

Journal of
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CHAN**

*Director-General,
World Health Organization*

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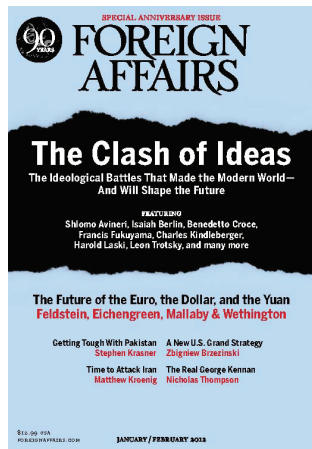
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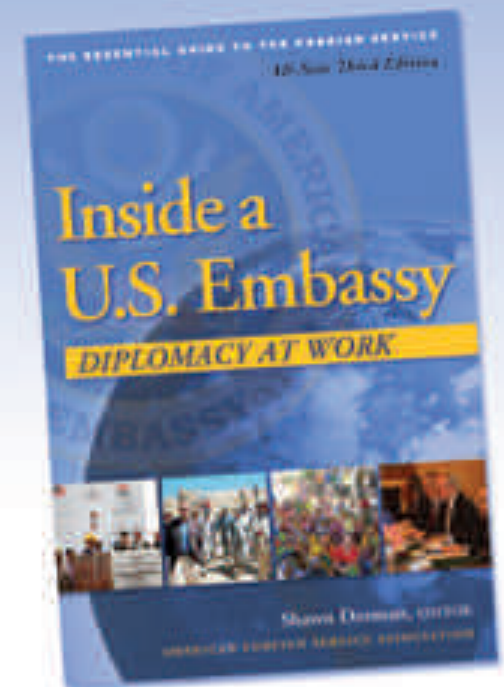
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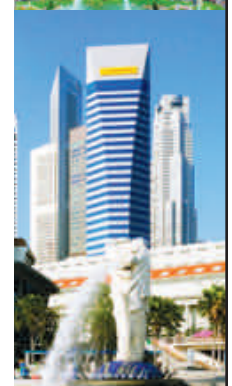
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LETTER FROM THE EDITOR

Dear Reader,

It is my distinct pleasure to present the fourteenth edition of the Sigma Iota Rho (SIR) *Journal of International Relations*. This edition, I believe, marks the completion of an exceptional year for the Executive Board. We have greatly increased the quality of articles published while expanding the *Journal's* national presence. Furthermore, we have revamped SIRJOURNAL.org with a new, modernized platform that features timely book reviews and op-ed pieces.

For the first time in the *Journal's* history, we are honored to feature a leading *female* voice in the global community, Dr. Margaret Chan. As Director-General of the World Health Organization, she has shown remarkable political dexterity and a marked sense of moral clarity when addressing various health issues around the globe. In her article, Dr. Chan examines the global crises of 2011 within the context of social inequality and offers an insightful perspective on the interplay of economic prosperity and health.

The articles selected in this issue provide original analysis of some of the most pressing issues and debates within the discipline of international relations. Noah Rosenthal uses statistical methodologies to examine the efficacy of media depictions on the Eurozone's core-periphery structure. Andrew Heinrich draws on theoretical approaches to provide a comprehensive study of the motivations behind US disaster relief aid in light of the 2010 Haiti Earthquake. Additionally, James Mao provides a fascinating portrait of the Israeli government's behavior during the Second Lebanon War. Altogether, the diversity of these outstanding contributions demonstrates the expanded scope of the international system today.

I would like to thank the University of Pennsylvania's Student Activities Council and our sponsors for their generous support of the *Journal*. Specifically, I would also like to thank Executive Director Leigh Sloane for coordinating communication amongst the APSIA members. Additionally, I would like to express my gratitude to Dr. Frank Plantan (President of SIR), Ms. Donna Shuler (Administrative Director of SIR), and Dr. James McGann (Faculty Advisor to the *Journal*) for their invaluable guidance and assistance. Most of all, I am grateful to my fellow Board members and Associate Editors for their superb efforts and dedication, without which this edition would not have been possible.

Sincerely,



Adine Mitrani
Editor-in-Chief, *Journal of International Relations*

LETTER FROM THE PRESIDENT

Dear Reader,

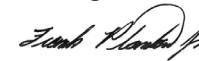
One of great ironies of our work is that in the age of the sound bite, "tweets," and instant analysis from talking heads, there has never been a greater need for empirical research and thoughtful analysis. Young scholars who develop the habit of mind to see snarky put-downs, swarmy know-it-all rejection, and aloof disregard as vastly different from legitimate critique, questioning of assumptions, and debate over facts (or what constitutes a fact) will find their skills in high demand in the marketplace. They will also help elevate the public debate in an increasingly complex and fast-paced world where the interrelatedness of issues and the ripple effects of decisions and actions in one area of the world can have far-reaching and unintended consequences. The contributors to this volume and the young professionals that edit and produce it give me hope that the future will in fact be in good hands.

The best and the brightest students of international relations and international studies—the very people who become members of Sigma Iota Rho—contend with the challenges of working and living in a multi-polar world and a growing diversity of issues in the environment, human rights, ethnic and religious conflict, and the international political economy. By comparison, leaders in the Cold War and Vietnam War era profiled in David Halberstam's original "Best and the Brightest" confronted a world that centered on geopolitics. Having Dr. Margaret Chan, Director-General of the World Health Organization as our headliner this year underscores the continually changing dynamics of the field and the relationship of core issues of international affairs—security, development, terrorism, and human development.

I leave the thank you's for all who contributed to the journal's publication this year to our Editor-in-Chief, Adine Mitrani, but want to acknowledge her hard work and leadership in moving the journal to the next stage in its development. Adine grew into this role over the years. She started as an Associate Editor peer reviewing, moved on to copy editing, and then served as editor-at-large last year. Jon Diamond has pushed the digital version of the *Journal* and its website forward this year as well, for which I am grateful. Both editors had the support of strong, creative, and committed editorial boards. Dr. James McGann kept them all on schedule and continued to strengthen our relationships with APSIA and its members schools—all of whom help make the journal financially viable and a success.

Finally, I once again urge all members of Sigma Iota Rho and the Chapter Faculty Advisors to keep our mission to promote international studies and understanding throughout the campus and community at the forefront of our teaching and research. We are the counterpoint to those who try to reduce the complexity of international transactions, diplomacy and international security, and cross-cultural engagement to sound bites and tweets and polarizing political rhetoric. I hope that you enjoy this year's edition of the *Journal* and that it inspires you to engage with your studies and your work in a way that, in the end, makes the world a better place in which to live.

Best regards,



Frank Plantan
President, Sigma Iota Rho

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Advancing European Health Amidst Global Crises

BY DR. MARGARET CHAN
DIRECTOR-GENERAL, WORLD HEALTH ORGANIZATION

In a season of broken promises, a winter of discontent, can the values and principles of public health change the way the world works? While she has no such illusions, Dr. Chan retains her optimism. In recent years, WHO has been managing internationally shared health threats through new instruments for good global governance.

This year could go down in history as the time when the quest for greater social equality became a mass-media story and a high-level political imperative. At the start of 2011, the events in the Middle East grabbed world attention. Social media amplified this attention into mega-publicity, and ultimately, the face of the Middle East changed. The initial uprisings coincided with the World Economic Forum in Davos, where I heard speech after speech attributing this unrest to inequality, especially inequality in income levels and opportunities, most notably for the youth. As the Executive Chairman of the World Economic Forum concluded, “Greater social equality must become the new economic and political imperative for a stable and secure world.” Others noted that the uprisings were not just an Arab thing, or an Arab problem; they were symptoms of a deep-seated social malaise that had spread nearly everywhere, like a dense fog. That proved true, as seen in social unrest, protests, and strikes in many other regions, including Europe. Additionally, the Occupy Wall Street movement, a protest against financial inequality, quickly spread to thousands of cities around the world.

In one sense, this high-level and sustained attention to social equality should please

all of us. WHO and its Member States have long been concerned about equity, fairness, and social justice, as well as the interplay between social conditions and health outcomes. Moreover, the Millennium Declaration and its Goals are all about fairness and social justice. As stated in the Declaration: “The central challenge we face today is to ensure that globalization becomes a positive force for all the world’s people. Those who suffer or who benefit least deserve help from those who benefit most.” This was a noble and inspiring social contract, and I fully agree with its ambition. In my view, the net result of policies, in all aspects of government and in all systems governing international relations, should be to reduce misery and improve the quality of life for as many people as possible. Greater equity in the health status of populations, within and between countries, should be regarded as a key measure of how we, as a civilized society, are making progress.

In reality, this year’s welcome attention to social equality has its roots in some ominous trends. They seemed to explode this year in unprecedented disasters, disruption, turmoil, and humanitarian crises. This year has seen more than its share of natural disasters, including droughts, floods, a tsunami, and a related nuclear accident, unprecedented hunger and starvation in the Horn of Africa, unprecedented financial losses, especially for the middle classes, and unprecedented challenges facing disaster relief and humanitarian aid in dangerous parts of the world. Additionally, the protests that toppled some governments in the Middle East were quests for democratic and economic reforms—not handouts and empty promises. Protesters sought basic human rights, dignity, and chances to get jobs with wages on which they can live. While staging their demonstrations, they were not easily appeased. Overall, this is understandable. In some of these countries, GDP has grown steadily, year after year, while increasingly more people fell below the poverty line, year after year.

This is inequality.

The Occupy Wall Street movement has been described as a protest against the practices of large corporations and financial institutions that brought misery to the lives of ordinary people. The movement’s main purpose is to seek economic justice and a restoration of balance to society. Such discontent, such widespread social malaise, is deeply disturbing and pleases none of us. It tells us our world is in a mess, and that we made much of this mess all by ourselves. Furthermore, it signifies that we are living in a world beset by one global crisis after another. We are living in a season, a winter season, of broken promises, a winter of discontent. This is not a plague of locusts, but a plague of broken promises, when social contracts, that sense of responsibility, if not duty, to serve society’s best interests, vanished into thin air.

Differences, within and between countries, in income levels, opportunities, and health outcomes are greater today than at any time in recent history. The difference in life expectancy between the richest and poorest countries now exceeds 40 years. Annual government expenditure on health varies from as little as \$1 per person to

nearly \$7,000. In short, our world is dangerously out of balance. This is clearly an unhealthy condition, for people, but also for economic prospects, for world stability, and security. Thus, that noble social contract, set out in the Millennium Declaration at the start of this century, has been broken. The people who deserve help are instead receiving more misery. Countries are losing their middle classes, the very foundation of a democratic society and of economic prosperity. Furthermore, a new statistic emerged this year, where in some countries, the difference in the quality of life between the older generation and today's youth is the greatest ever recorded. In some places, young people who get married today cannot even afford to live together. The man has to go back to live with his family and the woman does the same as both struggle to find scarce moments of privacy. What world are we living in?

Globalization was not, after all, the rising tide that would lift all boats. Instead, it tended to lift the bigger boats and swamp or sink many smaller ones. Specifically, trade liberalization was put forward as the sure route to prosperity for the developing world. In reality, though, it is economic suicide to ask a country with an immature economy to open itself to global competition. While China and India have lifted many millions of their people out of poverty, they liberalized trade only after their own economies were mature. Interestingly, in the Americas, the country with the most liberal trade policies is Haiti. The international banks encouraged debt-ridden countries to reduce spending on social services, resulting in sharp cuts in publically-financed health services. Market forces, we were told, would then operate to expand coverage. Yet, this never happened; instead, coverage shrank, as did the overall use of health services and essential preventive care. Although user fees were put forward as a way to recover costs and reduce the overconsumption of care, this failed to occur as well. Rather, user fees punished the poor. Numerous countries watched their government-run health services fall into disarray, forcing impoverished people to pay private practitioners high fees for routine care, while the best care and services were reserved for the privileged few.

This is inequality.

Through all these troubled times, through all these broken promises, Europe appeared smarter than the rest of the world, somehow shielded by their social policies. In 2009, an article in *Foreign Affairs* advised affluent countries to learn a lesson from European democracy. As stated: "A generous well-designed welfare state is not the enemy of globalization. Instead, it is the saviour." And now this saviour is itself at risk as European governments grapple with a severe debt crisis and public finances for social services, including health and education, continue to shrink.

The fuel, food, and financial crises of 2008 proved highly contagious in a world of radically increased interdependence and connectivity. They were also profoundly unfair, adversely affecting countries that had nothing to do with the causes. Additionally, the financial crisis, in particular, hit the world like a sudden jolt, turning it from an

outlook of prosperity to one of austerity almost overnight. Governance became a hotly debated issue. Analysts cited failures of governance, corporate responsibility, and risk management at every level of the financial system. That system had run wild, cut off from any obligation to society, from any concern about the impact of reckless practices on the lives of ordinary people. That impact has meant a loss of the homes people owned, the jobs they held, the savings they put aside, their hopes for a better life for their children, and their willingness to work hard to make those hopes a reality. The philosophy that greed is good had a quick payback for the privileged few but a very heavy bill for everyone else. As the world learned, corporate profits and economic growth were not, after all, the be-all, end-all, and cure-for-all.

I am fully aware of the close links between economic prosperity and good health, as set out in the 2008 Tallinn Charter on health systems for health and wealth. A market-based economy is still the best way to lift people out of poverty and improve their health status, such as in Brazil, China, and India. But one thing is now crystal clear: market forces do not solve social problems. This is the essence of the mess. The international systems that govern financial markets, trade, and business create multiple benefits as they maintain rules for engagement. However, they have no rules that guarantee the fair distribution of these benefits; equity is almost never an explicit policy objective in the way these systems operate. The Washington Consensus of 1989, which largely failed, set out economic policy prescriptions as a standard "reform package" for debt-ridden developing countries. According to the principal author, the notion of making equity a policy objective was regarded, at that time, with "contempt".

