential to critically challenge the conventional wisdom.

(1) Alan Krueger and Jitka Maleckova (2002) have conducted polls throughout the Palestinian territories, finding that people who support armed attacks against Israelis are by 5 % more likely to be employed or studying than unemployed and are by 14 % more likely to have graduated from secondary school than illiterate.

Also, educated people refuse to classify the killing of 21 Israeli youths by a Palestinian suicide bomber in the Tel Aviv night club Dolphinarium as a terrorist attack at a rate of 6 % higher than the less educated part of the society.

Also, a study of deceased Hezbollah fighters' biographies has revealed they were slightly less likely to live in poverty than the rest of the society (by 5 %, statistically insignificant). Hezbollah members were also more likely to have attended secondary school, 4/5 of them outside the Hezbollah schooling system (Krueger and Maleckova 2002, 23). Similar characteristics have been observed with Jewish extremists attacking Palestinians from Israeli settlements, which were described as well educated and in highly regarded occupations (Krueger and Maleckova 2002, 26-27).

In terms of recruitment, poor education may actually be considered as a disadvantage rather than an advantage for engaging with terrorist organisations. As the demand for admission into Hamas largely exceeds the organisation's capacity, only a few recruits can be selected, leaving "countless others disappointed" behind (Krueger and Maleckova 2002, 8). The organisation can thus set strict admission criteria, including education requirements, which tend to increase the insurgents' chances for success in an operation. In addition, more educated segment of population can be more supportive of extremist opinions, for which Angrist (1995) provides a possible explanation (although he notes that the labour market in the Territories has many unique features).

When analyzing the economic returns to schooling in the West Bank and Gaza Strip in the 80s, Angrist finds out that (1) average education of Palestinian labour force increased substantially; (2) the most educated Palestinians became the most likely to be unemployed by 1986 and (3) average daily wages of the most educated were falling gradually since 1985, tumbling below the salaries of the least educated in 1988 and hitting their minimum a year later. The author also notes that "Israeli security forces have acknowledged that poor employment prospects for graduates are likely to have contributed to the atmosphere of frustration and discontent culminating in the 1987 Palestinian Uprising (Angrist 1995, 1066). This development was preceded by a rapid increase in college enrolment in the first half of the 80s, creating a mismatch in the expectations of students when entering and the perceived reality when graduating (during the time of their study, their wage premiums to high-school graduates fell by more than 20 %). Such a rapid decline in skill differential thus overruled one of the sharpest growths in real wages for both Israelis and Palestinians between 1985 and 1988. In contrast, the 2000 intifada was preceded by antonymous conditions, with a gradual economic growth and a bright outlook. Krueger and Maleckova then conclude that "violence and even terrorism can follow either a rising or declining economic tide" (Krueger and Maleckova 2002, 17-19).

Drawing on this conclusion, the authors correlated the number of major terrorist events in Israel to the rate of economic growth (in terms of GDP) in

the West Bank and Gaza. Presuming that economic deprivation would yield more violence, the two indicators should show indirectly proportional. Actually, “[t]he number of terrorist attacks moved pro-cyclically, not counter-cyclically, and the positive association is statistically significant.” (Krueger and Maleckova 2002, 27-29).

In addition, the authors suggest that conditioning foreign assistance by the war on terror might actually induce some governments into promoting terrorist activity in order to draw donors’ attention⁶.

(2) Miller and Russel (1983) comprised a sample of more than 350 individuals from 18 revolutionary groups engaged in terrorism and studied their demographic information. They found that “...the vast majority of those individuals involved in terrorist activities as cadres or leaders is quite well educated. In fact, approximately two-thirds of those identified terrorists are persons with some university training, university graduates or postgraduate students.” Also their socio-economic background is described as middle or upper class.

If poverty and poor education are not the constitutive factors of terrorists’ motivation, then what is? Krueger and Maleckova suggest the most probable causes of terrorism grow from unfavourable political conditions, casting on peoples’ “long-standing feelings of indignity and frustration that have little to do with economics” (Krueger and Maleckova 2002, 1). Looney considers “despair over sagging economies, high unemployment [and] poor education” as important, but only one in “a broader set of issues”. Among the top factors he lists “feelings of humiliation and decline from past high achievements of Islam throughout the Arab countries” and “[r]esentment against the United States for its highly visible, seemingly unquestioning support of some Arab governments” (Looney 2002). These grievances are likely to be further exacerbated rather than diminished by protracted foreign aid flows, which demonstrate the incompetence of recipient countries and harm the credibility of their governments, exposing their dependency on a perceived enemy and allowing for extended corruption.

Gus Martin (2006) concludes that

Extremists have a very clear sense of mission, purpose, and righteousness. They create a worldview that sets them apart from the rest of the society. Thus, extremist beliefs and terrorist behaviors are very logical from the perspective of those who accept the extremists’ belief system, but illogical from the point of view of those who reject the system. (Martin 2006, 45)

These moral convictions, strong enough to bestow the fighters’ determination to stand up for their cause even though hugely outnumbered (and that is why they resort to asymmetric battle), emanate either from the conviction that

⁶ Should this assumption look over-exaggerated, consider the fact that the month after Iraq doubled its payments to suicide bombers’ widows, suicide-bombings proliferated.

their nation has been wronged and a powerful, evil enemy is arrayed against it; or when a group of people feel morally superior to their perceived enemies (Martin 2006, 79). The latter case can be illustrated by examples from former Yugoslavia, but also by atrocities committed along tribal or ethnic lines in a number of African countries, the most eloquent example being Rwanda. The former case then quite precisely describes the situation in the West Bank and Gaza, where the underlying and ubiquitous argument pictures the Palestinian nation as unjustly deprived of its own land and continuously suppressed by the aliens.

The author further distinguishes between individual-level and group-level origins of terrorism, which result from one of the following possible reasons to engage in violence: logical choice and political strategy; collective rationality; lack of opportunity for political participation; disaffection within an elite. On the individual level, origins of terrorism can then be broken down into rational (cost-benefit analysis); psychological (dissatisfaction with one's life and accomplishments); and cultural (perception of outsiders constituting vital threat to a minority) origins. Group-level origins include the environment of political activism, where a group undertakes efforts to redirect the society's and/or government's attention towards a grievance of a particular social movement. Terrorism can also result from dramatic events, traumatizing the population beyond the bearable extent (Martin 2006, 76-78).

The latest classification applies best to the case of Palestinian people, as their opinion has been honed to its present state by decades of ongoing latent conflict, several times bursting out into an open war. Nevertheless, it cannot be neglected the second of origins of terrorism on the individual level, namely psychological origins, are likely occur in times of economic hardship, high unemployment rate or difficult economic conditions. The author also mentions a possible way of countering such a situation, through social reform responding to grievances.

Thus, social reforms attempt to undercut the precipitating causes of national and regional conflicts. Reforms can include the improvement of economic conditions, increased political rights, government recognition of ethno-nationalist sentiment, and public recognition of the validity of grievances. It should be noted that social reforms are rarely the only stratagem used by states to end terrorist campaigns. (Martin 2006, 506).

However, the author contends that social reform is primarily meant to reduce sources of tension leading to inter-group violence, assuming that the causes of terrorism "lie in political conflict between contending ideologies, ethno-national groups, and religions."

As for the more detailed motives of terrorism (Martin offers four of them – moral convictions; simplified definitions of good and evil; seeking utopia and codes of self-sacrifice), the final motivation of Hamas militants engaging in anti-Israel guerrilla-war would possibly combine more of these factors. While

moral convictions remain at the ideological base, some rules in Islam may be interpreted in a way that would potentially provide a sort of self-sacrifice code. Above all, the concept of simplified definitions of good and evil should be understood as intrinsic to virtually all cases of terrorism based on moral convictions or the conviction of moral supremacy, as these very examples presuppose a twisted and circumscribed interpretation of the world.

‘Official’ Means ‘Inefficient’

William Easterly (2005) draws a distinction between “planners” and “searchers.” The former administer huge sums of ODA, following previously agreed frameworks and guidelines, assigning it to governments for huge projects. Working from World Bank (WB) or Organisation for Economic Cooperation and Development (OECD) cubicles, they have little contact with the current on-the-field situation and often fail to reflect the dynamics of their target region. From their outside perspective they tend to construct big plans, centrally designed and taking into account every detail in their complexity.⁷

The latter, in contrast, have little global perspective and search to employ the scarce resources they have at their disposal to gain the highest possible benefit. They struggle to find a niche in the current system, usually striking at what is most in need at the particular moment. Being accountable for their decision, they quit their project immediately after realizing it is inefficient. Easterly’s image of ‘searchers’ resembles that of private businessmen operating in a free market.

Yet such claims are being persistently undermined by ODA backers. For instance, Steve Radelet concludes that even though much of the resources have undoubtedly been squandered, still a lot of good has been done through ODA and hence it is better to keep doing something and try to improve the way it is done rather than jettison the whole instrument at a stroke (Easterly and Radelet 2006).