In 2008, when the financial crisis shook the world, at least one report from economists singled out WHO as one of the few agencies producing broadly accepted instruments for good global governance that address social concerns. I am proud of this, not as a tribute to the effectiveness of WHO, but as a sign of the genuine high priority given to health issues, and the collective will of WHO Member States to compromise, even to give up a little of their national sovereignty, in return for collective security against shared threats. Moreover, public health has vast experience in the management of risks. We do this so well, in fact, that much of our work is invisible until something terrible goes wrong. Risk management is part of the core business of safeguarding public health, whether from surprises delivered by the volatile microbial world or health threats arising from the globalization of unhealthy lifestyles. Since the start of this century, WHO and its Member States have been managing internationally shared health risks through the development of new global governance regimens. We have the WHO Framework Convention on Tobacco Control, the first international health treaty negotiated under the auspices of WHO, and one of the most widely-embraced treaties in the history of the United Nations. Additionally, we have the International Health Regulations, revised after the SARS outbreak of 2003. They move from a passive, reactive response to outbreaks at borders and points of entry, to a proactive response aimed at snuffing out a threat at source, before it has a chance to spread internationally.

WHO Member States also agreed on a global strategy and plan of action that tackles the need to manage intellectual property rights in fair ways—fair for industry, but also for public health. We have agreed guidelines for addressing the marketing of unhealthy foods and beverages to children. And we have a new framework that sets out obligations for the sharing of influenza viruses and of resulting benefits, like medicines and vaccines, during an influenza pandemic. This is the newest governance instrument, approved by the World Health Assembly this May. The negotiations behind the framework were the most intense and potentially explosive that I have ever witnessed during my 35 years in public health. Although they dragged on for nearly five years, the spirit of consensus and fair play eventually won, and we got a square deal for everyone, including the pharmaceutical industry.

These new governance regimes tell us that countries really want collective security against shared threats. They want risks to be proactively managed, with an emphasis on prevention. They want rules of proper conduct, with clearly assigned responsibilities, and they want fairness, a square deal for everyone. Should negotiations about marketing practices, intellectual property rights, and issues of international trade be undertaken by a health agency like WHO? Probably not. But these negotiations came to WHO at the express request, even insistence, of our Member States. Countries are increasingly suspicious that the rules of the international system are rigged to favor those who are already rich and powerful, that decisions will be made with little regard for their impacts on the lives of poorer populations and their prospects for socioeconomic development, that health and development will be neglected—but never by WHO. The success of these new regimes for global health governance stands out in the midst of multiple failures. World trade negotiations continue to break down over issues that seem to defy agreement, no matter what economic gain is ultimately at stake. In fact, the Kyoto treaty on climate change is said to be on life support until it expires next year. Additionally, agreement among G-20 countries seems increasingly elusive, leading some to suggest that we live in a G-zero world, with no great powers truly in charge. This is a sign, others suggest, that the world's traditional leaders have lost their intellectual and moral authority. Some ask: has the world lost its collective mind? Others agree: it has certainly veered off course.

Can the values and principles of public health change the way this world works? Is this what I am suggesting? Of course not. After nearly five years in my job, I have no illusions. But I do retain my optimism. I am convinced that WHO, its multiple partners, and individual countries can keep up the striking momentum for better health that marked the start of this century. And in the process we will do a tremendous amount of good for humanity, especially for those “who suffer or who benefit least.” As I just asked: can we keep up the momentum? This is a question now facing European countries as they likewise ask: Can we maintain this region's outstandingly high quality of life in the face of a changing climate, more frequent extreme weather events, soaring health care costs, rising public expectations for care, shrinking health budgets,

and a generation of baby-boomers now entering retirement? Of course we can.

We can do so through two main routes. First, health programmes must shift to thrift. They must demonstrate value for money. They must show a thirst for efficiency and an intolerance of waste. There are many models for doing so, including last year's World Health Report on health financing. Second, we need to do much more to stimulate innovation, but the right kind of innovation—innovation with a social purpose. The EC's flagship Innovation Union initiative addresses many of the questions I have just raised. The Innovation Convention gives us a clear conclusion: “Innovation is the only answer”. Innovation does the most good when it brings clear social benefits and ensures that these benefits are evenly and fairly shared. If we have learned anything from the turmoil of the past few years, it should be this. Innovation must respond to societal needs and concerns, and not be driven by greed.

This year, CHES has focused debates and discussions on broad-based ways to promote active and healthy aging, including the role of innovative technology in supporting this goal. Everyone wants to find ways to keep older people healthy, active, contributing to society, and living at home for as long as possible. Overall, everyone wants to see grey power grow. I am pleased to announce that WHO and the European Union are right now exploring ways to join forces to harness innovation for active and healthy aging. I regard the challenge to Europe's scientists, academics, industries, and business to innovate as an immense opportunity and a highly interesting one, as the tables are now turned. In forging ahead to care for its elderly, Europe will need to define the best innovations in terms of their ability to reduce costs and simplify care while also promoting health and postponing or assisting disability. European leaders in public health have frequently been trail blazers, the first to tackle difficult problems that looked like luxury items on the health agenda, yet later proved of universal concern. This has been true for the link between lifestyles and health, the social determinants of health, the health of migrants, the health effects of unemployment, the environment as a source of health threats, and, most recently, the need to strengthen health systems while finding ways to finance universal access to care. Europe was way ahead of the rest of the world on all of these issues.

Medicine is one of the few areas of commercial activity where new technologies, like the next generation of antibiotics, a new vaccine, or a new medical device, are nearly always more sophisticated and much more costly. This is certainly not the case with other areas of technology, like flat-screen TVs, airline prices, or computers, where devices become increasingly easy to use and cheaper to buy. Just last month, a study concluded that technologies for the treatment of cancer now carry costs that are unsustainable, even in the wealthiest societies. In its drive to extend essential care to poor people living in poor places, public health has long sought to simplify technologies, so they can be used in households or by non-specialized health staff, and cut the costs, with no compromise of safety, quality, or efficacy. Europe needs to do something similar as it seeks ways to keep its greying population healthy and

active. This calls for a shift to thrift and simplicity, as well as effectiveness. In doing so, we will be finding solutions that may likewise serve the developing world well, again in a trail-blazing way.

In reality, the MDGs are a corrective strategy. With their overarching objective of poverty reduction, they aim to introduce a greater sense of balance into this lopsided world. They aim to compensate for international systems that create benefits, yet have no concern about the fair distribution of these benefits or the impact of their policies on the lives of ordinary people. This world will not become a fair place for health all by itself. Health systems will not automatically gravitate towards greater equity or naturally evolve towards universal coverage. Economic decisions within a country will not automatically protect the poor or promote their health. Globalization will not self-regulate in ways that ensure fair distribution of benefits. International trade agreements will not, by themselves, guarantee food security, or job security, or health security, or access to affordable medicines. All of these outcomes require deliberate policy decisions. Indeed, fairness will come only from the top, when greater social equality really does become the new economic and political imperative for a stable and secure world.

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The Human Right to H₂O: Human Rights in the Debate Over Water

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ABSTRACT

Debates over water privatization are often framed in terms of clean-cut oppositions: “Public versus private,” “human need versus corporate greed,” “water for life, not for profit.” Movements against water privatization have brought together diverse coalitions and groups and have become emblematic of conflicts over larger issues, including globalization, self-representation and democracy, and the commodification of natural resources. Yet advocates of both public and private provision of water services have argued for the morality of their stance. The recognition of the human right to water has become a valuable tool for activists opposed to privatization, yet visions often differ over what this right entails. This paper explores the complexities of applying the human rights framework to address access to water. In order to ensure water access for all, the human right to water must extend past aspirational state responsibilities and uphold the important role of communities of water users in water resource management.

Debates over water privatization are often framed in terms of clean-cut oppositions: “Public versus private,” “human need versus corporate greed,” “water for life, not for profit.” The movements surrounding water privatization have brought together diverse coalitions and groups and have become emblematic of conflicts over larger issues. The debate is based on a clash between two distinct world views: Proponents of privatization argue that treating water as an economic good is essential to its efficient distribution, and point to government failures as a moral imperative to allow market

forces to control water instead. Opponents of privatization argue that government is the more equitable distributor of water, that attaching a market-determined price to water can make water unaffordable for the poorest people, and that water must be protected as a universal human right.

The seemingly clear-cut theoretical debate over water privatization becomes more complex when dealing with its real-life implementation. The assertion of the human right to water has become a valuable tool for activists opposed to privatization, yet visions often differ over what the human right to water entails. This paper explores the complexities of applying the human rights framework to address access to water. In order to ensure water access for all, the human right to water must extend past aspirational state responsibilities and uphold the important role of communities of water users in water resource management.

DEFINING WATER PRIVATIZATION

The issue of water privatization goes far deeper than the struggle between the public sphere, the government, and the private sphere, corporations. In its narrowest sense, privatization is a state’s selling of its assets to a private company, along with all of the maintenance, planning, and operational responsibilities that accompany it. In fact, most water privatization schemes do not involve the transfer of state assets, but rather the transfer of operational and managerial functions to private companies. These institutional arrangements are still a form of privatization and are often known as “private sector partnerships” or “public-private partnerships” (PPPs). These PPPs can range from small operations, impacting local towns and villages, to large multinational companies, managing water for massive cities. While water privatization debates often center around large corporations such as Suez, Vivendi, RWE Thames, and Betchel, a plethora of smaller firms exhibiting a “creeping” form of privatization have proven to be increasingly influential. In addition, water can become “commodified” even if municipal water supplies remain under government control and operation, as public water systems may be run like private businesses.¹

Some also apply the term “private” towards community groups, religious groups, nongovernmental organizations, and other non-state actors who are involved with the distribution of water. These groups can also be significant arbiters over water distribution issues, though states abdicate their responsibilities to provide access to water when they transfer the responsibilities of water resource management onto these individuals or groups.² Privatization is thus not an “either/or” issue – *either* public, government-owned water *or* water owned by a corporation – but often

¹ David A. McDonald and Greg Ruiters, “Theorizing Water Privatization in Southern Africa,” In *The Age of Commodity: Water Privatization in Southern Africa*, ed. David A. McDonald and Greg Ruiters (London: Earthscan, 2005): 23.

² *Ibid.*, 15.

involves a gradient of forms that privatization may take.³

DEFINING THE HUMAN RIGHT TO WATER

While the human right to water may seem self-evident, none of the primary United Nations (UN) human rights conventions articulates it.⁴ Only two provisions from UN conventions on human rights mention the right to water: the Convention on the Rights of the Child (see Article 24) and the Convention on the Elimination of All Forms of Discrimination Against Women (see Article 14).⁵ Nonetheless, several recently adopted international instruments, especially by UN bodies, have firmly acknowledged the right to water. The UN Committee on Economic, Social, and Cultural Rights (UNCESCR) adopted General Comment No. 15 in 2002. General Comment No. 15 “provides that the right to water entitles everyone to ‘sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses’ and ‘access to adequate sanitation.’” It specifies that state parties have a core obligation to ensure “the satisfaction of, at the very least, minimum essential levels’ in the provision of water services.”⁶ The UNCESCR contains rights considered “aspirational” rights, to be realized progressively. Still, states can enact some measures towards the right to water immediately, such as the implementation of a concrete action plan.⁷

Governments have approached the human right to water from a variety of angles. While some governments, like South Africa, have explicitly acknowledged the human right to water, many governments and international declarations have chosen to emphasize a state’s obligation to provide water services for the population. This is likely because they understand that “the realization of economic and social rights is inherently progressive and that an assessment of their violation cannot be made on the basis of the same criteria in force for civil and political rights.”⁸ Whereas economic and social rights are framed in terms of longer-term targets, civil and political rights require immediate and full realization. Acknowledging an individual human right to water would require the state to fulfill a more concrete set of obligations to the poor, which is not always within the state’s economic capacity.⁹

3 Ibid., 14-15.

4 Karen Bakker, *Privatizing Water: Governance Failure and the World’s Urban Water Crisis* (Ithaca: Cornell University Press, 2010): 136.

5 Ibid., 248.

6 Alix Gowlland Gualtieri, “International human rights aspects of water law reforms.” In *Water Law for the Twenty-First Century: National and International Aspects of Water Law Reform in India*, ed. Philippe Cullet, Alix Gowlland Gualtieri, Roopa Madhav and Usha Ramanathan (New York: Routledge, 2010): 242.

7 Ibid., 242.

8 Andrés Olleta, “An overview of common trends in the water legislation of selected jurisdictions,” In *Water Law for the Twenty-First Century: National and International Aspects of Water Law Reform in India*, ed. Philippe Cullet, Alix Gowlland Gualtieri, Roopa Madhav and Usha Ramanathan (New York: Routledge, 2010): 14.

9 Ibid., 14.

Precisely defining the human right to water, however, has proven difficult. The definition provided under UN General Comment No. 15 leaves open several important questions, the first of which is the quantity of water necessary to fulfill the human right to water.¹⁰ The World Health Organization (WHO) has attempted to address this question. The WHO has stated that a minimum of twenty liters per person per day is necessary for survival, fifty liters is required for personal and domestic needs such as bathing, and one hundred liters is the optimal total level. However neither these estimates nor the UN committee’s definition discusses water use for a variety of other activities that compete in areas where water is scarce, including farming and food production, industrial production, and environmental protection.¹¹

The second issue left open by the UN definition relates to the price of water, which remains a topic of contention. Some believe that water should be free of charge for everyone. Many, including the UN Council, state that water must be “affordable,” which is a subjective measure. Others, particularly some proponents of privatization, believe that water should be priced at its full market value.¹² These questions do not even begin to address the role of the private sector or of public-private partnerships in the provision of water. Even before its implementation, defining the human right to water comes up against many challenges.

IS WATER A COMMODITY?

A key issue in debates over water privatization concerns the economic nature and value of water. Essentially, experts disagree over whether water should be treated as a commodity or as a public good. Competing visions over the best means of natural resource distribution are at the root of the discussion. Proponents of privatization believe that market forces will best distribute water, whereas the state will do so relatively inefficiently. They argue that treating water as a market good like any other will protect it from the issues of waste and corruption that typically plague public goods.¹³ These people advocate “free market environmentalism,” an approach to resource regulation “that offers hope of a virtuous fusion of economic growth, efficiency, and environmental conservation.”¹⁴ According to this view, free markets are the answer to environmental issues.

On the other hand, opponents of privatization cite fundamental conflicts between corporate and market interests and the needs of the public. They reject the claim that the marketization of water will lead to better distribution or a better-functioning system,

10 The UN General Comment No. 15 defines the human right to water as follows: “the human right to water entails everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.” Bakker, *Privatizing Water*, 148.

11 Ibid.

12 Ibid.

13 McDonald and Ruiters, “Theorizing Water Privatization,” 20.

14 Bakker, *Privatizing Water*, 5.

claiming that water privatization raises issues of accountability and transparency. According to these critics, corporate responsibility towards shareholders is a poor substitute for the accountability of political representatives to their constituents.¹⁵ As such, investor-state discussions are not impartial, for they often involve an investor with a significant financial interest in privatization and may include pressuring governments through measures such as conditioning loans upon privatization. Further, international investors may be more difficult to hold accountable, as they are largely free of the safeguards that exist in domestic courts.

In addition, transparency, an essential component of democratic governance, may be lacking in investor-state arbitration. Foreign investors are often given privileged positions that allow them to negotiate with governments on issues of public interest without full visibility. Opponents to water privatization argue that corporations lack the mechanisms that define the democratic process, thereby disrupting that process by means of their interference.¹⁶

Many proponents of the human right to water acknowledge that water holds some kind of economic value, or that unlimited water should perhaps not be available to all for free. Yet the conceptualization of water as a private, rival, excludable good has consequences that are unacceptable in the assertion of the universal right to water for all.

HUMAN RIGHTS AND RESISTANCE TO PRIVATIZATION

The human rights approach to privatization emerged in the 1990s as part of a broader surge of demands for a “human rights-based” approach to development.¹⁷ It has come to encompass a stunning variety of coalitions. Environmental groups, women’s groups, antipoverty groups, religious groups, trade groups, and union groups are only a few examples of parties that have worked together to resist privatization. These coalitions have created movements on the global as well as the local level. These groups argue that everyone should have a stake in the distribution of water.

Advocates of the human right to water argue that water is central to an array of specific, yet related, human rights concerns. In addition to the right to life and the right to health, water is a fundamental precondition for the enjoyment of other rights, including “the rights to education, housing, health, life, work and protection against cruel, inhuman or degrading treatment or punishment. It is also a crucial element to ensure gender equality and to eradicate discrimination.”¹⁸

15 Ibid., 138.

16 Miguel Solanes and Andrei Jouravlev, “Revisiting privatization, foreign investment, international arbitration, and water” (Santiago, Chile: United Nations, 2007): 12-13.

17 Bakker, *Privatizing Water*, 136.

18 United Nations, “Fact Sheet No. 35,” *Human Rights Fact Sheet* series, 12.

The human right to water often most strongly affects the most marginalized groups in society. The urban and rural poor frequently lack access to clean and safe water. Since women and children do most of the water collecting, a lack of available water often affects women most strongly, and can also take a toll on children’s school attendance. Children are also particularly vulnerable to water-borne illnesses. Similarly, the physical accessibility of water could affect persons with disabilities particularly significantly. Refugees and internally displaced persons are also often subject to conditions lacking basic sanitation needs.¹⁹

The human right to water is often vital to the protection of indigenous peoples, as water frequently plays a central role in the traditions, culture, and institutions of these groups. Perhaps more significantly, access to safe drinking water is closely linked with their control over their lands, territories, and resources.²⁰ Historical or traditional claims to water may heighten the right to receive clean and safe water. The right to water may encompass a right to cultural survival and a cultural heritage. Oftentimes, the rights of indigenous peoples have not been codified, but the special situations of indigenous peoples have been recognized in international human rights documents.²¹

In many instances, local protests against water privatization have been successful. Large-scale protests around the world have encouraged the rejection or cancellation of private sector participation contracts. Movements in Cochabamba, Bolivia; Stockton, United States; and Tucumán, Argentina, among others, are notable examples.²² Still, local efforts to resist water privatization are met with continued opposition. In one case, over a period of several years, Ghana was pressured to privatize its water supply through conditions placed on loans from the World Bank, despite a surge of local opposition.²³

HUMAN RIGHTS AND CAMPAIGNS FOR PRIVATIZATION

So far, opponents of privatization do not have a monopoly on human rights rhetoric. Several key UN agencies “envisage a significant role for private sector water providers” in striving to reach World Bank Millennium Development Goals concerning water and sanitation. Corporations and international financial institutions have also publicly espoused the human right to water. McIntyre writes:

It is telling that the World Panel on Financing Water Infrastructure, which

19 Ibid., 17-23.

20 Ibid., 23-24.

21 Solanes and Jouravlev, “Revisiting privatization,” 57.

22 Bakker, *Privatizing Water*, 142.

23 Rudolf Nsorwine Amenga-Etego and Sara Grusky, “The New Face of Conditionality: The World Bank and Water Privatization in Ghana,” in *The Age of Commodity: Water Privatization in Southern Africa*, ed. David A. McDonald and Greg Ruiters (London and Sterling, VA: Earthscan, 2005): 275.

was convened by the UN Secretary General, chaired by Michel Camdessus, a former Managing Director of the International Monetary Fund, and made up of representatives of the international financial institutions, banks and businesses involved in funding private investments in the water sector, adopted a report providing unqualified support for the existence of the right to water.²⁴

In addition, the CEOs of leading water multinationals Suez and Véolia, “have expressly recognized the universal nature of the right of access to water.”²⁵

The United Nations does not preclude private sector involvement in water distribution. According to the United Nations, states have the obligation to “respect, protect, and fulfill” the human right to water.²⁶ The obligation to respect “requires States to refrain from interfering directly or indirectly with the enjoyment of the right to water,” the obligation to protect “requires States to prevent third parties from interfering with the right to water,” and the obligation to fulfill “requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to fully realize the right to water.”²⁷ These obligations do not preclude private sector involvement in the distribution of water. However, “States must put in place an effective regulatory framework which includes independent monitoring, genuine public participation and penalties for non-compliance . . . before delegating the provision of safe drinking water and sanitation.”²⁸

Policy reforms to domestic water distribution have sought to further involve the private sector in order to increase efficiency. It is clear that emphasis on the human right to water has not simply arisen in opposition to the privatization trend. Rather, privatization has in many instances been encouraged as a means of more efficiently fulfilling that right.²⁹

STRENGTHS AND CRITICISM OF THE HUMAN RIGHTS APPROACH TO WATER

While supporters of the human rights framework see its application as an essential component of ensuring universal access to water, others are more skeptical of the rights-based approach. Supporters of the human right to water say that to strengthen its basis in international law will provide new legal avenues for people to hold their states accountable for the responsibility to fulfill basic water needs. Additionally, the

24 Owen McIntyre, “Water Services Privatisation and Recognition of the Human Right to Water in International Investment Law – Finding Fertile Ground in Unlikely Places,” in *Global Justice and Sustainable Development*, ed. Duncan French (The Netherlands: Nijhoff, 2010): 208.

25 Ibid.

26 UN Fact Sheet, 27.

27 Ibid., 27-28.

28 Ibid., 35.

29 Gualtieri, “International Human Rights,” 237.

human right to water would provide stronger protection against state abdication of the responsibility to provide water than does the current broadly-understood designation of water as an “essential service.” With access to water defined as a human right, states would have to create specific plans and targets to fulfill the responsibility of providing water for all. Third, the human right to water would provide a basic standard for the affordability and accessibility of water and set state accountability measures that might serve to limit the involvement of the private sector.

Opponents of a clearly defined human right to water say that the right is difficult to implement. Critics of the rights-based approach to development argue that it emphasizes the self-evident and insists on tackling all issues at once. Meanwhile, it does not fully address the complications involved in the process. Others believe that targeting efficiency through markets will meet people’s needs better than rights-based approaches.

Even opponents of water privatization sometimes see the shortcomings of the human rights approach. The current understanding of the UN and other groups of the human right to water does not necessarily omit the possibility of involvement by the private sector. Human rights rhetoric may not result in a material change to the status quo. Environmental critics of the human rights approach say that a human right to water may not address the importance of preserving the hydrological systems and ecosystems upon which humans and other life forms depend. Opponents also say that with its emphasis on the state responsibility to provide water, approaches involving the liberal human rights framework may override existing systems of group water management that are not recognized by the state. The UN definition, for example, stops short of protecting the rights of groups over their water supplies. These criticisms suggest that while the assertion of a human right to water may be vital in the aspiration towards the just distribution of water resources, the human rights rhetoric alone may not translate into the full protection of human interests.³⁰

THE CASE OF SOUTH AFRICA: THE RIGHT TO WATER AMID PERSISTENT INEQUALITY

A careful look at South Africa’s efforts to improve water distribution highlights the complications raised when applying the human right to water to such attempts. South Africa is one of a small handful of countries that has officially recognized the human right to water, enshrining the right in its post-Apartheid constitution in 1994. However, despite various strategic approaches, access to water in South Africa remains unequal along racial and socioeconomic lines, and public protests over water policy have raged for the past decade.³¹

In the early 1990s, the new South African government became demonstrably pro-

30 Bakker, *Privatizing Water*, 149-152.

31 Ibid., 152.

marketization and pro-privatization. The African National Congress announced its legislative commitment to water commercialization and privatization in 1994 with the adoption of the Water Services Policy. This was the first legally binding statement from the post-apartheid government that stated that water delivery was going to be private sector-friendly. More legislation followed, such as the Water Services Act of 1997 and the National Water Act of 1998, which opened the door further for private sector involvement in water service delivery.³² The African National Congress has supported the creation of a system that has full cost recovery as its goal. It has attempted to temper cost obstacles for the poor with progressive measures, including a limited amount of free water (with exorbitant fines for use past that amount). However, the extent to which these measures have actually been implemented and their efficacy in improving quality of life remain topics of heated debate.³³

Water privatization in the region of southern Africa has been both a product of pressure from international giants such as the World Bank, the IMF, bilateral funding agencies, and regional development banks, and also of the ideological commitment of politicians and bureaucrats to the marketization approach.³⁴ The opposition to privatization is composed of a dispersed and often underfunded network of individuals and anti-privatization groups. These groups have obtained potentially significant government concessions and have been hugely successful at slowing the rate of water cutoffs and household evictions due to unpaid water bills. However, even massive community resistance must work with far fewer resources than the powers who push for privatization.³⁵

The case of South Africa illustrates the advantages and challenges of the human rights framework. To an extent, South Africans were able to pressure their government to go farther in their efforts towards the equitable distribution of water. However, the government still took a resolutely pro-privatization approach despite its simultaneous assertion of the human right to water. Various changes in the water distribution policy may have resulted in few real improvements in water equity. The case of South Africa shows that human rights are not necessarily a panacea in issues of water distribution.

THE CASE OF INDIA: STEPS TOWARDS SUSTAINABILITY AND USER INVOLVEMENT

A look at the Indian model for water distribution reveals the importance of state recognition of individual and group rights. While the South African law has explicitly recognized a human right to water, “the Indian model has derived an implicit, justiciable right to water from the broader ‘right to life’ embodied in Article 21 of the

32 McDonald and Ruiters, “Theorizing Water Privatization,” 25.

33 Ibid., 26.

34 Ibid., 36-37.

35 Ibid., 37.

country’s Constitution.”³⁶ Rather than guarantee the individual right to water, most of the water reforms in India have emphasized the obligation of the state to provide citizens with clean water. As such, water reform in India has aimed largely to improve the management of systems through better governance and cost recovery, while equity and sustainability have been only secondary concerns.

India first developed a comprehensive policy statement on water in 1987, when it introduced the first National Water Policy. This policy encouraged public-private partnership in the water sector.³⁷ India’s water reforms have moved towards models for full cost recovery in the water sector. These reforms have led to the reduction of subsidies and the increase in water prices for water users.³⁸

While in some ways, the reforms continued the colonial legacy of centralization of resource control, a parallel, indigenous legal realm has also endured.³⁹ Even today, many citizens meet all of their own water needs through groundwater sources, rather than rely on state-supported water systems. These communal arrangements govern the water use of large proportions, if not the majority, of the world’s population. Observers of community-based water law comment on its ability to “endure and adapt”; “Centuries-old knowledge and institutions that are adapted to place-specific ecological characteristics of water and other natural resources and the time-tested sustainable uses of these resources have allowed communities to survive from agriculture, often in harsh ecological environments”.⁴⁰ Community-based laws have driven and adapted to changing water environments, supplying innovation in water development and management outside of the state and state regulation.⁴¹

The increasing privatization of water resources in India led to what many saw as the disruption of water control at the community level. The documentary film *Thirst* (2003) follows a community of water users in Rajasthan, India. In an area with a five-year drought, the community managed to supply itself with sufficient water through the construction of small ponds to hold rainwater and fill the village wells. This method improved farming, and because women no longer had to labor as intensely to transport water over long distances, they had more time to participate in other activities. Notably, school attendance for girls dramatically improved. In the 1980s, when the communities first began the work, no girls attended school; eventually, the new irrigation systems made it possible for all of the girls in the community to go to

36 Gualtieri, “International Human Rights,” 240.

37 Roopa Madhav, “Context for water sectors and water law reforms in India,” in *Water Law for the Twenty-First Century: National and International Aspects of Water Law Reform in India*, ed. Philippe Cullet, Alix Gowlland Gualtieri, Roopa Madhav and Usha Ramanathan (New York: Routledge, 2010): 118.