Regardless of their opposing standpoints, both authors agree that creating a foreign assistance system that held the planners accountable for their decisions would boost the efficiency ratio of the funds spent on development. Were we to draw a parallel for the situation in Palestine, the pre-2006 PA⁸ would be identified as a planner, while Hamas would represent a searcher. While the PA

⁷ Easterly offers the example of the 1958 commitment by the DAC countries that they will step up their ODA spending up to 1 % of their GNI, later GDP, by the year 1968. Fifty years on, average ODA from DAC members remains at around 0.30 %. From similar perspective he criticizes plans like the then Big Push or today’s Millennium development Goals.

⁸ Here, I assign the PA a twin identity: (1) Political system designed to run a quasi-state, therefore covering basic needs of its population plus providing security and necessary services (*government*). (2) Political parties representing the government, living representatives identified with the state (*establishment*). Hamas, in contrast, enjoys a single identity of opposition: alternative system of services, represented by personalities criticizing the establishment.

receives its funds merely on the basis of its existence and compliance to a minimal set of rules, Hamas has to persuade its sponsors it is worth supporting the organisation. Its self-definition is thus positive – it has got a clear vision of its role and task in the society. From its very nature as the government that runs the country, parties representing the PA supposedly start with maximum support from their inhabitants and can only lose it. Therefore, all the PA needs to do is level off, it can lose only when committing serious mistakes (which has repeatedly happened in the past). Hamas, on the other hand, from its opposition role, needs to persuade the majority of population that it is superior to the PA – ideologically and practically. Most importantly, Hamas is perfectly accountable for all its activities: it built its complex system of schooling and social security services primarily in pursuit of new members. Disregarding the fact that it was not obliged to adopt and implement unpopular measures, which is the only disadvantage intrinsic to the PA as the government, the full freedom of actions that Hamas was enjoying was balanced by absolute accountability on the other hand, allowing it to review and adjust its steps in real-time. Through identifying and addressing the niches in the society that the PA had failed to handle and patiently waiting for Fatah to discredit itself before the public through numerous fraud affairs and continual cooperation with the West and an appeasing stance towards Israel, which by the majority of Palestinians is regarded as cowardly, Hamas eventually rallied enough support to beat Fatah in legislative elections.

Finally, it is important to note that both types (planner and searcher) as drawn by Easterly are somewhat ideal extremes; real subjects should then be placed somewhere on the axis in between them. Taking that into account, the comparison of the PA and Hamas, regardless of how flawed it might be, would hold at least to a limited extent.

Conclusion

After all, the dynamics of ODA to the Palestinian Territories, when put into a broader context of political and social developments in the region, might lead to some assumptions. Far from claiming any definite results, it may be worth to review the most important facts and parallel events:

- (1) As I have noted in the first part, the total volume of ODA to the PA has doubled over the last five years. One of the underlying targets of such funding was to prevent further radicalization of the Palestinian population and dilute their possible support for terrorist organisations, incl. Hamas.
- (2) Despite this effort, Hamas has succeeded to rally enough backing to first gain control over 21 % of municipalities in the 2004 elections and then beat Fatah in the legislative elections in January 2006 by 3 % votes and 29 mandates, showing its strength mainly in the regions by winning 45 district seats to 17 of Fatah.

- (3) Similar confluence can be traced when investigating the case of Lebanon: just like in the West Bank and Gaza, ODA has been stepped up over the last few years (although not that significantly). Meanwhile in the 2004 elections, Hezbollah won the largest number of seats in its history (14) after a continuous decline of two seats each year since 1992.

Understanding the complexity of the election process and the vast number of factors affecting the final polling results, I cannot draw any definite parallels based on the findings presented in this paper. Moreover, using collected data to dismiss all links between ODA and the support for extremist parties and organisations might be premature. One cannot deny that the examples of the West Bank and Gaza, as well as Lebanon, considering their difficult security conditions, might be well beyond the general characteristics, common in other countries.

Neither was it a purpose of this article to claim that EU funds to PA are (or were) being subverted to fuel terrorist activities. As a recent European Anti-Fraud Office (OLAF) investigation has concluded, such an assumption would most probably be false.

Additionally, political opinion among the Palestinian population is still overwhelmingly formed by internal matters. Hamas won its support mainly by its schooling system, social program and ability to address the needs of the society. It is this dimension of its activities that was central to its success, as the faltering support for Palestinian Islamic Jihad, a militant group with no charity programme whatsoever, demonstrates (Čejka 2005, 176). In reports after the 2006 legislative polls, analysts often explained Hamas' victory by the frustration of the Palestinian population caused by ubiquitous corruption in the Palestinian Authority and its (then) ruling Fatah party. Political analysts did not interpret the outcome of the elections solely as a result of radicalisation of Palestinians, but rather as a signal of frustration growing from increasing mistrust in the ruling elites. Regarding its civilian branch, Hamas has successfully built and retained the reputation of reliability and moral integrity, showing a categorical restraint to graft and fraud (Čejka 2005, 174).

I admit this paper raises many questions, but answers only a few. I am also aware that it is easy to criticise and point at mistakes, and difficult to find solutions and create new approaches and policies. Nevertheless, in order to avoid the same mistakes from being made in the future, it is vital to recognize them at present. Far from invoking definite conclusions, this study aims to open ground for discussion. In order to fully understand the role of ODA in the fight against violent extremism and terrorism, its possible effects as well as non-effects, it is necessary to conduct more research into both theoretical concepts and their practical implementations. Contemporary world, with massive financial flows from whole rich regions to poor ones, offers many examples to explore the connections that are generally considered as clear. However, it might eventually turn out that such causal links have never existed.

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The Political Cartoon and the Collapse of the Oslo Peace Process

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The Israeli-Palestinian conflict has long been challenging to researchers. The nature of the conflict appears, at times, to defy both the material interests and strategic rationality of the warring parties. The struggle has been described as possessing a primordial intensity, unpredictability and elusiveness that weighs heavily on academic research. Middle East experts have long understood the fundamental role of identity and symbolic rationality stating that “no student of Middle East politics can begin to understand the region without taking into account the ebb and flow of identity politics” (Telhani 2002: 2). While the powerful influence of identity on the region has long been accepted, it was the perceived stability of these identities that proved to be the greatest hindrance to analysis. It was not until the failure of traditional International Relations theory to satisfactorily explain the end of the cold war or the resulting surge of ethnic violence that occurred in its wake, that traditional approaches were reconsidered (McSweeney 1999: 1).

A cornerstone of this new research examines the relationship between malleable national identity and strategic behaviour (Barnett 1996: 401). If different national identities prioritize different material, ideational and moral aspirations, the security threats they define will differ accordingly (Mitzen 2003:8). Thus, variations in national identity directly impact both security concerns and policy (Jepperson 1996: 60). The susceptibility to change can result, at times, in dramatic shifts in policy comprehensible only when the undercurrents of identity are considered.

Identity associated interests are implicitly exclusionary, as they identify threats as external in origin, whether abstractions such as *anarchy* or *terrorism*, or associated with particular organizations, states or people. Relationships

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with outsiders, obviously, are not inherently antagonistic. The perception of outsiders determines who constitutes an ally, an adversary or an enemy. Where outsiders are deemed to share common interests, they are perceived as equally shared threats; and make potential allies. External parties with competing interests make for adversaries. An enemy emerges when an outsider appears to possess mutually exclusive interests to our own, reducing any meaningful interaction into a zero-sum game. Thus, an 'enemy' image is more than antipathy or dislike, but is based on a belief that one's values, interests or survival are directly threatened by the actions or even existence of the other group (Luostarinen 1989:125).

The corresponding security policy is equally impacted by the perception one has of the outsider. Rational outsiders are deemed responsive to diplomacy or negotiation. Irrational, immoral or deceptive characteristics, alternatively, significantly reduce the available range of action. 'Enemy' images anticipate hostility, exaggerate threat, and sanction violence; dismissing any action to the contrary as uncharacteristic, unintended, or strategically disarming (Steele 2005: 528). The more capable an enemy appears to be, the more immediate the need for response. While the more irrational the enemy is perceived to be, the narrower the available range of diplomatic action becomes (Stein 1996: 190; Conner 1998: 97). The depiction of an enemy as vermin spreading across the region implies extermination, not negotiation. Likewise, casting the opponents as an enemy of God demands *crusades* and *jihads* launched in God's name. Force against barbarians acts in the only language *they* understand. The associated characteristics of the enemy are preclusion to cooperation. The enemy is deemed too irrational, immoral or evil to negotiate with. The traditional preclusion to extreme political force is lifted. The greater the menace, the more permissible the aggressiveness is to protect our nation, our children and our civilization (Ramsbotham 2005: 117). To not engage such an enemy implies moral weakness.

As Fisher & Keashley argue, changes in conflict are enabled and visible through changes in enemy representation (Keashly 1996: 243). These indicate the source of the threat and against whom to defend. The more menacing the enemy is perceived to be determines the swiftness and force of our response. A change in enemy representation is suggestive of a change in policy. A worsening image of the opponent implies the escalation of a conflict (Zartman 2001: 12). As Stein argues, enemy images then contribute to the perpetuation and intensification of conflict (Stein 1996: 189). "The worse our enemy is, the more justified we feel in hating that enemy, and the easier it may be to rationalize action against the enemy" (Conner 1998: 97). Because symbolic systems are readily pushed to their logical conclusion, monitoring changes in the emergence and change in enemy images, then, reveals with it the perceived necessity, intensity and target of security policies (Entman 1993: 54) (Rowland 2002: 1). In this way, enemy representations possess a predictive capacity in security policy, narrowing expected action (Goerzel 2002: 714).