38 Ibid., 127.

39 Ibid., 125.

40 B. van Koppen, M. Giordano, and J. Butterworth, *Community-based Water Law and Resource Management Reform in Developing Countries* (Oxfordshire: CABI, 2007): 5.

41 Ibid., 6.

school. *Thirst* depicts the degeneration of this grassroots system of water distribution brought about by the onslaught of privatization measures in the area.

A new National Water Policy in 2002, which replaced the 1987 policy, seemed to take the importance of community water governance into account. The new national policy has been supplemented by a number of state water policies based on similar principles. One significant change is the introduction of water rights, with an emphasis on two specific points: "On the one hand, [the policy restates] the proposition that the state is the sole owner of the water resources. On the other hand, [it proposes] creation of water rights in favour of users."⁴² The creation of these "new" water rights aims to increased user participation in the management of water resources, for the establishment of water user associations, and for the introduction of trading in water entitlements. The policy promotes the establishment of autonomous regulatory authorities who are free from political interference by the government.⁴³ On the whole, it emphasizes the decentralization of water management and increased user involvement.

Many challenges remain for India's water woes. As droughts become more frequent and total water resources diminish, over-extraction of water resources is becoming a more pressing concern. The extremes of India's climate and population pose complex challenges in water administration. Further emphasis on sustainability, as well as on the right to water as an urgent and individual human right, will be crucial for the future of India's water resources.⁴⁴

CONCLUSION

Today, over one billion people lack access to sufficient clean, safe water on a daily basis.⁴⁵ This in part reflects government failures to distribute water to the poor. Yet endeavors to privatize water systems have also failed to provide water for all. Public and private systems of water distribution are not always opposite and opposing. The failures of the public and private sectors to distribute water to the world's poorest people may reflect that both efforts exhibit the same issues and fall into the same traps. They are both forms of institutionalizing the lack of water access for the world's poorest individuals. In most cases, access to water is a problem of distribution rather than absolute availability. It is important to move beyond the "public versus private" dichotomy and consider the complex variety of systems of water governance.⁴⁶

The human right to water is an essential tool to ensure water access for all. The human

42 Madhav, "Context for Water Sectors," 118.

43 Ibid., 118-119.

44 Ibid., 137.

45 Bakker, *Privatizing Water*, 217.

46 Ibid., 217-218.

rights approach provides powerful means for holding governments accountable to their responsibilities to provide clean, safe, and adequate water to their populations. However, the affirmation of the human right to water is often insufficient for its full realization. While states must be held responsible for assuring access to water, the human right to water must be viewed as an important and urgent individual right rather than a long-term process with a flexible timeline for its realization. Moreover, human rights activists should apply the human rights framework to mobilize groups of water users. If we are to reframe the institutions of water governance towards a more just system of water distribution, the human right to water and the rights of communities of water users must both be asserted.

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Secular Education: A Peace Building Strategy in Afghanistan

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ABSTRACT

State building and post-bellum reconstruction are important aspects of American foreign policy in Afghanistan. After a decade of war in the region, the US military still has not established consolidated democratic institutions. The Karzai regime's reliance on US support has led to widespread mistrust in the current government, allowing for outside actors such as the Taliban to gain popular support. The Taliban has been successful because of its ability to provide access to services which meet the basic needs of its constituents. Until the central government can do the same, democratic consolidation is unlikely. For democratic institutions to consolidate, the initiative must have a strong grassroots foundation. Foreign occupiers have tried to create a foundation for the consolidation of democratic institutions through the "hearts and minds" approach. However, NGOs have been more effective in their abilities to supply the Afghan people with the tools they need to govern themselves and to come together to consolidate democratic institutions. Rehabilitative services and increased access to information through formal secular education give a region plagued by its differences a chance to unite and work towards a common goal.

One of the major questions plaguing American foreign policymakers today is the efficacy of the "hearts and minds" approach, which aims to instill long-term peace and establish democratic institutions in Afghanistan. With this goal in mind, the approach suggests that foreign occupying military personnel should attempt to build

relationships with the local population by providing them with the tools necessary for survival. Catering to the needs of the population and implementing programs that have short-term, visible results, lays the foundation for trust between locals and the foreign occupier. Regimes and foreign occupiers alike, perhaps most notably the Taliban, have attempted to implement the "hearts and minds" approach as a strategy to maintain control over the population.

Non-governmental organizations (NGOs) offer a non-political vehicle through which programs and services can be implemented in Afghanistan. NGOs such as the Central Asia Institute and Help the Afghan Children promote the use of secular, balanced education programs as counter-terrorism and peace-building measures. NGOs involved in alternative education systems directly influence the establishment of foundations for peace without undermining the legitimacy of the local government. In an attempt to ensure the survival and prosperity of an education system, NGOs build relationships with local people to create a sense of ownership over the schools and the educational initiatives.

In contrast to the activities of NGOs, the presence of foreign military forces often reinforces the hatred of western cultures preached by extremist groups. Studies show that when children grow up in a region plagued by international conflict and civil war, they are more likely to harbor ill feelings towards the opposition, which in turn fosters a culture of conflict in the next generation. American foreign policy often promotes the establishment of democratic governments in occupied nations as a means of protecting American interests abroad. Such a policy has been implemented throughout the Middle East and Central Asia over the last decade as regional peace became necessary for American national security.¹

In the case of the US occupation of Afghanistan throughout the last decade, democracy has not yet consolidated. This is due to the lack of popular support from the Afghan population for the American-imposed system.² Furthermore, when a country is in turmoil, democratic rule rarely is high on the list of immediate needs. In order to establish a foundation for long-term peace, the next generation must be taught tolerance and conflict resolution skills. This notion reinforces the idea that the future of Afghanistan lies in the hands of its youth. As stated by Jeaniene Spink, a researcher at the University of Oxford:

As Afghanistan attempts to rebuild itself, the engagement of its young people is critically important in view of the country's recent history of violent conflict generated by disaffected youth. The assassination of Daoud in 1978 was instigated by university students. The Taliban – an Arabic/Pushtu word

¹ Omar G. Encarnación, "The Follies of Democratic Imperialism," *World Policy Journal* 22, no. 1 (2005): 47.

² Hamdullah Mohib, "A Grassroots Democracy for Afghanistan," *Foreign Policy*, June 27, 2011.

for students/seekers of Islamic knowledge – started as a youth movement. If youth are to help build and not again destabilise Afghanistan they need a quality secondary and tertiary education system that actively engages students in reconstruction and peace building.³

It stands to reason that an educated population is more likely to participate proactively in the political climate and the construction of a foundation for peace. Therefore, in accordance with Spink's theory, the successful consolidation of democratic institutions in Afghanistan hinges on the education of its young people.⁴ Accordingly, Spink supports the "hearts and minds" tactic as a means to create a generation capable of self-governance with long-term vested interests in the future of their country.

Currently, US foreign policymakers and the world at large are testing two methods for establishing consolidated democratic institutions in Afghanistan. This paper will address the effects of a foreign occupier's use of the "hearts and minds" approach, specifically as it applies to counterinsurgency operations (COIN), long-term peace building, and the consolidation of democratic rule within Afghanistan from 1992 to the present. This paper will then question the efficacy of NGOs in their provision of secular, balanced education as a means to establish long-term peace and consolidated democratic rule in Afghanistan. The central argument of this paper suggests that foreign occupiers who utilize the politicized "hearts and minds approach" are less effective than NGOs in forming the foundations for consolidated democratic institutions. Before addressing these two methods, it is essential to provide a brief history of the political landscape in Afghanistan as well as the presence of NGOs in Afghanistan.

HISTORY OF CONFLICT AND DEMOCRACY IN AFGHANISTAN

After nearly half a century of continuous war, Afghanistan has been marked as an ungovernable failed state – one that lacks control over its territories and suffers from crumbling institutions and rule of law due to on-going violence. Since 1919, control over Afghanistan has changed fifteen times between domestic and foreign groups.⁵

In response to the constant turmoil that the country has experienced, most Afghans subscribe to the "Yaghistan Principle." *Yaghistan*, a term originally coined by British soldiers, means "ungovernable," and refers to the difficulty in unified governance over Afghanistan due to the region's persisting, deep-rooted tribal allegiances. The majority of Afghans trust their tribal leaders to provide for them, relying on the

3 Jeaniene Spink, "Education, Reconstruction and State Building in Afghanistan," *Forced Migration Review*, 2006, 15-16.

4 Kevin Kester, "Education for Peace: Content, Form, and Structure: Mobilizing Youth for Civic Engagement," *The Peace and Conflict Review* 4, no. 2.

5 "Afghanistan," *Worldmark Encyclopedia of Nations*, 2007.

state only secondarily.⁶ After all, throughout history, the Afghan people have had minimal influence over the selection of the figurehead who runs their country.⁷ With a foundation in Pashtun culture, Afghans traditionally pick their leaders based on who can provide for them, both in terms of security and access to natural, state, and NGO-funded resources.⁸

The European Society for Central Asian Studies discusses the importance of soft power and *yaghistan* in their collaboration, *Central Asia on Display*. The scholars debate the age-old political question of how to achieve a balance of power between the *hokumat*, or center, and the *yaghistan*, or periphery. They argue that most development efforts are focused on the center, with the belief that by establishing a strong central government, democratic institutions will follow. Garbiele Rasuly-Paleczek describes the relationship between *hokumat* and *yaghistan* as follows:

From the perspective of the center, the periphery is considered as a place lacking a sophisticated, refined culture and exhibiting anarchy and political turmoil – i.e. a place that has to be tamed. In contrast to this notion, those living on the periphery take the opposite position. They view themselves as proponents of a just and perfect socio-political and moral order, whereas the state or city are seen as locations of corruption, amorality and injustice.⁹

After 50 years of turmoil, the 1992 Peshawar Accords marked the sovereignty of the Islamic State of Afghanistan and the creation of a peaceful power-sharing government amongst various tribal groups.¹⁰ During the period, however, instability plagued Afghanistan. As the interim Afghan government crumbled, foreign occupiers pushed and pulled northern Afghanistan¹¹ while "Pashtun rivalries"¹² divided the south.

Backed by the Pakistani government, the Taliban emerged as a calming force, preaching that Muslims should not kill Muslims and that peace was an option for the Afghan people. Exhausted from years of conflict, the Afghan population latched onto the Taliban's promises. And the Taliban delivered. Within a couple of months, they facilitated the reparation of roadways and construction of schools. But the initial glow surrounding the group began to fade as the Taliban implemented Shari'ah law, which

6 Khalil Nouri and Terry Green, "Afghanistan Needs a Tribal Business Czar to Work with the U.S.," *A Balanced Solution for Afghanistan*.

7 "History of Afghanistan," *History of Nations*.

8 Sarah Chayes, *The Punishment of Virtue: Inside Afghanistan after the Taliban* (New York: Penguin Press, 2006).

9 Gabriele Rasuly-Paleczek, "Frontiers, Hinterlands, Centers, Peripheries: Adapting to Changing Fortunes- the Uzbeks of Afghanistan," *Central Asia on Display: Proceedings of the VII Conference of the European Society for Central Asian Studies* (Wien: Lit, 2004): 81-85.

10 "Afghanistan," *Worldmark Encyclopedia of Nations*.

11 "History of Afghanistan," *History of Nations*.

12 Chayes, *The Punishment of Virtue*.

strictly limited the rights of the Afghan people. Based on a severely conservative interpretation of the Qur'an, the Taliban's version of Shari'ah law forbade women from working or leaving the house without a male relative as an escort. Further, women were forbidden from attending school, and men were forced to grow long beards and wear turbans.¹³

Interim government leader Ahmad Shah Massoud attempted to negotiate with the Taliban. He invited the Taliban to participate in the formation of a power-sharing government, but the Taliban declined. Less than a year later, the Taliban took control of Kabul and renamed Afghanistan the Islamic Emirate of Afghanistan. The Taliban worked as a nationalizing force in Afghanistan, battling all Western influences—including the United States and the NATO-supported Northern Alliance, created by Massoud and Abdul Rashid Dostum, a leader of Afghanistan's Uzbek community.

By the beginning of September 2001, al-Qaeda had become an official group within the Taliban. Still, Massoud held Afghanistan under his formal control and continued his attempts to implement democratic institutions and political reforms, including the issuing of the Women's Rights Charter. Many in Afghanistan regard Massoud as a hero for his efforts to preserve the rights of his people under Taliban rule and for pushing democratic reforms. The Taliban soon ended his reforms, however, and assassinated Massoud on September 9, 2001. Then, on September 11, 2001, al-Qaeda bombed the World Trade Center. Since then, US military forces have occupied Afghanistan through Operation Enduring Freedom. Though the United States defeated the Taliban regime shortly after the invasion, and the US and British governments helped to establish an interim government with Hamid Karzai as the new president, the insurgency remains a threat to democratic consolidation and security.¹⁴

Due to the tensions previously discussed and the new state's dependence on foreign assistance, however, the US- and British-supported government lacked legitimacy.¹⁵ The tragedy is that Afghanistan's "past experiences of two more or less democratic periods of constitutional reform" could have resulted in a sovereign law-making parliament.¹⁶ It was, however, the new government's heavy foreign dependency which made learning those lessons of the past very unlikely—producing instead "a dependent state with limited legitimacy."¹⁷

This failure of the newest Afghan state to consolidate democracy and legitimize its authority is just one step in a long history of Afghan state weakness and instability.

13 Ibid.

14 "Afghanistan," Worldmark Encyclopedia of Nations.

15 Sonja Grimm and Wolfgang Merkel, "War and Democratization: Legality, Legitimacy and Effectiveness," *Democratization* Vol. 15, No. 3 (2008): 457-71.

16 Ibid.

17 Ibid.

As government after government crumbled over the last century, so did the institutions that provided services and infrastructure to the population. There was no preservation of ideals or institutions between rulers, and thus democracy was never fully consolidated. Domestic and foreign NGOs provided the majority of services between 1979 and 1996, when the Taliban took control and banned many of the NGOs from working in Afghanistan. Today, as the Afghan government struggles to rebuild its legitimacy, NGOs are once again supplying the population with the services they need to survive.

NGOS IN AFGHANISTAN

After the retreat of the Soviet army in 1992, NGOs were left to rebuild the institutions the communist occupation had destroyed. Until the Taliban took power in 1996, NGOs were the sole provider of services to the Afghan population, as the government struggled to re-establish rule and order across the nation. As stated by Mahmood Monshipouri:

In Afghanistan, NGOs are not just providers of funds and tools for the country's systematic rebuilding but also the very symbol of change that needs to transpire there if the nation is to chart a new course. By promoting social justice through investing in the social capital of the country as well as strengthening the role of the aid community, the rule of law and civil society organizations, NGOs can initiate and support peace efforts at local and national levels.¹⁸

Once the Taliban took control however, everything changed, particularly in the education sector. The Taliban placed limitations on the work that NGOs could do, forcing many people working for such organizations to leave Afghanistan. By 1998, the Taliban had banned nearly 40 previously active NGOs from the region. As organizations fled and international aid virtually evaporated, Afghanistan and its civil society institutions began to disintegrate. The Taliban regime dramatically undermined education—especially girls' education, as the Taliban claims "that the education of women is contrary to Islamic teaching."¹⁹

The Taliban did not only target girls' schools, however. By employing media outlets, they attempted to paint a picture suggesting that the government and outside actors were unable to keep their promises. In this vein, the Taliban targeted and destroyed secular schools that taught boys and girls across the country. Many supporters of the extremist Taliban regime believed "that the school system is no more than a plot

18 Mahmood Monshipouri, "NGOs and Peacebuilding in Afghanistan." *International Peacekeeping* 10, no. 1 (2003): 138-155.

19 Roddy Scott, "Against All Odds," *The Middle East* 45 (1999): 289.

to impose Western ideas—even Christianity—on the country’s Muslim children.”²⁰ This need to destroy alternative education options to the Taliban’s religious schools stemmed from a deep-seated distrust: namely, “distrust any education that takes place outside *madrassas*. These extremists know that educated children are unlikely to follow religious extremism in the future. [...] The Taliban want to keep us backward.”²¹

For all of the Taliban’s efforts, some NGOs continued to operate in Afghanistan and in the education sector specifically. In an effort to combat the spread of religious extremism, NGOs such as Help the Afghan Children, Alliance for International Women’s Rights, and the Central Asia Institute have been paramount in promoting peace and democratic reform in post-Taliban Afghanistan. These efforts have attempted to halt the Taliban’s dismantling of a legitimate, secular education system. As stated by Monshipouri, “Most experts agree that without an educated population, a secure future for Afghanistan cannot be established.”²² Thus in seeking to establish education institutions, these NGOs have added to the potential for the stability and governance of the Afghan state.

The Central Asia Institute (CAI) is a US-based non-profit organization that works to build schools and educational opportunities in Afghanistan and Pakistan. CAI’s schools provide balanced curriculums with an emphasis on the promotion of women. As of 2011, CAI had built over 140 schools across Central Asia. These schools provide education to over 64,000 students with a majority of them being girls.²³ By working with local communities to establish these schools and programs, CAI addresses the needs of each region individually and allows the community to establish a sense of ownership over the schools.

Like CAI, Help the Afghan Children (HTAC) is a US-based non-profit organization dedicated to providing educational opportunities for children in Afghanistan. Founded by an Afghani woman, HTAC retains a natural connection to the Afghan people and culture. The organization’s programs are multi-faceted and focus on the creation of safer places for Afghan youth to grow through educational programs. Additionally, HTAC has implemented environmental conservation, landmine awareness, computer, literacy, and peace education programs. Each of these programs is tailored to teach children to become productive citizens. In particular, HTAC’s peace education programs have been successful in the reduction of the number of conflicts that arise between students. The programs teach the students how to manage conflict effectively, and the results have been astounding. When the program first started, there were 3,457 conflicts (fighting, harassment, bullying, etc.) reported between students in the first

20 Ron Moreau and Sami Yousafzai, “A War on Schoolgirls,” *Newsweek*, (2006).

21 Moreau and Yousafzai, “A War on Schoolgirls.”

22 Monshipouri, “NGO’s and Peacebuilding,” 138-55.

23 Samreen Hooda, “Waging Peace: Promoting Peace One School at a Time,” *Washington Report on Middle East Affairs*, January/February 2011.

month; by the end of one year, there were just over 200 conflicts reported between students in a month.²⁴ Moreover, when the program started, only 100 conflicts were resolved peacefully over the course of the first month. By the end of the year, nearly 3,000 potential conflicts were resolved peacefully.

Unlike HTAC and CAI, Alliance for International Women’s Rights (AIWR) is a US-based non-profit firm that works through existing NGOs to provide educational opportunities to women throughout Central Asia. Students come to community centers and other neutral locations such as the Afghan Canadian Community Center (ACCC) in Kandahar—despite the Taliban’s having made schools very dangerous in the city. The ACCC offers classes in all subjects, from English to business management. The majority of these courses are conducted over Skype, a voice-over Internet service. The center is not openly advertised as a school, and therefore provides under-the-radar services to Afghan women. Collectively, these three NGOs hope that the provision of secular education for the Afghanistan’s youth population will help to build a foundation for the formation of consolidated democratic institutions.

FOREIGN MILITARY INTERVENTION AND ITS NEGATIVE CORRELATION WITH DEMOCRACY

The “hearts and minds” approach suggests that military personnel should appeal to the needs of the local population to achieve peace and trust. However, once the United States initiated the “War on Terror” and the Afghan civilian casualty rate increased, any hope for the development of a trusting relationship between the US military and Afghans disappeared. According to Sullivan, providing services to the population in conjunction with counterinsurgency tactics to eliminate opposition has not resulted in a stronger foundation for peace or a successful democratic transition.²⁵

To this day, “large areas of Afghanistan, especially in the south and east, are not controlled by Afghan Governmental institutions.”²⁶ Instead, various tribal groups and warlords fight each other for control over the territory, adding to the general atmosphere of conflict across the nation. In lieu of consolidating democratic institutions, Afghanistan has morphed into a quasi hybrid-democracy with free elections and uncontrolled territories. American presence and involvement in the government has allowed for a democratic façade to form, creating the image of successful democratic rule. However, the tendrils of democracy have not yet reached the distant corners of Afghanistan, thereby allowing unincorporated territories to maintain their own forms of government and political agendas. Sonja Grimm discusses

24 “Help the Afghan Children,” 2009.

25 Sullivan, Dr. Patricia, and Johannes Karreth, “Determinants of Success and Failure in FRM Operations,” Lecture, American Foreign Policy in the Middle East, MLC- UGA Campus, Athens, April 2011.

26 Gintautas Zenkevicius, “Post-Conflict Reconstruction: Rebuilding Afghanistan -- Is That Post-conflict Reconstruction?” *Baltic Security & Defense Review* 28 (2007).

the issues that societies with a foreign regime presence face during democratization, arguing:

Weak pro-democratic domestic actors, weak stateness, but strong external involvement in establishing peace and also rule of law and democracy, characterize these cases... the particular difficulty is in compensating for the weakness of the pro-democratic domestic forces and sometimes even substituting them with 'benevolent protectorates'. The external promoters of democracy become the principals and sometimes also the agents of democratization.²⁷

Certainly, this overreliance on the military occupiers to instill democracy does not guarantee that democratic institutions will be sustained in the long-term.

Grimm explains that it is imperative that the local population supports the foreign regime's involvement in the reconstruction of their government. Without local support, the new regime erected by external actors is not likely to be regarded as legitimate by the local people. And without legitimacy, there cannot be peace or democracy.²⁸ Grimm discusses Merkel's findings on the status of post-conflict democratizing regimes. Merkel concludes, "most societies [with] externally enforced regime change end up in hybrid regimes. These regimes are less stable than democracies or autocracies, and they are significantly more prone to use violence, to trigger inter-state war, and to escalate internal conflicts in protracted civil war."²⁹

Merkel surmises that Foreign Regime Maintenance (FRM) interventions that occur solely to an authoritarian regime are unlikely to succeed in the long-term. Rather, the new hybrid regime's instability and illegitimacy increase the probability of war. To avoid the outbreak of war and chaos, external actors have a "post bellum obligation to support the new regime until it becomes a consolidated democracy." Merkel concludes that in order for a FRM democratic intervention to result in consolidated democratic institutions, new democratic institutions must have the support of a local population that is willing to submit to legislative rule. However, even with this support, democratic institutions can fall apart if they are installed in places that are hostile towards democracy.³⁰

The evidence collected by Sullivan, Grimm, and Merkel suggests that a violation of a country's sovereignty through FRM democratic interventions does not, in general, produce consolidated democratic institutions. In contrast, it seems that NGOs are successful because they do not have ulterior, underlying political agendas. NGOs

27 Grimm and Merkel, "War and Democratization," 457-71.

28 Ibid.

29 Ibid.

30 Ibid.

provide civil services that cater to the immediate needs of the population and build relationships founded on trust, giving people the tools they need to govern themselves successfully, including healthcare and education. As the populace becomes more educated, they may begin to question their government's actions. Additionally, many educated members of society may start to look for ways to become involved in legislation-making. This educated group of the population makes way for the growth of grassroots movements to promote democracy.³¹

SECULAR EDUCATION AND ITS POSITIVE CORRELATION WITH DEMOCRACY

Several scholars have analyzed the notion of secularism in education. These scholars focus on the interplay between education, religion, and democratic institutions. Carrie Antal, one such scholar, dissects the relationship between religious schooling and conflict within a country. She examines India and Israel, both of which are developing democracies suffering from social cleavages along religious lines. Antal deduces that "students schooled in religious nationalist ideology in developing nations are at a greater risk of accepting exclusionary citizenship discourses without adequate critical analyses of their implications...The acceptance of these ideologies appears to be correlated with an increase in inter-religious conflict, social destabilization and the subversion of democracy."³²

Similar to India and Israel, Afghanistan is a developing democracy with a population comprised of several different religious and ethnic groups that have been pitted against one another in conflict. In many cases, the foundations for these conflicts were created—or at least strengthened—in *madrassas*, or religious schools. Spink discusses the use of education to further political agendas in Afghanistan, explaining:

Various political groups had their own schools inside Afghanistan and in refugee camps. Textbooks developed for the alliance of seven Sunni parties based in Peshawar eventually became official textbooks and were widely used in schools in Afghanistan and in refugee camps for many years. Some Mujahedeen groups developed math exercises with examples of how to divide ammunition to maximise Soviet fatalities. Inflammatory textbooks perverted history by describing the Prophet Muhammad's struggle against non-Sunni Muslims, infidels and communists. Afghan Shi'a refugees in the Pakistani city Quetta also developed their own books with support from Iran.³³

Thus political and religious agendas closely related in Afghanistan. Religiously-based

31 "The Global Middle Class," Pew Global Attitudes Project, February 12, 2009.

32 Carrie Antal, "Reflections on Religious Nationalism, Conflict and Schooling in Developing Democracies: India and Israel in Comparative Perspective," *Compare: A Journal of Comparative Education* 38 no. 1 (2008): 87-102.

33 Spink, "Education, Reconstruction and State Building in Afghanistan," 15-16.

education prohibits secular democracy from taking root within a society because political groups are often founded upon religious ideals. As these ideals are spread through education, children grow up believing that what they have been taught is correct. This leads the growing children to offer unwavering support to the political group that is backed by the religious sector to which they adhere.

Although secular democratic rule and Islam are often thought to be contradictory, the success of democratic institutions in Indonesia suggests otherwise. Indonesia is the world's largest Muslim country, but also has one of the world's largest secular democratic governments. Like Afghanistan, Indonesia has social cleavages based on religious differences within the Islamic community. However, in Indonesia, those social cleavages are not reinforced by political agendas or grade school curricula like they are in Afghanistan. This seemingly small difference is what allows Indonesia to be a success story amongst developing Islamic democracies.³⁴

Due to the lack of widespread, quality state-funded educational opportunities in Afghanistan and Pakistan, *madrassas* provide education to the majority of the region's children. Originally intended to prepare the next generation of Imams and Clerics, *madrassas* now gravitate toward teaching conservative, and in many cases, extremist Islam. By focusing solely on religious studies, these schools deny their students educations in math, science, and literature. Without a foundation in these subject areas, graduates of *madrassas* are unprepared to enter the workforce, causing many of them to turn to extremist groups for a source of income.³⁵

As stated by David Relin, co-author of *Three Cups of Tea*, "The *madrassa* system targets the impoverished students the public system [has] failed. By offering free room and board, and building schools in areas where none existed, *madrassas* provide millions of Pakistan's parents with their only opportunity to educate their children."³⁶ In some cases, schools pay parents a small stipend to enroll their children. In a region where poverty is prevalent and jobs are scarce, this can provide enough incentive on its own for parents. Though not every *madrassa* preaches extremism or hatred of the West, the World Bank reports that roughly 15-20% of *madrassa* students partake in military training and learn according to a rigid curriculum based on jihad and anti-Western feelings.³⁷ And this has serious implications for Afghanistan: historically, the Taliban originated in the Afghan refugee camps in Pakistan.

In their books *Three Cups of Tea* and *Stones into Schools*, David Relin and Greg

34 Greg Barton, "Indonesia: Legitimacy, Secular Democracy, and Islam," *Politics & Policy* 38, no. 3 (2010): 471-96.

35 P.W. Singer, "Pakistanis Madrassahs: Ensuring a System of Education Not Jihad," 911 Investigations, 2001.

36 Greg Mortenson and David Oliver Relin, *Three Cups of Tea: One Man's Mission to Fight Terrorism and Build Nations -- One School at a Time* (New York: Viking, 2006).