The End of Oslo and Return to Enemy Images

Enemy images and threat construction have long played a role in the Israeli - Palestinian conflict, with exaggerated fears and the dehumanized 'other' placing significant limitations on permissible state policy. The formidable Israeli armed forces retain a siege mentality, convinced that complacency can result in the destruction of Israel and usher in an Arab-instituted Holocaust (Barnett 1996: 435). Likewise, Palestinian conviction of a Zionist-led global conspiracy against them is neither dissuaded by fact nor served prevented should be deemed as futile resistance to omnipotent powers (Rowland 2002: 163). The overriding security threats are perceived to originate from the other side's ruthlessness and relentless ambition. It is little wonder that the region is immersed in exclusionist myths, demonizing ideologies and antagonist group histories, serving to legitimate necessary and inescapable violence (Ramsbotham 2005: 117).

Changes in symbolic perspectives have serious ramifications on how both sides perceived the nature of their conflict (Rowland 2002: 1). Any prospect of peace is contingent upon a fundamental transformation in identity to allow for the recognition and negotiation with the other (Telhani 2002: 18). The Oslo Peace Accords constituted such a watershed, breaking long standing symbolic taboos (Rowland 2002: 223). More than a territorial issue, Oslo was fundamentally a transformation of identity (Barnett 2002: 59). Rowland & Frank correctly state that the negotiations did not take place between Israelis and Palestinians, but between Labour Zionist and Palestinian Nationalist identities (Rowland 2002: 3). Each side successfully recast the other from *Arab* to *Palestinian*, and from *Zionist* to *Israeli*. The implication of this change was a legitimacy never before afforded the other side (Schultz 1999: 149).

Changes in the stereotypes associated with the 'other' side altered acceptable norms of behaviour and associated security risks (Schultz 1999: 144). Peace was transformed into not only an acceptable policy, but the preferred response to each party's security concerns (Barnett 2002: 61). In fact, the failure of the peace process was perceived as a greater threat to security. The success of Oslo became contingent upon the durability of these reconstituted identities. It then follows that the collapse of Oslo in 2001 and the searing intensity of the violence that followed reflected a dramatic return to the demonized stereotypes that defined the conflict for so long.

It was the material reality of terror attacks and Israeli reprisals that strained the new symbolic system. For the Israelis, "every suicide attack committed by the Islamic movements underlined the fact that the previously well defined boundary between friend and enemy had become exceedingly blurred" (Schultz 1999: 98). For Palestinians, Israeli helicopter attacks and collective punishments were not sustainable with the image of Israel as their partner in peace. The actions of the other side were increasingly viewed as dishonest, irrational and malicious. Under severe strain, progress in the peace process,

however piecemeal, managed to prop up the Oslo symbolic system until the summer of 2000 when final status talks were begun between Israeli and Palestinian negotiators. As discontent and disillusionment brewed, ruptures in the symbolic systems became evident.

Methodology

Shifts in identity and enemy constructions are reflected in shifts in discourse (Khan 2004: 37). The challenge of discourse analysis stems from conscious attempts to manipulate media discourse. In the Middle East, as in other arenas, discourse can be consciously employed as a strategic tool to deliberately deceive foreign patrons, projecting an image starkly different from domestic representation (Khan 2004: 73). Both Israelis and Palestinians engage in a macabre contest for emotional supremacy of pain and suffering, vying for international economic and political support (Wolfsfeld 2001: 114). In trying to discern communication that reflects genuine public sentiment, this paper proposes to expand the analytical toolset available to security studies to cartoon analysis.

By reducing events into single framed visuals, cartoons have often been dismissed as simplistic representations of otherwise complex situations. As satire, they are self-acknowledgedly joking in nature and not serious discourse. Furthermore, they are unfounded opinion discourse, sharing all the biases of their societies, making them no less racist, sexist or prejudiced than their audiences (Templin 1999: 20). They do not offer any new lines of argument or challenge any existing bias. Rather, they use current events to reinforce the existing beliefs of their audience. Thus, cartoons make us smile, not because they are novel, but because they confirm the truth we already know (Greenberg 2002: 190). In this way, the editorial cartoon is capable of providing insight into public opinion.

If reconsidered, however, the very reasons they offer researchers give unique insight into the public opinions fueling conflict (Lester 1995: 217). The reliance on visual analogy makes the cartoon incapable of introducing new insight or analysis. They must analogize and reference beliefs familiar to the reader (Press 1981: 19). Rather than “providing the information that the reader lacks, (the cartoonist) is telling the reader what the public is already presumed to know” (Greenberg 2002: 190). Cartoons are not challengers to, but amplifiers of, discontent, affirmers of existing prejudices, and bolsters of group solidarity directing the scorn, lament and fears of their community against those outsiders that threaten them. In reflecting public opinion uncritically, they offer useful insight into public opinion.

As satirical devices, cartoons are given considerably more leeway in their analysis than traditional news discourse. Their unfounded accusations function to reflect the irony, absurdity or unacceptability of situations. In doing so, they reflect the intangible, irrational and unsubstantiated concerns, fears, and

hopes of a community (Conner 1998: 110; Slymovics 1993: 24). Their joking nature dismisses a crudity and offensiveness that would be inexcusable, if not impossible, if written out in words (Buell 1988:847; Tunç 2002:48).

Yet, cartoons do more than reveal the contentious concerns of community, they openly accuse by reducing events into causal relationships. In doing so, they attribute responsibility for the status quo to a target of scorn through the artistic device of opposition. Opposition refers to the process where highly complex situations are reduced into binary themes (Greenberg 2002:187). The cartoon reduces the most complex of events of events into an intelligible clash of opposites between a righteous victim and a corrupt, evil or foolish antagonist. The audience is embraced as a '*righteous we*' counterpoised with the accused (Duss 2001: 966). The accused embodies the threat posed to the community. As such, the cartoon personifies national threats.

This ability to express latent hostility "not yet openly acknowledged by more serious commentators in the same media" suggests a predictive capacity to monitor shifts in identity and enemy construction (Goertzel 1993:716). If changes in enemy depictions are indicative of shifting norms and reconstituted identities, then the cartoon becomes an ideal barometer of changes in both the nature and intensity of a conflict. In conveying sentiments too difficult to articulate or with no verbal equivalent, the cartoon constitutes opinions often absent from other forms of discourse (Morris 1993:196) (Kress 1996:17). Importantly, unfounded accusation is no less actionable than materially verifiable accusations (Miall 2001: 10). An Israeli Palestinian case study of the reemergence of enemy depictions that preceded the collapse of the Oslo peace process validates this claim.

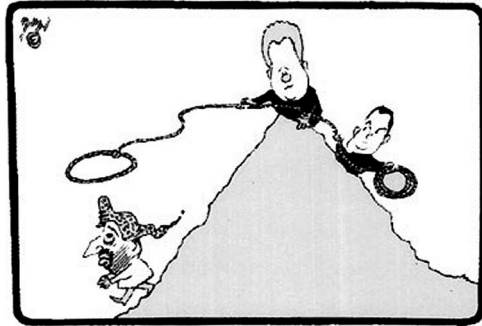
Political cartoons published in both Israeli and Palestinian newspapers between June and November 2000 reveal an alarmingly rapid transformation from adversarial to enemy images. The image of shrewd, reluctant or conniving negotiators degenerated into barbaric, animalistic and immoral nemeses. The representational sample of cartoons is drawn from the three major Palestinian and Israeli dailies. Combined, these six newspapers represent an impressive 95% of the Israeli and Palestinian readership (JMCC 1998 #29; Limor 2000: 2). While other papers exist, they represent fringe or fundamentalist communities within both societies.

Israeli Cartoons

The Israeli cartoons were drawn from the three main Israeli dailies, *Haaretz*, *Yediot Achronot* and *Maariv*. Founded in 1919 *Haaretz* is Israel's oldest paper, operated by the Schocken media conglomerate (Viser 2003: 115). Positioning itself as the government's unofficial opposition, has made it both popular for its balanced reporting and unpopular for challenging widely accepted Israeli beliefs (*Dor 2005: 48*). Founded in 1939, *Yediot Achronot* is owned by the

Moses family media conglomerate. It is by far the most popular newspaper in Israel reaching an estimated three-quarter of all Israeli households. Although it adopts a tabloid style, dedicating considerable space to sensationalist and 'soft' news, it employs some of the most distinguished reporters in the country for its political and national news reports (Dor 2005: 108). Founded in 1948, *Maariv* is owned by the Nimrodi family. It is the most right wing of the three papers, advocating a highly patriotic position that mimics the country's early ideological presses seeking to boost morale, advocate Zionism and promote national unity (Dor 2005: 19). Despite the ideological disagreements between the three papers, the collapse of Oslo witnessed a considerable similarity in the portrayed perception of the Palestinian partner in peace. The increased vilification of this 'other' from reluctant negotiator to enemy corresponded to the increasing violence that erupted into the Al Aqsa Intifada.