37 Singer, "Pakistanis Madrassahs."

Mortenson portray a region riddled by extreme poverty and a lack of security – not one plagued by anti-Western feelings. As Mortenson navigates tribal rules and cultural traditions in Afghanistan and Pakistan, he realizes that the people in the most remote areas have the least access to state resources and are therefore the most likely to rely on extremist groups such as the Taliban. When Mortenson stumbled into Korphe, a small town in Northern Pakistan, he was taken aback by the local children's desires to learn, as well as the support they received from village elders. In a place where conditions are harsh and living is difficult, Mortenson was surprised to find that the villagers prioritized a balanced education for their children. By providing the resources required for a balanced education, Mortenson equipped the Afghans with the tools necessary to dig themselves out of poverty and to provide better lives for their families. In doing so, he offered the people of Afghanistan and Pakistan an option other than a lifetime of jihad warfare.³⁸ Secular education became a foundation for civil society in Afghanistan. Many graduates of Mortenson's and similar schools across the region went on to pursue professions in medicine, business, education, and development.³⁹ In turn, these graduates stimulate the Afghan economy and provide services to their communities that otherwise would be unavailable.

Mortenson claims that building relationships and educational facilities to increase literacy rates, particularly for the female population, are the keys to peace in Afghanistan:

When a girl learns how to read and write, one of the first things she does is teach her own mother [...] The girls will bring home meat and veggies, wrapped in newspapers, and the mother will ask the girl to read the newspaper to her and the mothers will learn about politics and about women who are exploited...first we have to build relationships and get to know each other... until peace becomes a natural result.⁴⁰

In building the schools, Mortenson's primary goal was, of course, to educate the children without access to state resources and schools. But Mortenson, too, recognized the potential for education to affect peace in long-suffering, conflict-ridden regions.

The efforts of several organizations including Care, a world-renowned NGO that focuses on empowering women through education, have put Mortenson's theory to the test. Many organizations believe that the key to a brighter future lies in the hands of the world's girls. In contrast, Taliban governance strictly forbids the education of women. Since the ruling Afghan body is unwilling to provide this basic service to its women, organizations such as Help the Afghan Children, Central Asia Institute,

38 Greg Mortenson and David Relin. *Stones into Schools: Promoting Peace with Books, Not Bombs, in Afghanistan and Pakistan* (New York: Viking, 2009).

39 Mortenson and Relin, *Stones into Schools*.

40 Hooda, "Promoting Peace One School at a Time."

and Alliance for International Women's Rights have stepped forward to create opportunities for women to obtain educations. These initiatives are backed by tribal leaders and encouraged by global organizations like the United Nations.

The availability of education in Afghanistan makes way for a grand cycle: increased education results in an increase in the number of professionals who stimulate the economy. The stimulated economy then improves the population's access to state-provided services, thereby increasing Afghanistan's development index. Thus, the first step to an increase in development can be education. Furthermore, educated and working masses create a class division within society: the middle class. Middle class citizens are more likely to question governmental action, fight for their rights, and ultimately promote the grassroots movement for democratic rule.⁴¹ Balanced education systems directly correlate with the size of a country's middle class, and therefore its ability to maintain a democratic system of government.

CONCLUSION

The supporting evidence suggests that nation building through NGO-driven institutions, such as the promotion of balanced and secular education, is more effective than the imposition of the "hearts and minds" approach by democratic military intervention. NGOs successfully contribute to the maintenance of peace and the creation of a foundation upon which democratic institutions can consolidate. *Arabia 2000*, a journal that focuses on the issues of the Middle East, highlighted Afghanistan in a recent article:

Without addressing basic human needs by providing jobs, health services and education, Afghanistan could once again become a failed State, posing a threat to its own people and the international community [...] The National Human Development Report: Security With a Human Face, marks the first time in modern history that objective observers were allowed to gather and tabulate hard data on living conditions among everyday Afghans. It concludes that human security and development, rather than military force and diplomacy alone, are key to resolving Afghanistan's complex problems.⁴²

Political scientist Michael Ignatieff also addressed this argument when he wrote, "Terror cannot be controlled unless order is built in the anarchic zones where terrorists find shelter. In Afghanistan, this means nation building, creating a state strong enough to keep al-Qaeda from returning."⁴³ Thus, an effective way to create a state that is strong enough to consolidate democratic institutions is to educate the population and provide them with the services they need to be productive citizens.

41 "The Global Middle Class," Pew Global Attitudes Project, February 12, 2009.

42 "Afghanistan's Progress Is Noticable But..." *Arabia 2000*, February 23, 2005.

43 Monshipouri, "NGO's and Peacebuilding," 138-55.

Consequently, an education system will forge a stronger relationship between foreign intervention and the Afghan people, while establishing foundations for peace and democratic institutions.

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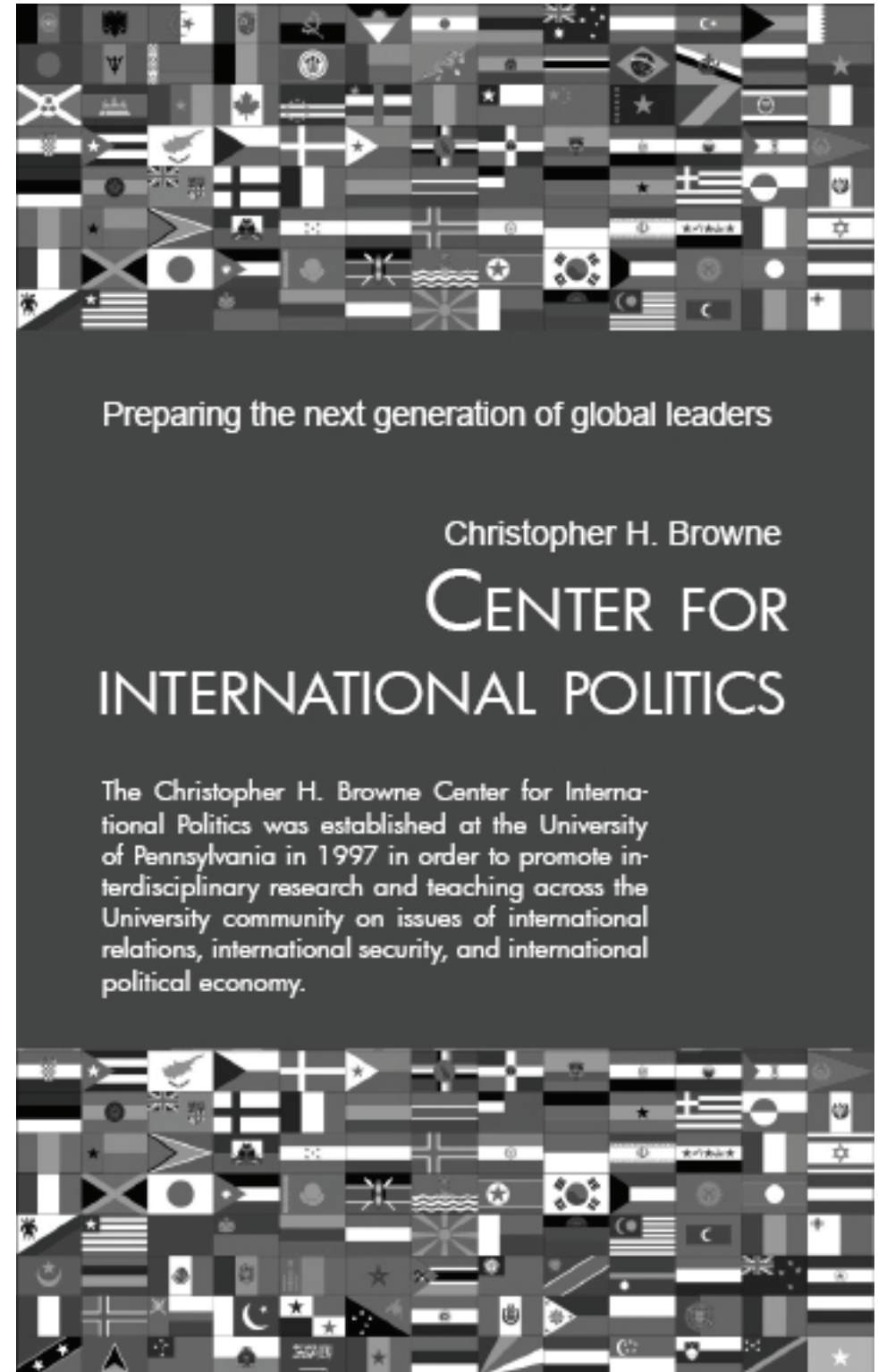
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What Happened to Verification? Building a Biological Weapons Convention, 1967-1972

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ABSTRACT

The Biological Weapons Convention (BWC) has long been decried as a toothless treaty that set a dangerous precedent for future arms control negotiations. This paper uses fresh documentary evidence to explain why British policymakers made a major push to ban biological weapons without providing the verification mechanisms to ensure compliance. Previous historians have argued that bungled negotiations between American and Russian diplomats watered down the treaty. Newly declassified documents, however, show that British policymakers had decided years earlier to pass a treaty they knew could not be verified.

On April 2, 1979, an unusual and deadly outbreak of anthrax struck the small Russian city of Sverdlovsk. Speculation and rumors surrounding the event found their way into the press and eventually onto the desks of US policymakers in Washington, D.C. Eventually, nearly 1,000 deaths were reported. As intelligence reports were filed and a major CIA study undertaken, the event's implications soon emerged: the Soviets had likely violated the Biological Weapons Convention (BWC) of 1972. This left US policymakers with few options. The treaty only offered two possible actions: either "consultations" between states to consider violations or the submission of a complaint to the United Nations Security Council (UNSC), which would undoubtedly face a Soviet veto.

As a result, the first BWC Review Conference in 1980 concluded with little discussion of the outbreak at Sverdlovsk, while the Soviets continued to offer conflicting

explanations and unconvincing evidence that contaminated meat, not biological weapons (BW), had caused the anthrax outbreak. Beyond consultations, the United States did little beyond raising pointed questions in the public sphere. As a consequence, the incident created new doubts about Soviet intentions in arms control negotiations—and even doubt about the future of arms control agreements in general. "There is too little trust left between Moscow and Washington, due in good part to events like Sverdlovsk," wrote Leslie Gelb in the *New York Times*. "On top of this, the kinds of arms treaties now being discussed - such as destroying weapons stockpiles and banning nuclear tests - are going to be even harder to verify than past agreements. There is a substantial feeling in Washington that if arms control is to have much of a future, a new chapter will have to be written on verification."¹

Why did the 1972 BWC fail to implement a credible verification process in the first place? Scholars generally offer two different answers to this question. The first explanation blames Western diplomats for bungling the final negotiations of the BWC. It focuses on the final US-Soviet bilateral negotiations between April and August 1971, which allegedly gutted a draft proposed by the United Kingdom in 1969 of its "strong points."² Nicholas Sims, a proponent of such an explanation, levels the blame on US President Richard Nixon and National Security Advisor Henry Kissinger for rushing the passage of the BWC to clear the way for the Strategic Arms Limitation Treaty (SALT I), rather than spending the necessary time to craft a stronger version of the BWC.³ Similarly, Julian Perry Robinson points the finger of blame at US diplomats, who pressured the United Kingdom to drop its proposal for pre-authorized UN investigations.⁴

The second explanation argues that the BWC was inevitably weak due to Cold War power dynamics. Jeanne Guillemin stresses that the treaty was signed before the major powers could agree on verification measures of nuclear treaties.⁵ As David Hoffman explains, the treaty lacked the necessary inspection mechanisms because the Soviet Union had refused to accept any during the negotiations. "At the time," Hoffman writes, "Western diplomats reasoned it was better to get the treaty signed without verification than to have no agreement at all."⁶

1 Leslie H. Gelb, "Keeping an Eye on Russia," *The New York Times*, New York, November 29, 1981.

2 Nicholas A. Sims, "Four Decades of Missed Opportunities to Strengthen the BWC: 2001 Too?" *Disarmament Diplomacy* 58 (June 2001).

3 Ibid.

4 Cited in Jonathan B. Tucker, "A Farewell to Germs: The U.S. Renunciation of Biological and Toxin Warfare, 1969-70," *International Security* 27 no. 1 (Summer 2002): 107-148. Julian Perry Robinson, University of Sussex, England, personal communication with Jonathan Tucker, January 15 1999.

5 Jeanne Guillemin, *Biological weapons: From the Invention of State-Sponsored Programs to Contemporary Bioterrorism* (New York: Columbia University Press, 2005): 13.

6 David E. Hoffman, *The Dead Hand: Reagan, Gorbachev and The Untold Story of the Cold War Arms Race* (New York: Doubleday, 2009): 129.