The Israeli offer to relinquish a vast amount of the disputed territories and offer Jerusalem as a shared capital shattered deeply entrenched Israeli taboos, reflecting the length and breadth of the distance they had gone in the interests of peace. Difficult as these were, it was the rejection by Arafat that was beyond comprehension. When offered



Yediot Achronot June 7, 2000

an internationally recognized country, an end to hostility and the preferred choice of capital, Arafat and the Palestinians had refused. The rejection was completely incompatible with the actions of a leader seeking nationalist self-determination for his people. The only possible explanation for the Israelis was that Arafat was either irrational, or that he had ulterior motives. A growing sentiment emerged that perhaps the Palestinians were not interested in peace

after all, and that the process had simply been a strategic attempt to lull the Jewish state into a false sense of complacency, facilitating a more sinister age

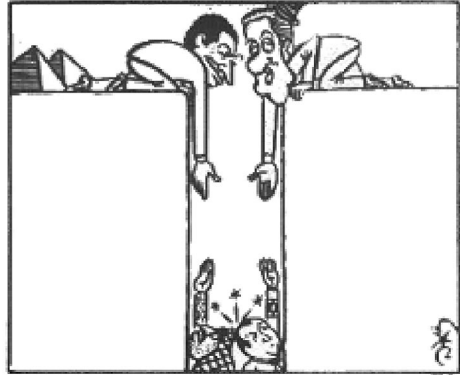


Maariv July 27, 2000

During the Oslo peace process, Arafat had increasingly been seen as an elusive negotiator. In June 2000, as final status negotiations loomed, Arafat is depicted as unwilling to go the distance. In a cartoon that ap-

peared in *Yediot Achronot* on June 7, 2000, both Clinton and Barak are shown to be attempting to bring an obviously reluctant Arafat to the negotiation table. Arafat, while unwilling, is not depicted as an enemy. He appears fearful of being caught. He is neither aggressive nor threatening, and Israeli interests are served by capturing him and returning him to the negotiation table. Peace is still the goal, and Arafat's reluctance is the threat to Israeli interests.

As the Camp David talks progressed, a growing sentiment that Arafat's reluctance was an attempt to draw even more concessions from a willing Barak emerged. Arafat's reluctance, combined with Israeli eagerness, appeared to be the threat to Israel. On July, 2000, Arafat rejected Barak's latest offer including the division of Jerusalem for no more than a Palestinian promise to reign in militants. This was viewed as incomprehensible. A cartoon published in *Maariv* two days later reflected Israeli public opinion turning against the process, viewing Barak single-handedly making concessions to a complacent Palestinian leadership, confidently resting on the Temple Mount. Again, Arafat is not portrayed as menacing but rather as content with the process.



The Palestinian rejection had a disconcerting effect on the Israeli public opinion. While new proposals were being drafted in an effort to salvage the negotiations and secure a peace deal, by August Oslo was clearly in need of rescuing. A Dec 30th 2000 *Ha'aretz* cartoon shows the negotiations in desperate need of rescuing by their patrons. The parties are not partners, neither facing each other, nor, more importantly, joining in a common effort to rescue the other or the process. Though Arafat is not portrayed as threatening, the increasing sentiment that perhaps this process is not *big enough for the two of us* suggests public opinion turning against the process.



Maariv October 4, 2000

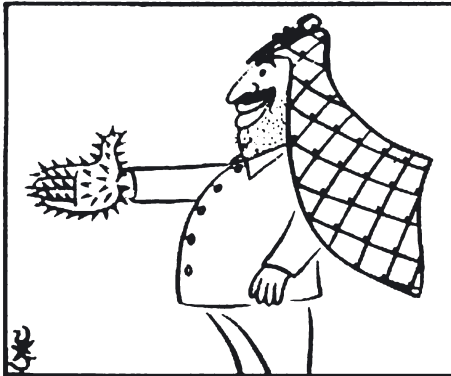
Though Arafat is not portrayed as threatening, the increasing sentiment that perhaps this process is not *big enough for the two of us* suggests public opinion turning against the process.

On September 7, 2000, Arafat rejected a modified proposal that sought to ad-

dress possible Palestinian concerns. More significantly, the rejection was outright, with no Palestinian counter-proposals. Continued negotiations were seen as dangerous. Speculations over the authenticity over Arafat's commitment to peace grew. The September 15, 2000 cartoon in *Haaretz* signals an important shift in Israeli confidence in the peace process. While neither menacing nor evil, Arafat is depicted as dishonest, with Israel unable to take Palestinian intentions at face value. He is increasingly portrayed as distrustful, making false gestures for peace.

Arafat grows more menacing as tensions between Israelis and Palestinians mount. September ended with flared tempers, stone throwing at the Temple Mount and rioting in Ramallah. The impact on Israeli opinion of the October 3rd death of twelve-year-old Mohammed Jamal al-Durah in an exchange of gunfire between Israeli forces and Palestinian militants was only worsened by the PA's flagrant use of this child's death in a propaganda campaign. The

accusation that Israel murdered al-Durah and his glorification as a martyr disgusted the Israeli public. The perceived willingness for Palestinians to sacrifice their children was seen as a collective support for infanticide. In a cartoon on October 4, 2000, Arafat is portrayed as an immoral leader, readily sacrificing innocent children while he himself is remaining out of harm's way. The logic of peace with such a leader is questionable.

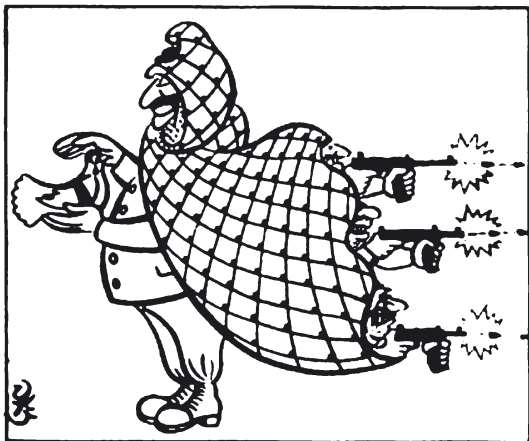


Haaretz September 15, 2000

The failure of September's diplomatic efforts was attributed to Arafat. No longer deemed a reluctant negotiator or dangerous adversary, Arafat was willfully destroying the peace process. The significance of the shift in *Haaretz's* representations of Arafat stems from the newspaper's existing editorial policy to deliberate support the peace process. However, even *Haaretz* could no longer legitimately portray Arafat as a peace partner. He was the enemy of peace, and since peace was in Israel's interests, Arafat's open assault on the peace



Haaretz October 8, 2000



Haaretz November 17, 2000

process made him a threat to Israel. The October 8, 2000 cartoon shows Arafat wildly swinging peace, his characteristic smile now a leer, with the caption reading “*this is my atonement*”.

Increasingly, Arafat was seen to support the peace *process* while being opposed to peace *itself* and the normalization of relations with Israel. The peace process was a calculated attempt to garnish international political and economic support. Arafat’s claims that he lacked the resources to reign in terror groups was nothing more than an attempt to draw even more concessions from Israel and the international backers of peace. Not only had he failed to make any effort to reign in the terror groups, he was increasingly seen as their patron and protector. A November 17, 2000 cartoon shows Arafat’s peace efforts as a perfect shield for terror activities. Terror was increasingly being seen as a tool of Arafat, not an impediment for him. The peace process diverted world attention from the true Palestinian intention to see the destruction of Israel. Ceasefires were simply strategic attempts to re-arm. Israel had been disarmed by this false diplomacy.

By November 2000, the majority of the Israeli public accepted the Oslo peace process as a failure, despite the best diplomatic efforts to keep the process on life support. Arafat’s lament

over the end of the process was seen as public showmanship. A November 15, 2000 *Maariv* cartoon shows Arafat as no more than a crocodile crying false tears standing over the graves of Yitchak and Leah Rabin as well as the peace process. The crocodile reflects his true nature, an inhumane lurking menace to Israel, standing over the grave of one of Israel’s greatest leaders, who gave his

process made him a threat to Israel. The October 8, 2000 cartoon shows Arafat wildly swinging peace, his characteristic smile now a leer, with the caption reading “*this is my atonement*”.

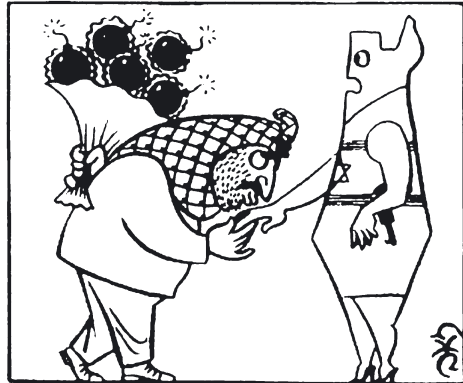
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Maariv November 15, 2000

life for the very peace that Arafat destroyed.

By the end of November 2000, Arafat is no longer an enemy of peace, or a shield for militants, but is himself the enemy of Israel. A November 24, 2000 cartoon shows Israel as having been foolishly wooed by a charming Arafat, whose gifts of peace carry with them Israel's demise.

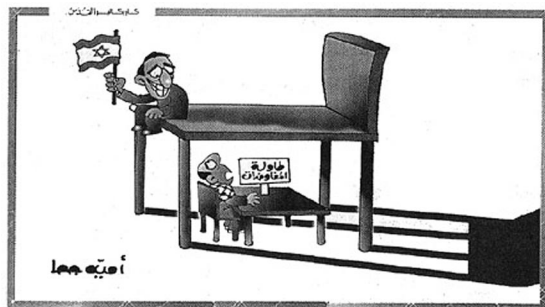


Haaretz November 24, 2000

Palestinian Cartoons

Palestinian cartoons tell the story of an increasing disillusionment with the peace process and a worsening depiction of their Israeli peace partners. As the peace process wore on, the promised improvement in Palestinian life never materialized. Israel's delay tactics, continued incursions into autonomous areas and settlement expansions, all took place under the guise of peace talks. Israel was seen as uninterested in seeing the establishment of an independent Palestine, and would only support a peace that saw a weak and controllable state. In short, peace would serve Israeli interests. While Israeli cartoons focused predominantly on Arafat, Palestinian vilification condemned not only Barak, but extended to the army and ordinary Israelis.

The Palestinian cartoons were drawn from the three main Palestinian dailies: *Al Quds*, *Al Hayat Al Jadeeda* and *Al Ayaam*. *Al Quds* was launched in 1968 as the first paper to be published in the occupied territories (Nossek 2003: 187). It is the most widely read and respected of all Palestinian newspapers (Frisch 1997: 1251). This stands in contrast to *Al-Hayat al-Jadida* which was established in 1994 by the newly formed Palestinian Authority (Nossek 2003: 189). It is the highly politicized mouthpiece for the Palestinian authority, and is in no way an independent press (Jamal 2001: 266). Finally, *Al Ayaam*, launched in 1995, constitutes a middle ground between *Al Quds* and *Al Hayat al Jadeeda*. It is the second most widely read paper, serving roughly 19% of the Palestinian readership (1998 JMCC poll). While technically an independent press, its



Al Quds June 12, 2000

founder, Akram Haniya, maintained a close relationship with Yasser Arafat and was a Palestinian negotiator during the Oslo peace process (Nossek 2003: 189).

For most Palestinians, the July 2000 Camp David negotiations were seen as highly unbalanced, with Israel holding bargaining superiority. While the fairness of the Oslo peace process was highly suspect, Israel was not seen as an enemy. Palestinians could simply not be expected to be on a level negotiation field against the self-interested Israelis. A June 12, 2000 *Al Quds* cartoon depicts an Israeli representative holding a far superior position to Palestinian negotiators, unapologetically waving the Israeli flag. They are not so much peace partners as they are unequal participants in a peace process. The Israeli negotiator is not seen as threatening, but rather quite content with the process, which will obviously serve their interests.



Al Ayaam July 13, 2000

As negotiations carried on, Palestinians increasingly blamed the Israeli negotiators for the impasse. A July 13, 2000 *Al Ayaam* cartoon reveals growing sentiment that Barak represented a barrier to, rather than a partner in, peace. Prior to Barak's July 25, 2000 offer, Israeli negotiators put forward little by way of concessions. Israeli nitpicking over minor details of implementation was evidence of their unwillingness to adhere to the spirit of the peace process. A July 13, 2000 *Al Ayaam* cartoon shows a willing Arafat working beside,



Al Hayat Al Jadeeda
July 11, 2000

but not with, Barak, who is clearly not negotiating in good faith. The cartoon conveys the perceived futility of negotiating with Barak, with parties not seeing eye to eye. While Barak poses no threat, he offers no benefit to Palestinians. The peace process is an empty diplomatic effort.

By July 2000, with Palestinian frustration mounting, negotiations

appeared more antagonistic. Barak's offer not only failed to acknowledge Palestinian willingness to relinquish over 77% of historic Palestine, but constituted an Israeli insult to injury by seeking to further expand the 1967



Al Quds August 1, 2000

borders. The hardening of negotiations is evident in a July 11, 2000 *Al Hayat Al Jaddeda* cartoon in which Oslo has become a showdown. Barak, assuming an aggressive stance, forces Arafat to stand in defense of Palestinian interests. Barak is increasingly seen as a threat to the future of Palestine.

The American-brokered Camp David summit appeared to reinforce the sense of unevenness in the negotiations. The American leader's support of Israel is revealed in the blame Clinton placed on Arafat for threatening the peace process. The reality of the situation, however, was that an Israeli-American conspiracy is responsible for the demise of the peace process, with the Americans supporting positions that Palestinians simply could not accept. An August 1, 2000 *Al Quds* cartoon shows Barak congratulating Clinton on suffocating peace efforts.



Al Hayat al Jadeeda September 3, 2000

In August 2000, negotiations stall as Israeli negotiators refuse to discuss Palestinian sovereignty over Al-Haram al-Sharif or any other Muslim holy sites in *Al Quds*. September sees increasing confrontation between Israeli security forces and Palestinians protesters. A September 3, 2000 cartoon shows a dramatic transformation of representation, as Israel is cast as

an enemy. Israel is no longer represented by its nationalist secular leadership, but seen as a violent ogre. Negotiations with Israel are futile, as the conflict is portrayed as a confrontation with barbarians who threaten Muslim holy sites. Israeli designs for Al-Haram al-Sharif are more clearly evident. Israel is not only the enemy of Palestinians but is just as much an enemy of God, a clear indication of the emerging belief that this was a religious conflict.



Al Ayaam November 1, 2000

The passing of September 13, 2000, the expected Palestinian Independence Day, with no prospect for statehood, was only worsened by the visit by the despised Ariel Sharon to Al-Haram al-Sharif on September 28, 2000, which symbolically demonstrated Israeli

control over Muslim holy sites. When protests erupted in Ramallah, Israeli soldiers opened fire on Palestinian students. Israel was increasingly viewed as a ruthless conqueror. The image of the immoral occupier had returned. It was the death of Mohammed Jamal al-Durah on October 3, 2000 that revealed the depths of the Israeli arrogance, murdering a twelve-year-old child in the arms of his father, indifferent to the presence of international media. Israel was an evil force with blood on its hands with whom no negotiations were possible. The Israeli army was an immoral agent, making ultimatums. An October 10, 2000, an *Al Ayaam* cartoon captures this sentiment of Israel as a soulless menacing figure. Israel was an ever-present threat to Palestinians.

October 2000 witnesses the most intense fighting since the start of the Oslo peace process.



Al Ayaam October 10, 2000

The lynching of two Israeli officers by a Palestinian mob was met with Israeli fury. Israeli helicopters slammed missiles into Arafat's headquarters, Palestinian police stations and media outlets. The intensity of fighting transformed Israel from resistant negotiator to a figure of animalistic savagery. A November 1, 2000 *Al Ayaam* cartoon reveals Barak's true nature, not as source of peace, but a creature of the night who reigns death from above. Israel was a force of evil against whom any moral agent must fight. The symbolic system that had made Oslo possible was dead.

Conclusion

This paper argued that cartoon analysis offer insight into the nature, intensity and durability of conflict. While the correlation between the changes in 'enemy' construction and the shifts in political behavior is a necessary precondition for warfare, they are not often clearly observable by external parties. The rapid shift from peace negotiations to open conflict that occurred in between August and October 2000 required such a transformation. The killing of a Palestinian child or Israeli claims to *Haram Al Sharif* were not a new phenomena. What made the death of al-Durah and Sharon's visit to the Temple mount significant was that they correlated and validated a shift in the perception of the 'other' that had already occurred in both the Israeli and Palestinian opinion. As an internal form of discourse, political cartoons possess an unapologetic capacity to capture the emotionally charged, contentious and emergent shifts in opinion. The analytical potential of cartoon analysis thus lies in providing insight into the undercurrents of public sentiment in situations where significant shifts in opinion may have dire consequences, such as in the case of growing disillusionment on both sides with an ongoing peace process.

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US Missile Defence in Central Europe: A Comment

Petr Kučera

Three different missile defence systems are currently operational or under construction within the European theatre. These are: 1) NATO Missile Defence, 2) NATO Layered Theatre Ballistic Missile Defence and, 3) an American Missile Defence initiative (achieved bilaterally). Recently, the American system caused fervour among security experts of the European Union and NATO, particularly as Central European states competed for inclusion in the American initiative. The participation of newly acceded Central European states to the American initiative causes an acute problem for the EU which is trying to construct its own security and defence culture.