Both of these explanations have major flaws. Not only are they too general to present a focused answer as to why verification mechanisms failed to make it into the treaty, but they also narrowly focus on the final negotiations in 1971, thereby neglecting the long planning and study leading up to those negotiations. Extensive records of the British Foreign Office, only recently declassified and largely unexamined, present a more coherent picture of the BWC negotiations.⁷

This paper aims to integrate the newly declassified documentary record into contemporary policy debates about the BWC. The paper will first examine the motivating factors and guiding assumptions behind the British initiative to create a Biological Weapons Convention. Next, it will explain how British policymakers determined that the treaty could not be verified, but nevertheless decided to push forward a draft convention. Finally, the paper will use a recently declassified account of the 1971 BWC negotiations to show that British policymakers attempted to keep the treaty's provisions to the ban of the *use* of BW to save face, rather than to provide a comprehensive means of enforcement and verification.⁸

“DEGREES OF UNPLEASANTNESS”—THE BULL REPORT, 1967-1968

Initially chemical and biological weapons (CBW) were considered a single arms control problem. By tracing the process by which CW and BW became separated, the assumptions and predictions that drove BW policy come into clearer view. One key to understanding the separation comes through recognizing that the British initiative to ban BW had its origins in domestic politics. Public concerns about Britain's CBW policies focused on collaboration with the US development of “nonlethal” chemical weapons, such as those used in Vietnam. As British public pressure mounted in the form both of concerned letters to ministers and of public debates in the House of Commons, advisors to the British Secretary of State for Foreign Affairs Fred Mulley instructed him to dodge questions about chemical weapons in Vietnam. While those advisors acknowledged in secret deliberations that “incapacitating agents” could in fact have lethal effects in war, they advised Mulley to respond that he did not know of any cases of lethal weapons use by American soldiers.⁹

In this context, the Foreign Office initiated a top-secret study, “Arms Control

7 For another examination of British documents through 1969, see Susan Wright, ed., *Biological Warfare and Disarmament: New Problems/New Perspectives* (London: Rowan and Littlefield, 2002). Wright identifies longstanding assumptions behind British BCW policy that originated in 1967-68, focusing particularly on the British desire to continue developing BCW for defensive purposes. She focuses less on how those assumptions guided policy planning and negotiations through 1972.

8 Arms Control and Disarmament Research Unit (ACDRU), “Negotiating the BW Convention: The Issue of Complaints/Verification,” June 1979, Foreign Commonwealth Office (FCO) 66/1436, U.K. Public Record Office (PRO).

9 Wright, *Biological Warfare & Disarmament*, 322. From UK Foreign Office, “Notes for Supplementaries,” 11 July 1968, FCO 10/181, PRO.

Implications of Chemical and Biological Warfare,” to evaluate options on future CBW policies. Hedley Bull, the new head of the Foreign Office's Arms Control and Disarmament Research Unit (ACDRU), a once and future professor of international relations, directed the study. The resulting paper provided the working assumptions and significant limitations that would guide subsequent British policy.¹⁰

From the outset, Bull dismissed the public attitudes that had prompted the report in the first place. “The case for controlling particular weapons cannot be based on degrees of unpleasantness,” his cover letter noted.¹¹ Bull's analysis focused instead on assessing the strategic implications of a change in CBW policy. The report considered chemical and biological weapons as “poor candidates for the deterrent role...especially poor for contributing to stable mutual deterrence.” At the same time, Bull acknowledged that BW had potential uses that could appeal “equally to horror-mongers and to zealous advocates of unconventional weaponry.” The possibility of launching an attack from an undetectable source, an “apparently innocent civil aircraft or even land vehicles traversing an area days before anything is amiss,” could be used as a “softening-up strategy” before declaring war on an enemy; it would be difficult for a victim to discover or prove the original source. There were also “cloak-and-dagger applications,” including political assassinations or the spread of “confusion and dismay” in enemy headquarters.¹² But large-scale use, both of CBW in general and of BW in particular, remained expensive and militarily unreliable, requiring a close control of dosage.

But even if CBW were militarily unreliable, why not continue research and development with the hope that pathogens could be improved? Britain lacked its own CBW stockpiles, but it collaborated closely (and in some cases, covertly) with the United States and Canada to test and research various pathogens. In 1967, over forty UK scientists were engaged in research on nonlethal chemical incapacitants that defense planners thought might be “the weapons of the future, particularly in relation to counterinsurgency and limited warfare.”¹³ Though senior defense officials ultimately considered the biological side of its biggest weapons lab at Porton Down a “pain in the neck,” a secret pilot plant made it possible to build large stockpiles in a short period of time.¹⁴

An analysis of the Bull report provides two reasons why a diplomatic initiative to ban CBW appeared attractive to British policymakers. First, the Bull report's recommendations offered a method of handling the testy domestic politics surrounding CBW. Though British policymakers apparently cared little about the

10 Wright, *Biological Warfare & Disarmament*.

11 ACDRU, “Arms Control and Disarmament Implications of Chemical and Biological Warfare.”

12 Ibid.

13 Wright, *Biological Warfare & Disarmament*, 320.

14 Ibid., 320-321.

“unpleasantness” and taboos associated with CBW, a diplomatic initiative for a ban could help the government deflect political scrutiny of its secretive research programs and collaborative relationships with the United States. Concerns that the United States was using its reciprocal flyover privileges to transport CBW over Britain, for example, regularly made their way through members of Parliament to the desks of top defense officials.¹⁵ Petitions, parliamentary questions, and editorials generated a steady increase of pressure on Prime Minister Harold Wilson’s Labour government. A strategy of deflection played out clearly at the 1968 Labour Party Conference, when the party passed resolutions that called on the government to declassify findings from its secretive research programs, cease CBW information exchanges with other countries, and transfer control of the Porton Down biological research facility from the Ministry of Defense to the Ministry of Health. In addressing the conference, Fred Mulley was able to explain that he had already tabled an Eighteen Nation Disarmament Committee (ENDC) working paper to ban BW and promise future instruments to “clarify and strengthen” limits on CW.¹⁶

There were other indications that British policymakers originally conceived of proposing new CBW controls more as a political shield than as a major priority. While negotiations for the nuclear nonproliferation treaty (NPT) continued, for example, Ronald Hope-Jones, the director of the Foreign Office’s Disarmament Department, assigned the CBW initiative a low priority compared to a comprehensive nuclear test ban treaty,¹⁷ noting the difficulty of verification and compliance of the former.¹⁸

Bull spelled out a second, more geostrategic, rationale for a diplomatic initiative: further CBW development threatened to narrow the gap between the nuclear haves and have-nots. The key issue was timing. “What is true now may not be true soon,” Bull warned.¹⁹ As nuclear arms control efforts went forward and research continued to advance, CBW would become more attractive and accessible to underdeveloped countries as a cheap means of deterrence.²⁰ “The time to strike is now,” he cautioned, “when those who can make CBW have no need for them” and “those who would like them are still ashamed to say so and cannot make them anyway.”²¹ An agreement to ban the use, or even first-use, would “at best discourage the development of

15 Letter from Assistant Under Secretary of State (Air Staff) to R. Haynes, USAF Commander, 7 July 1969, Ministry of Defense (hereafter DEFE) 24/551, PRO.

16 “Labour Party Conference,” 22 August 1968, FCO 10/182, PRO. Historians have noted that Nixon, too, recognized the utility of a CBW arms control initiative as a means of diverting political attention from the use of chemical riot control agents and herbicides in Vietnam. See Rudolf Avenhaus, Nicholas Kyriakopoulos, Michel Richard, and Gotthard Stein, eds. *Verifying Treaty Compliance: Limiting Weapons of Mass Destruction and Monitoring Kyoto Protocol Provisions*, 108.

17 Ronald Hope-Jones to Mr. Moss, 10 July 1968, FCO 10/3, PRO.

18 UK Foreign Office, Ronald Hope-Jones to I.F.S. Porter, UK Mission Geneva, 25 January 1968, covering “Future Prospects for the Disarmament Negotiations,” FCO 10/3, PRO.

19 ACDRU, “Arms Control and Disarmament Implications of Chemical and Biological Warfare.”

20 The Nuclear Non-Proliferation Treaty was ratified in 1972.

21 ACDRU, “Arms Control and Disarmament Implications of Chemical and Biological Warfare.”

destabilizing and globally undesirable capabilities” and “at worst discourage their extensive deployment and hasty use.”²²

Still, Bull knew that a new diplomatic effort to ban the stockpiling and use of CBW would be complicated. The United Kingdom was already party to the 1925 Geneva Protocol, which, when conceived after the horrors of trench warfare, outlawed the use of CBW in war. But a number of key states, including the Soviet Union and the United Kingdom, had submitted reservations with their signatures that effectively turned the protocol into a ban on first-use. In addition, the United States had not signed the protocol at all. The British could also expect the United States to resist any future arms control initiatives that forced the international spotlight on its chemical use in Vietnam, opening the door for criticism from the Soviet bloc.

British policymakers had their own reservations about a comprehensive ban on CBW. In the Bull report and subsequent high-level cabinet meetings, these reservations were implicit. Because the UK had no significant CW stocks, a strong, verifiable ban on CW would be strategically advantageous. But a CW treaty would not be able to prevent the Soviets from continuing their robust CW program clandestinely. Such a disparity would be militarily disastrous, leaving the British military’s hands tied when it needed a credible deterrent.²³

Four years later, when the BWC was gathering signatures for ratification in the spring of 1972, the British Chiefs of Staff would conduct a highly secretive “UK Eyes Only” review of British CW policy that shed light on the assumptions guiding British strategists on the CW issue all along. At the final negotiations of the BWC in Geneva, British officials defended their decision to approach biological and chemical agents separately by reiterating their desire to pursue a CW ban next. Yet in their study of CW that year, the Chiefs concluded that the UK should acquire an offensive CW capability and manufacture the chemical agents in Britain. The UK and NATO relied too heavily on the US CW capabilities as a deterrent, they warned.²⁴ The Chiefs acknowledged the likely political repercussions of proposing to acquire an offensive capability. But in anticipation of upcoming negotiations on CW prohibition at the Conference Committee of Disarmament (CCD), they wanted to prevent the Foreign Office from accepting any ban on CW that would not eliminate the Soviet CW threat with verifiable certainty.²⁵ For the military, the key distinction between a potential CW ban and the BWC was the significant military advantage that could be gained through a covert and illegal CW capability. The Chiefs were particularly concerned that without an actionable CW retaliatory capability of its own, the UK could be forced to use nuclear

22 Ibid.

23 Wright, *Biological Warfare & Disarmament*.

24 Chiefs of Staff Committee, Defense Policy Staff, “Chemical Warfare Policy,” 17 December 1979, FCO 66/1518, PRO.

25 Ibid.

weapons in retaliation to a chemical attack from the Warsaw Pact states.²⁶ While the Chiefs ultimately reversed their decision in a second review in 1976 upon receiving acceptable assurances from the United States, the conclusions of the 1972 review and the WINTEX/CIMEX war games offer a window into the strategic calculus that informed military's vigorous opposition to an unverifiable CW ban.

British policymakers also recognized the reality that other states would not likely be prepared to accept a CW treaty “unless adequate verification procedures [could] be devised and applied.”²⁷ Ultimately, Article IX of the final treaty included a commitment “in good faith” to continue negotiations for a similar ban on chemical weapons, a goal not achieved until after the collapse of the Soviet Union. As British policymakers contemplated the full military implications of a CW plan, it became evident that they would have to pursue a BW ban first, in a separate treaty.

“FACTS OF LIFE”—THE 1969 DRAFT TREATY

After separating BW and CW and determining the initial framework for a BW treaty, the British bureaucracy had to wrestle with the realities of verification before it could table a formal draft. Prior to introducing a first version of the treaty at the ENDC in 1969, the Foreign Office believed it was essential to convince delegates that verification “in the microbiological field” was impossible. Otherwise, they expected to encounter difficulty in getting support “for a Convention that [made] no provision for safeguards.”²⁸ In preparation for the upcoming ENDC meeting in 1969, the ACDRU drafted a paper making the case that verification was technically not feasible. The paper noted, among other problems, that “militarily decisive” quantities of a single biological agent could be produced and stocked in installations so small that they would be undetectable “except by pure chance.”²⁹ The odds of discovery would be particularly low in a large country like the Soviet Union, where the installation could be kept secret from its own inhabitants. Even if agents like anthrax and the bubonic plague were produced openly, it would be difficult to prove that the quantities exceeded the limitations for peaceful research. The paper concluded that while effective verification was “not possible,” sufficient information could theoretically

26 In 1977 and 1979, the Chiefs' fears materialized in two large-scale NATO war games, WINTEX 77 and WINTEX/CIMEX 79. In the latter exercise, participants were surprised by the inadequacy of the blue team (NATO) response to an orange team (the Warsaw Pact) chemical attack. They were shocked to learn of their reliance on US stocks they knew little about, and were forced to consider a nuclear response when a chemical response might have been possible with UK stocks. Chiefs of Staff Committee, Defense Policy Staff, “Chemical Warfare Policy,” 17 December 1979, FCO 66/1518, PRO; and WINTEX/CIMEX 79 (CAB) Committee 2nd Meeting (Exercise), 19 March 1979 Cabinet Office (CAB) 130/1093, PRO.

27 ACDRU, “Negotiating the BW Convention: The Issue of Complaints/Verification,” June 1979, FCO 66/1436, PRO.

28 ACDRU, “The Verification of a Hypothetical International Agreement,” 11 April 1969, FCO 66/134, PRO.

29 Ibid.

give rise to “justifiable suspicion.”³⁰

D.C.R. Heyhoe, a senior official at the Foreign Office, found the paper useful and forwarded it to negotiators at the UK mission in Geneva with one caveat. He disagreed with the introductory paragraph, which said:

If it is accepted that any particular agreement requires verification, it follows that the possibility is accepted that a party to that agreement may, sooner or later and whether from ill-will or any other reason, wish to break it – and to do so clandestinely. This “fact of life” is fundamental to the following paragraphs but often forgotten in arms control discussions.³¹

For Heyhoe, this argument implied that the British initiative was naïve; by promoting a BW agreement without “full and foolproof” verification, the British were assuming it would not be broken.³² Heyhoe believed this reasoning to be overly simplistic. Even where verification was impossible, appropriate disincentives could be built into the agreement where possible. Heyhoe's analysis highlights how British policymakers thought about the investigatory measures that were eventually dropped in 1971; even when considered in the most positive light, they were meant to discourage, not to enforce.