Nearly two decades have elapsed since the fall of the Warsaw Pact and Eastern Bloc, The Czech Republic (together with Poland), as Central European states, have grown in importance for geo-strategic reasons, particularly because of their positive disposition towards the US and other western powers. In comparison to the early 1990's, when Soviet military forces were redeploying out of Central Europe, the current situation is based on extensive security cooperation between the US and the newly acceded EU states. The focus of such cooperation is strategically hypothetical, based more on potential rather than actual challenges, however it aims at establishing a wide aerial defensive shield over the US and Europe. This Missile Defence system is meant to deter regular (i.e. Russia) and rogue (terrorist groups, Iran, North Korea, etc.) military challenges against US, NATO and (ultimately) EU interests.

Missile Defence: Announcement and Reactions

In January 2007, the Bush (Jr.) administration officially addressed the Czech Republic and Poland regarding the possibility of cooperation in the Missile Defence programme. This entailed the utilization of Czech and Polish territories to house the early warning and target identification systems required for the success of Missile Defence to ensure protection of the US and especially their allies. The first proposals arranged to place American Missile Defence (USA MD) in a single Central European location. However after much intra-European and bilateral negotiation with the US, final negotiations set out to

divide the project into two parts: a surface to air missile (SAM) base in Poland and a radar station in the Czech Republic.

The US Missile Defense has instigated much political and social level debates not only in the Czech Republic (and Poland), but throughout Europe, the US and Russia. Why has this US military initiative caused such heated debates? After all, the Czech Republic (and Poland) is an independent state which decided to assist its Atlantic ally to provide security for it and its neighbours in Europe. Also, the US missile defence system is hardly an offensive weapon system. Rather it is purely defensive. Its aim is to destroy or divert incoming WMD tipped missiles originating from traditional or rogue-state adversaries.

The deployment of such a missile defence system triggered debate because it is essentially a political affirmation of two important trends: 1) Czech (and Polish) independence from the EU Common Foreign and Security Policy, 2) an expression of Czech (and Polish) independence from Russian interference in Central Europe. Both of these trends weigh heavy on the citizens of the Czech Republic (and Poland). While the Czech Republic has largely embraced the EU, there is a strong desire to maintain some independence over its foreign policy. Throughout its history, the Czech Republic has been squeezed between the larger empires to its East, West and South. Its geographic location was a liability much more than a strategic asset. Since the birth of the second Republic (1989) the Czechs have felt able to exert their foreign relation preferences instead of representing the interests of its larger power-brokers. With time, the Czechs will have to make important decisions over their role in European security – for now they, and other Europeans, should take comfort in the Czech Republic's confidence as an independent state who has willingly embraced the idea of Europe. Eventually, a common security agenda will be formed and applicable (without the option of dissent) to all EU members. However, the time has not yet come and should not begin with the Central European powers, which have only recently been able to realise their national self-determination. If the EU wants to lead by example, then it is up to the E3 (UK, France and Germany) to provide a collective alternative to NATO and other US supported security organisations in Europe, and not bemoan EU members which exercise their inherent right to pursue their own security priorities.

This is not to say that there is parity of opinion among Czech political decision makers over the present and future role of the Czech Republic as a security provider in the EU. As in any democratic society, debate sprinkles even the most mundane policy initiatives in the Czech Republic. Missile Defence is not mundane. It has been centred in political discourse as early as November 2006 and continues to inspire pundits, analysts and political party personalities to discuss the issues (costs and benefits) associated to Czech participation in the US-led initiative.

Attitudes and Comments

Czech opposition to the US missile defence system is concentrated more to the left of the political spectrum, with the Social Democrats and Communists presenting the most vocal elements in Czech parliamentary debates. Their main objection is that missile defence will not protect Western states from threats emanating from within their own territory. The 2003 Madrid terrorist attacks acts as a good example for missile defence opponents because of the increased risks that will be faced by Czech security forces (and citizens) by those who may seek to destroy or damage the missile defence system by launching terrorist operations. In other words, some argue that the Czech Republic will become more of a target for those seeking to force a change in its behaviour vis-à-vis the US. Prevention of these attacks is indeed very difficult. Alternatively, the pro-missile defence side claims that the geographic position of the Czech Republic (and Poland) is strategically sound, and to ensure that a possible attack could be thwarted is better than being caught by surprise and unable to respond to a missile attack.

Ultimately, the Czech Republic will play only a small role in the US missile defence project and despite striking the ire of Russia (which believes that the missile defence system is meant as a new deterrent force against it) it has made the right choice in supporting its allies, maintaining its right to define and defend its own foreign policy priorities and assisted in strengthening European stakes in international society.

The Peace Process in Northern Ireland: A Real Breakthrough?

Michal Mravinac

Although ‘friendship’ was not on offer, March 26th 2007 witnessed a historical moment when leaders of the two main parties representing rival factions of society in Northern Ireland sat down at the same table. Who would ever have imagined Ian Paisley, a hawkish protestant cleric heading the Democratic Unionist Party (DUP), who has always refused dialogue with radical Irish republicans, and Gerry Adams of Sinn Fein, the political wing of the Irish Republican Army (IRA), discussing earnestly, face-to-face, the future of Northern Ireland’s self-governance.

The peoples of Northern Ireland have long borne a heavy weight of history. Home to divided communities that have been sharing the territory for centuries, but never lived in harmony, the province experienced decades of brutal violence commonly known as ‘the Troubles.’ On one side of the divide are the

unionists: mostly Protestant descendants of British settlers, who supported the imperial military presence. They identify strongly with Great Britain and aim to maintain the Union, which they consider the principal guarantee of their rights and freedoms. Since the partition of Ireland in 1920, the unionists represent the dominant faction of Northern Irish society, both demographically (in the 1920s, the unionists accounted for 65% of the population, presently 55%) and political and economic influence. On the other side are the nationalists: descendants of native Irishmen, mostly of the Catholic confession. In nationalist public opinion, the partition of Ireland was an undemocratic way for Great Britain to maintain its influence over part of the Island. The nationalist's goal is the elimination of discrimination between the communities, equal power-sharing in provincial legislative and executive bodies and, in the long run, reunification with the rest of Ireland.

The violent past of the province spawned radical streams in both communities. On the nationalist side the republican movement emerged, struggling for nothing less than the 'cleansing' the island of the British, using all means available to them, including extreme violence. Alternatively, the loyalist wing of unionism (loyal to the British queen) deployed force to prevent and punish republican activities. However, despite deeply entrenched grudges and distrust between both communities of Northern Ireland, recent developments give signs of hope for reconciliation and better relations between the two communities.

The road to peace has been a long and complicated one. After a sharp escalation of violence in the early 1970s, the British government dissolved the unionist-dominated Northern Ireland Assembly based at the Stormont Castle in Belfast, introduced Direct Rule from London and deployed in armed forces to quell unrest and prevent further atrocities. Nearly 22 years ago, Margaret Thatcher (then British Prime Minister) agreed after many years that the Irish government should be involved in British attempts to solve 'the Troubles.' The so-called Anglo-Irish agreement, portrayed at the time by Ian Paisley as a 'sell-out' of unionists, paved the way to peace negotiations with the IRA and enabled Sinn Fein to pursue a peaceful path to obtaining political power. The IRA ceasefire in 1994, shortly followed by the ceasefires of all other major paramilitary organisations on both sides, set the stage for a process which resulted in the Belfast Agreement (also called the Good Friday Agreement). The agreement was designed to produce a legislative assembly and executive based on general suffrage in Northern Ireland and the principle of power-sharing between the communities.¹ The DUP was the only official political party in Northern Ireland that did not support the Belfast Agreement at the time.

However, to date, attempts at establishing functioning, devolved political institutions in Northern Ireland have failed due to distrust between political

¹ Under the power-sharing arrangement the Executive must consist of representatives of the strongest parties from both communities. Also, any bill to be passed by the Assembly must gain majority support from representatives of both communities.

representatives of both communities. Firstly, for years the republicans refused to submit their weapons as agreed under the terms of Belfast Agreement, and denounce their criminal and subversive activities. Secondly, the province suffered immensely from a lack of respect for the rule of law, which represents the basis of any democratic society. The Police Service of Northern Ireland (PSNI) has been seen by the republicans as a poorly reformed descendant of the infamous unionist-dominated Royal Ulster Constabulary (RUC). Also, a report by Northern Ireland's police ombudsman Nuala O'Loan released on 22 January 2007 revealed past collusions, many going on for nearly a decade, between the PSNI and some loyalist paramilitaries.

The lack of the rule of law, and ongoing political violence in the province after the Belfast Agreement, strengthened the position of radical political parties on both sides – the DUP and Sinn Fein – at the expense of moderate elements that initially brokered the peace talks in the 1990s. The DUP won the last two general elections with Sinn Fein as the second strongest party. Ian Paisley of the DUP made it clear that his party will never form an executive with republican ‘terrorists’ unless they decommission all their weapons, denounce violence and give full support to the PSNI. Sinn Fein, on the other hand, refused to make such concessions unless they had proof that the DUP was serious about forming the executive. British Prime Minister Tony Blair and Irish *Taoiseach* (Prime Minister) Bertie Ahern, both of whom were instrumental in reaching the Belfast Agreement and have struggled for its full implementation ever since, have been eager to see devolution happen soon and expended much energy to pressure the DUP and Sinn Fein to cooperate.

Finally, cumulative pressures, from many sides, achieved the desired results. On 28 January 2007, the Sinn Fein *Ard Fheis* (High Council) decided to fully support law and order in the province represented by the PSNI. On 12 March 2007, the Independent Monitoring Commission, established under the terms of Belfast Agreement, published its fourteenth report on the IRA, stating that the organisation denounced violence and posed no security threat. These revelations prepared the ground for the historical meeting on 26 March 2007.

Seeing Ian Paisley, an 80-year-old veteran of Northern Irish politics, who built his career by inspiring hatred against anyone maintaining a contrary opinion, and Gerry Adams, allegedly the ‘godfather’ of republican terrorism, getting down to business, raised hopes and repulsion in equal measure. The two politicians agreed on forming the devolved government on 8 May 2007. Many, from both camps, are averse to the idea of power-sharing, not least because of their leaders’ formative positions on the issue. At the same time, there is a growing sense in the province that current impasses cannot hold forever. Politicians themselves have vested interests, as the bill on the devolution of powers in Northern Ireland adopted by the British House of Commons arranges for their salaries to be entirely withdrawn unless an executive is formed.

It remains to be seen whether the devolved institutions will last. Both Sinn Féin and the DUP have a long history of acrimony and their leaders will undoubtedly use any opportunity to vilify the other party. The province is going to face tough times and strong political leadership is needed. Over the past years, billions of British pounds and euros have poured into Northern Ireland. The constant flow of subventions created a subsidy-dependent economy that needs painful structural readjustments in order to restore normal market conditions.

Current developments have come to reflect ‘politics as usual’ – that is corruption based on nepotism. Although this type of ‘politics as usual’ is not optimal, it can be overcome and offers more hope for reconciliation than the use of political violence.

History under the Threat of Politics

David Erkomaishvili

There is a church in the centre of Prague, near Karlovo Namesti. One who is unfamiliar with its history may simply pass it by. As many buildings in Prague, it is charming; retaining its own history and specificity. Nevertheless, there is a unique story attached to this particular church. On the south wall of the building there remains the physical manifestation of a chapter in its history, as bullet holes scar the façade, while fresh flowers sit under the memorial notice plaque. This is a stain of history, which the Orthodox Cathedral of St. Cyril and Methodius bears.

Parachutists from the Czechoslovakian resistance movement sought refuge in this church after their successful assassination of Prague’s Nazi commandant, Reinhard Heidrich, the German *Reichsprotektor* of Bohemia and Moravia. The assassination occurred on 27 May 1942. After heroically combating more than a thousand Gestapo shock-troops for over six hours, with their ammunition exhausted, they surrendered themselves to their fate. As reprisal, the Nazis executed most of the priests, profaned the cathedral, and literally exterminated the villages of Lidice and Lezaky. This is but one episode in a war that should not soon be forgotten.

However, current politics often placate the past. This seems to have recently occurred in Estonia. With the memories of the Nazi era still guiding the politics of Europe, it was painful to watch the Estonian parliament pass national legislation to remove the monument in Tallinn which honours the Soviet soldiers who fought against fascism. The monument was a physical reminder of the rise of evil and the international drive to remove such evil from the world. Watching recent events unfold is painful not only because it is clear that some people are attempting to erase the memory of the dead, but also because of the increasing

trend of tolerance towards fascism. There is little doubt that many in the Baltic states and Europe more generally, regarded the Soviet military presence (after the war) as an occupation. However, how the removal of a monument honouring the fallen soldiers of the Second World War found its way atop Estonia's policy agenda remains a tragic mystery. The monument transfer alone is not especially important. Rather it is the negative tone of official Estonian comments on the threshold of the 62nd anniversary of victory over fascism which is worrying. Politicising the allied victory for current gains sets a negative precedent of historic adaptation and revision for political needs.

Neo-Nazism is growing at an alarming rate in many regions of Europe. And yet, many governments have not taken appropriate measures to stem its growth or attraction, especially among Nazi-era enthusiasts and the multitudes of economic disadvantaged.

EU states are not experiencing the rise of neo-Nazism alone. In Russia, where everything related to the 'Great Patriotic War of 1942-45' evokes memories of tragedy and triumph, there are a multitude of neo-fascists movements which target Muslim and Asian citizens. Sadly, the city of St. Petersburg, which some sixty years ago suffered one of history's most complete and terrible military sieges at the hands of the Nazi army, has now become a hotbed of neo-Nazi sympathy and violence.

The generation which directly witnessed the horrors of World War II is rapidly passing away. There are only a few veterans to testify to the WWII era; to tell the stories they lived through to the younger generation of Europeans.

Although more than sixty years have elapsed since WWII concluded, the precise number of that war's victims' remains an estimation. It is essential to keep honouring the memory of all victims and urging the young generation to bring fresh flowers to the monuments. It is a question of vital significance for European security not to allow for neo-fascism to fill an ideological vacuum, because Nazism is something which is crucially dangerous to forget, lest history repeat itself.

Uzbekistan: An Important Regional and International Actor

Nigorakhon Turakhanova

As an Uzbek national I often encounter questions regarding the current situation, and regional and international significance of Uzbekistan. Precious little information and knowledge is readily available, and many people seem to confuse other regional conflicts, for example in Afghanistan, Kyrgyzstan or

Pakistan with the current state of affairs in Uzbekistan. However, understanding the regional and international role of Uzbekistan may be interesting and significant for those seeking to advance their regional (Central Asian) political geography. This brief commentary aims to orientate readers to the growing regional and international significance of Uzbekistan and answers why Uzbekistan increasingly attracts the attention of many international actors. To fulfil this aim, it is necessary to reflect on the historical imperatives of the Uzbek state, which provides important clues for explaining the current political regime and the larger socio-economic context.

Uzbekistan is a multinational and multiethnic political entity. It contains more significant and diverse numbers of minority populations than any other Central Asian state. This sociological diversity is the result of a history defined by a combination of mass population exoduses and the geographic location of Uzbekistan which is situated inland, bordering four other Central Asian Former Soviet Republics, (Kyrgyzstan, Kazakhstan, Turkmenistan and Tajikistan) and Afghanistan. This location has been both a curse and a blessing for the post-Cold War development of Uzbekistan. With a population approaching 27 million, wedged in the centre of Central Asia adds clout to Uzbekistan. Changes to the political and economic structure or focus of Uzbekistan have the potential to widely affect the entire region.

A current trend in international relations is to focus on the political and economic stability and potential of developing states. As such a developing state, Uzbekistan attracts wide interest. This focus is based on several factors including, history and geography which are broken into some sub-themes such as ethno-territoriality, geo-culture and linguistic and independence movements.

Uzbek history is a prime source of information about the country and its traditions, as well as a main catalyst towards the realization of a distinct Uzbek culture and identity. History acts to metaphysically attach the people to the land and reveals socio-cultural impetuses which have a direct impact on the way Uzbeks view themselves and wish to be viewed internationally. Current political relations are also deeply reliant on historical collective memories and desires. In a land rich in history, current realities often bear the heavy burden of the past. In Uzbekistan, history combines the geo-cultural links of the people to the land, ethno-territoriality and national ideological focuses, which all have an impact on the contemporary politics of the country.

Uzbekistan and Central Asia's cultural, ethnic, linguistic and religious intimacy with Southwest Asia – bordering the predominately Muslim Middle East and the South Asian subcontinent – increases and embeds international interest in this region and Uzbekistan especially because of the recognition of 21st century challenges such as radical Islamic states (Iran, Saudi Arabia, and pre-2001 Afghanistan), religious inspired terrorism (al Qaeda, Afghanistan), WMD proliferation (Iran, India and Pakistan) and energy security, (Russia, the Middle East and Iran).

Coupled with the identification of new security interests and challenges – stemming largely from areas directly adjacent to Uzbekistan – lay the self-identification of Uzbekistan, while not without internal problems, has managed a great deal of post-Soviet political stability. Independence was not trouble free; it brought many ideological, economic, political and social dilemmas. Most of these tensions can be attributed to the demise of the USSR whose power managed to subdue tensions which later emerged and posed challenges to the new-found state. Although elite-centric, the first Uzbek president (Islom Karimov) developed a successful strategy, which while lacking many democratic trappings, managed the political crises of the early post-Cold War period, bringing stability to the country and cushioning the rapid economic and social transformation away from the communist dictatorship of the USSR.

The current democratic deficit in Uzbekistan attracts the attention of the international community, including many international organizations and NGO's. Nevertheless, to assume that the lack of a democratic polity reinforced by democratic institutions is in opposition to popular political sentiment of Uzbek citizens, is to misunderstand Uzbek political culture. After 70 years of exogenous suppression (as part of the USSR) and 16 years of regional instability and conflict Uzbeks, regard the preservation of internal peace and security as more important than the struggle for democracy, which can be facilitated through gradual changes to avoid potential violence.

In a news interview for the Russian *Nezavisimaya Gazeta* (18 January 2005), Karimov, in defending the political status quo in Uzbekistan explained that

The result should be a democratic society. Actually, because this phrase is often misused, I will put it differently: this will be a government meeting the requirements of the 21st century, where there is no place to dictatorship. As it is well known, everybody is afraid of dictatorship understanding under this word tyranny in the first place. But I understand dictatorship as dictatorship of one person, one structure. This is a kind of a monopoly. That is why, the more independent the parliament is, the stronger and more independent the courts are and the more independent the government is, the more will the requirements of the new century be met ... we are only in the beginning of this process, it may take many years, although, there will surely be people trying to push us ... we need to acknowledge that today everything closes in on me and this is not accidental: we have passed quite uneasy period of development, we needed to answer uneasy challenges of the time, and I simply had to take everything on myself ...¹

Although many politicians facing the public eye tend to establish a symbiotic relationship between their persona and political stability, there was much

¹ Interview of Islom Karimov, 18 January 2005. Interview conducted by: Victoria Panfilova of *Nezavisimaya Gazeta*. This interview is available in its complete form at: <http://www.press-service.uz/en/gsection.scm?groupId=4656&contentId=6129> (viewed, 03 May 2007).

truth in Karimov's statements and they seem to reflect the sentiment of a great number of Uzbeks. It is not that democratic change is discouraged or its proponents imprisoned, rather Karimov (ostensibly) seeks the governed transition to democracy and not the chaotic 'shock treatments' which were of great popularity in the early 1990's.

Despite resistance to political 'shock treatment,' there is mounting pressure over the upcoming Presidential elections in Uzbekistan. There are some uncertainties about the end of Karimov's term. According to presidential conditions laid out in the Constitution of the Republic of Uzbekistan, his term should have ended on 22 January 2007. That day has come and gone and still Karimov remains convincingly in power. This has not been a major issue in Uzbekistan, although the international community has been monitoring it and increasing pressure on Karimov to step down and make way for other political personalities. With the recent political changes in Kyrgyzstan and Turkmenistan, international attention is beginning to hone in on Uzbekistan as democratic stabilisation there may be contagious and potentially lead to the democratisation of the Central Asian region as a whole.

Much is tied to the political future of Uzbekistan. Whether discussing the on-going process of democratisation, Central and South Asian development and stability, Islamic terrorism, energy security or the prevention of WMD proliferation (Iran), Uzbekistan's significance is growing. While the future is impossible to predict, knowledge of the country, people, history and identity of Uzbekistan will assist in understanding the general trends in the region and how to best cope with them.

Small Scale Successes and Hope in the Horn of Africa

David Rabinowitz

In November 2006, I traveled to Ethiopia to join an international medical mission organized by 'Operation Smile,' a twenty-five year old, non-profit organization, based in Norfolk, Virginia, which provides free *cleft palate* and *cleft lip* surgery to the economically disadvantaged worldwide. Teams consist of plastic surgeons, anesthesiologists, nurses, students, medical record organizers and a range of other professionals and assistants. I had been charged with a photography mission, visually documenting the operation and its participating personalities. All members are volunteers who work arduously, and often welcome the opportunity to do so time and time again.

My sense of awareness had been heightened since the announcement of my deployment to Ethiopia, although the Prague-Addis Ababa flight did not do justice to the great economic disparity occurring 28000 feet below. I arrived several days prior to the commencement of the mission, wanting a chance to explore the city. In spite of the usual reminders of life in the developing world, comfort, safety and security were in plenty. There was little evidence that the Ethiopian armed forces – one of the largest and most professional armies on the African continent – were readying itself for a ‘self-described’ humanitarian intervention in neighboring Somalia. Personal security risks seemed remote, and even the risk of common street crime, (despite sticking out as a rare Caucasian), were small. In a country where a range of different ethnicities, cultures, religions and linguistic communities interact, and where the struggle for basic survival persists, general security was assured. I freely visited large outdoor markets, random shops, and local restaurants, without worry.

One of the first, and most absurd, visions a foreign visitor confronts in Addis Ababa is the abundance of embassies and NGOs. The city is very literally an ‘alphabet soup’ of acronyms and flags of every nation imaginable, all adorned in heavily-guarded structures. With such a great international presence, it is easy to conclude that Addis Ababa is one of the more developed, advanced and prosperous cities in the region, if not on the continent. Well-intentioned aid-workers wonder aloud if there are simply too many actors in the city, and though an excess of aid money and experts seems positive, perhaps it has created a barrier to any real development as the city and its residents have fallen into the trap of dependency.

After all team-members had rendezvoused, we boarded a plane to Jimma, a rural city some 350 km east of Addis Ababa. Jimma is widely known for its (relatively) large university and coffee production. The flight itself was no different from many I have taken in Europe and the US; however the realities of life outside the capital set in immediately after arriving at the small and run-down airport in Jimma, greeted by an assortment of alien sounds and smells. We were housed in one of the larger hotels in town, assured that it was also one of the most advanced. Settling in for an extended stay, we unpacked and began adjusting to fending off insects, digesting local food, and acclimating to the pre-dawn wakeup call provided by the neighborhood mosque conveniently located next to the city bus station directly adjacent to the hotel.

After a number of days into our mission, we began to get a feeling for life in rural Ethiopia. Farm animals and street-children roamed a confusing maze of dusty streets, as heavy trucks and struggling busses drove by. It was hot and dry; clean water was not readily available, and though it was easy enough for us to drink bottled water, the local population bathed and washed in the chemically laden rivers which flowed down through the farmlands to the north.

Once surgery week had begun our interaction with locals from Jimma and the nearby areas increased dramatically. Many who live in the develop-

ing world and witness medical missions swoop down and literally invade their towns, develop a rather standard (though misguided) set of hypotheses. Some, such as the assumption that Western participants are paid, are simply inaccurate. Others are more malicious. For example, some locals believe that Western doctors are deployed throughout Africa to experiment on defenseless, uneducated and exploited locals. Such depictions of NGO assistance are based on mistrust and fear, rather than a means to mobilize locals against the mission. However, with such sentiments swirling around the community at Jimma, there were moments of discomfort, which (fortunately) did not translate into danger or violence.

And yet, what initially began as disdainful skepticism, ultimately translated into curiosity and eventually, hospitality. The rag-clad street-children continuously hounded us with chants of “hey you, you,” in broken English; however, the glances on the streets that had been frightening, lost their coolness. At times, invitations were extended to join roadside table tennis and football matches. Trust was being established, though it was a long and often tense process.

Working alongside volunteers from a wide spectrum of backgrounds; medical students from Ethiopia and Somalia, doctors and nurses from Kenya, and representatives of North America and Western Europe, enhanced the experience tremendously. As much of international society simply waited for another, anticipated medical or humanitarian crisis in this remote part of the world to unfold, I was based in the region, so close and yet so distant from the threat of violence and among people with personal attachments to the region and all its local and international challenges.

The Somali refugee crisis has recently been called one of the most significant humanitarian events, with numbers of those expelled from their homes exceeding parallels in Sudan (Darfur) and Chad. Fortunately, I did not gain any firsthand knowledge of the conflict that precipitated this crisis as I departed from Ethiopia the morning Ethiopian troops crossed into Somalia in late 2006. My first assessment had been that Ethiopia’s military operations would be swift and successful. This proved to be correct, though as soon as the pace of fighting slowed, the real crisis began, with concerns mounting over who would keep the peace, and who would be responsible for regional development.

Ethiopian friends and colleagues reported their thoughts about the situation to me. They were never fearful of a Somali counter-offensive, and were confident that had one been attempted, it would have met stiff resistance and been repelled well before reaching significant urban areas. In all, like most Ethiopians (among others throughout international society), my friends were grateful that a radical Islamic party and paramilitary organization had been forced to abandon their positions, paving the way for Ethiopian administration of Somalia. Most people I questioned were hopeful that Ethiopia’s interven-

tion could open a window of opportunity for peace, development and responsible governance in the region.

Six months after departing Ethiopia, little progress has been made after what was at first glance, seen as a resounding victory. The threat of radical Islam invading from Somalia may have diminished, but the greater challenge of rebuilding a region which still requires much material and human resources to break out of the cycle of violence, crime and corruption must still be addressed. Viewing the situation through a wide-angled lens only reveals problems, hardships and despair. Focusing in for a closer look can, however, reveal some hope.

People are generally more resilient and retain greater endurance than it often seems. The stubborn intrinsic human maintenance of hope and faith – two idealized but crucial conceptions – survive in even the harshest conditions. A Sudanese man who brought his sister from their refugee camp (some several hundred kilometers away) to our hospital hoped that, despite living nearly his entire life on rations and promises, the quality of life could improve. Similarly, another family which traveled hundreds of kilometers, was lured by the promise of a life-changing surgery for their child, had faith in the kindness of strangers.

East Africa is a dynamic, difficult, and at times violently unstable place, with a range of seemingly insurmountable challenges which plague much of the developing world. However, after the 2006 mission, life has been greatly improved for more than one hundred Ethiopian children. A year prior, they were shunned and excluded from local social life on account of the birth deformation. Currently, they reveal their faces, unhidden and without shame. What will happen as the region faces new challenges while still struggling to deal with more antiquated ones (primarily related to survival hinged on resource distribution), is difficult to answer. There is no quick and easy solution, but it is not difficult to contribute and making a difference, even a small one, is possible.

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