Despite their verbal opposition to an unverifiable agreement, US policymakers appeared fully accepting of this “fact of life.”³³ In bilateral discussions with the British in June of 1969, Alan Niedle, a liaison from the US Arms Control and Disarmament Agency (ACDA), made clear to his British counterparts that in Washington there was already “a widespread assumption that clandestine stockpiling, even on quite a large scale, would always remain possible.”³⁴ A 1961 estimate by U.S. researchers suggested that some 8,000-15,000 people would be required just to monitor the Soviet Union and Warsaw Pact states for possible violations of a BW agreement.³⁵ The most important question for US policymakers in considering the British working paper was whether the United States could abandon a BW capability altogether, leaving itself open to a BW attack by a nation whose attitude to the Convention “had been more cynical.”³⁶

30 Ibid.

31 UK Foreign Office, D.C.R. Heyhoe to D.K. Timms, “Verification Aspects of BW,” 12 May 1969, FCO 66/134, PRO.

32 Ibid.

33 UK Foreign Office, “Verification Aspects of BW.”

34 UK Embassy Washington, D.K. Timms to I.M.H. Smart, “Biological Warfare Convention,” 26 June 1969, FCO 66/136, PRO.

35 Operations Research Group, *Arms Control of CBR Weapons, I Military Aspects*, 9 February 1961, Operations Group Study No. 23, US Army Chemical Corps, Army Chemical Center, Maryland. Quoted in Malcom R. Dando, *Preventing Biological Warfare: The Failure of American Leadership*. London: Palgrave, 2002.

36 UK Embassy Washington, “Biological Warfare Convention.”

The most important aspect of the verification problem would be the investigation that would inevitably follow any severe and suspicious outbreak of disease, as such an outbreak could be evidence of the use of BW.³⁷ In addition to explicitly banning use, the 1969 draft contained three such investigatory deterrents. First, parties were to respond to suspicious events first through bilateral and multilateral consultations. Alternatively, states could also file complaints of possible breaches through the UNSC that were not subject to vetoes. The third and most intrusive method granted the UN Secretary General the right to investigate complaints against the use of BW.

“THE MILITARILY UNIMPORTANT”

As the next ENDC meeting in 1969 drew near, the interagency process applied new scrutiny to the British Foreign Office’s proposal. In March, the Ministry of Defense (MoD) submitted a dissenting opinion to the Cabinet Defense and Oversea Policy Committee, a coordinating body overseeing the treaty’s development. The MoD’s central argument was that the BW treaty as designed would set dangerous precedents for future arms control treaties, especially for nuclear weapons. For example, the treaty called for the destruction of stockpiles, but could not verify compliance. It would further institute a pledge of non-use that it could not enforce. The MoD had made a similar argument protesting the tabling of the UK Working paper in 1968: “If we have agreed to do without verification in the BW field it will be more difficult to insist on in other fields where it is feasible in practice and militarily essential.”³⁸

Ronald Hope-Jones, the head of the Foreign Office’s Disarmament Division, disagreed. He argued that nuclear weapons were entirely different; therefore, the traditional rules of arms control did not apply to BW. Unlike nuclear weapons, BW technology was unproven. It was unclear whether an effective biological weapon existed or even could exist. It followed, Hope-Jones suggested, that now was the opportune moment to pass such a treaty. BW remained at an early stage in development, and no states had yet developed a “vested interest” in the technology. This reasoning was adopted by the Cabinet Working Group on Chemical and Biological Warfare, an interagency group (of which Hope-Jones was a member) charged with exploring the policy implications of the Bull Report:

The use of microbiological methods of warfare has never been established... Her Majesty’s Government therefore considers that the choice lies between going ahead with the formulation of new obligations, in spite of the fact that fully effective verification is impossible, and doing nothing at all – in which case the risks and fears of eventual use of microbiological methods of warfare

37 UK Foreign Office, “Verification Aspects of BW”

38 Cabinet Office: Defense and Oversea Policy Committee, “Implications of the Proposed Initiative” (Annex A), 24 July 1968, FCO 10/182, PRO.

will continue and intensify indefinitely.³⁹

For Hope-Jones, the current environment was also a unique diplomatic opportunity in the spirit of détente, explaining that “this could well be one field of arms control in which states of both east and west have an interest in making progress and, subsequently, in observing the rules of any Convention.”⁴⁰ But the MoD remained highly skeptical. In its dissent, the MoD specifically rebuffed Hope-Jones’ logic of timing. If Britain’s political and diplomatic leadership was intent on pushing the treaty, the only upside was that biological weapons had little strategic utility. “The saving distinction” between biological and nuclear weapons, the MoD’s dissent read, “must lie between the militarily important and the militarily unimportant, not between the present and the future.”⁴¹

Weighed against the existing historiography of the BWC, the contours of the debate in 1969 are highly revealing in three ways. First, the debate provides further evidence that British strategists—both military and civilian—operated under the assumption that the British working paper was unverifiable, a fact not sufficiently acknowledged by the existing historical literature. Second, by forcing Hope-Jones to confront internal criticism, the debate provides a window into the logic British policymakers used to propel the treaty forward in spite of serious doubts about its lack of verification mechanisms. Third, the MoD’s simultaneous rejection of Hope-Jones’ defense and dismissal of BW as “militarily unimportant” help explain why internal opponents of the treaty were able to stomach its implications for BW but not CW. When historians wonder which country played the biggest role in watering down the treaty in 1971, they tend to consider which superpowers deserve the most blame for watering down the treaty during the negotiations process.⁴² But even before negotiations began at the ENDC in late 1969 and intensified in the spring of 1971, British policymakers were realistic about the treaty’s shortcomings on verification; Hope-Jones, in particular, had already accepted and defended them.

“QUID FOR THEIR QUO” – FINAL NEGOTIATIONS, 1971

In 1979, the ACDRU wrote an official history of the verification issue in BWC negotiations to prepare its delegation for the first BWC Review Conference in 1980.⁴³

39 Cabinet Working Group on Chemical and Biological Warfare, “Draft Working Paper on Microbiological Warfare,” 19 July 1968, CAB 130/389, PRO.

40 “Biological Warfare: Note by the Foreign and Commonwealth Office,” 10 March 1969, FCO 66/133, PRO.

41 Cabinet Defense and Oversea Policy Committee, “Biological Warfare: Note by the Defense Ministry,” 12 February 1969, FCO 66/133, PRO.

42 Jonathan B. Tucker, “A Farewell to Germs: The U.S. Renunciation of Biological and Toxin Warfare, 1969-70,” *International Security* 27, no. 1 (Summer 2002): 142-45.

43 Preparation materials for the 1980 Biological Review conference were declassified in 2009 and 2010.

The paper is striking in its disparaging portrayal of diplomatic efforts to preserve a ban on the *use* of weapons in final negotiations in 1971, implicitly suggesting that those efforts were destined to fail.⁴⁴

In March 1971, the Soviets entirely abandoned their previous position and tabled their own draft convention dealing only with BW. British negotiators were surprised. For two years, the Soviets and their allies had publically criticized the British proposal to divide BW and CW arms control into separate conventions. In preparations for the 1971 deliberations, British negotiators had even worried the Soviets would gain a majority at the UN general assembly for a joint CBW convention.⁴⁵ From this *volte-face*, British negotiators believed that their Soviet counterparts were now ready to adhere to a ban on BW.⁴⁶ The Soviets knew the only western nation with any developed BW capability, the United States, had already decided to unilaterally give up its BW stocks altogether. That the Soviets had broken with previous reservations and tabled a draft convention dealing only with BW seemed to indicate, by basic logic, that they in fact attached little value to BW. British officials came to believe that the Soviets' original call for a comprehensive CBW convention had been a ploy. But the true Soviet attitude toward CW remained unclear.⁴⁷

The Soviet draft created a new, more immediate problem for British negotiators. The 1968 British working paper had granted the UN Secretary General the power to investigate complaints regarding the use, possession, and production of BW, but the new text omitted the explicit ban on the use.^{48 49} This allowed the Soviets to bypass any need for a procedure in the event of complaints against use.

The Foreign Office initially took the view that this omission stood in the way of co-sponsoring the draft, even though they had had been the key diplomatic sponsor of a BW initiative since 1969.⁵⁰ Negotiators considered various diplomatic maneuvers to embarrass the Russians into accepting a change, but ultimately determined that such an effort would be too complicated.⁵¹ Henry Hainworth, the UK Ambassador to the disarmament talks, told his colleagues in London that the prohibition on use was now a lost cause, explaining, "What I fear is that if we continue on this line for too long we

44 Nicholas Sims, "Four Decades of Missed Opportunities to Strengthen BWC: 2001 Too?" *Disarmament Diplomacy* 58 (June 2001).

45 D.M. Summerhayes to I.F. Porter, "Chemical and Biological Warfare," 10 December 1979, FCO 66/300, PRO.

46 PS from UKDIS Geneva to Secretary of State, "Geneva Disarmament Conference – BW Convention," Draft, 1971, FCO 66/300, PRO.

47 Draft Note on Soviet Arms Control and Disarmament Policy in the Field of CBW, 1971, FCO 66/313, PRO.

48 Defense and Oversea Policy Committee, Memorandum by the Minister of State for Foreign and Commonwealth Affairs, "Biological Warfare," 12 June 1969, FCO 66/136, PRO.

49 PS from UKDIS Geneva to Secretary of State, "Geneva Disarmament Conference – BW Convention."

50 Ibid.

51 H.C. Hainsworth to D.M. Summerhayes, 27 August 1971, FCO 66/302, PRO.

shall merely find ourselves brushed aside by the Russians...and thus find ourselves obliged to haul down the union jack, which our brief instructed us to keep flying, from the eventual draft."⁵²

The ACDRU's history flatly presents the Foreign Office as focused on the use question not as a means of including key verification standards, but instead as "a matter of principle."

The UK motives in rejecting the joint approach were somewhat confused. Our main line of argument was one which rested quite simply on a question of pride. Use had been in our draft, it wasn't in the Soviet draft and our pride was therefore dented.⁵³

Secretary of State Sir Alec Douglas Home was puzzled as to why the Disarmament Department pursued the ban on use as if it were a sacred object. If the *use* of BW agents would contravene the new draft's provisions against *possession*, why did the UK delegation in Geneva insist so strongly on pushing specific provisions on use? A high-ranking department official responded that he agreed: "the issue does not matter much. The whole subject is at present primarily of academic interest only." The paper's harshest assessment continued along this line:

We were aware, but refused to admit it, that a provision for complaints of use in the absence of a ban on use was absurd – legal advisors and the Americans had told us so but this did not prevent the issue from keeping Disarmament Department, UKDis, and the CCD busy for almost a year.⁵⁴

But British negotiators ultimately gave in, reasoning in cables that they believed that states were unlikely to develop or use BW even for retaliation in the future.⁵⁵ In bilateral meetings meant to persuade the British to co-sponsor the treaty, the US diplomats argued that because the Geneva Protocol had already banned first-use, the British focus on use had "little practical validity."⁵⁶ On July 22, the negotiating team in Geneva wrote to London formally recommending that the British co-sponsor the new draft and publicly state its desire to further improve measures on use and verification.

The negotiators cited several reasons why they favored co-sponsorship. They hoped that "by being on the inside" as a co-sponsor along with the Soviet Union and the United States, they would be in a better position to influence the further development of the draft; it might still be possible to "maintain our special position on BW" and

52 ACDRU, "Negotiating the BW Convention: The Issue of Complaints/Verification."

53 Ibid.

54 Ibid.

55 Ibid.

56 Cable From UKDIS Geneva to ACDRU London, 22 July 1971, FCO 66/302, PRO.

prod the Soviet Union and the United States to include the ban on use even at the last minute. Under heavy lobbying from the US delegation, the British also determined that rejection of the treaty could damage relations with the United States in arms control efforts going forward.⁵⁷

Significantly, a major underlying motivation for co-sponsorship was to ensure the United Kingdom would get credit when the treaty passed. The Foreign Office seriously worried that if they did not co-sponsor at this stage “the UK role in the elaboration of the Convention [would] be lost to view.”⁵⁸ When negotiators considered a number of permutations of the UN procedures that had accompanied the deleted use article, including various UNSC investigation procedures, a legal advisor noted that they would all be “legally valueless.” Their only utility, he said, would be to “paper over our differences with the Soviet Union while preserving some elements of our draft largely for prestige reasons.”⁵⁹

It became nearly impossible for the British to revive the ban on use when the United States completed separate negotiations with the Soviet Union, producing a revised draft on August 5 with few fundamental changes. As one British official explained in a 1971 cable, US policymakers, having unilaterally destroyed their BW capability, were “anxious to get some quid for their quo.” The United States was “less interested in the content of an agreement than in the fact of reaching quick agreement with the Russians.”⁶⁰ But while the combined US-Soviet draft quickly dispensed of the ban on use, it was the Bull report that had provided the conceptual framework for a treaty without verification. British negotiators did aim to preserve some cosmetic verification measures, but these measures did not include the complaint and investigation procedures that would be necessary for foolproof verification. As much as British diplomats recognized the need for some barebones verification, they were equally driven by a desire for credit.

CONCLUSION

After reviewing the documentary record, it is clear that the BWC’s shortcomings on verification were not simply the result of bungled negotiations or Cold War stalemate. It is clear that British strategists concluded that any treaty in the field of CBW could never be verifiable. Advocates of the treaty within the British bureaucracy came to the conclusion early on that BW were unlikely to be a potent force or significant risk in the future, and therefore an unverifiable treaty could still discourage further BW development. Fundamentally, it was the prediction that an international norm against BW would spur an end to research and production of that entire class of weapons

57 Ibid.

58 ACDRU, “Negotiating the BW Convention.”

59 Ibid.

60 Cable From UKDIS Geneva to ACDRU London, 30 July 1971, FCO 66/302, PRO.

that allowed the British to justify backing the treaty. It is also apparent that many policymakers saw the treaty as an advantageous way to promote momentum towards further progress on other arms control priorities. Ironically, the failure of the treaty, particularly in the context of the covert Soviet BW program that employed nearly 60,000 people through the late 1980s, later hindered momentum in pushing future treaties.⁶¹

If British strategists had determined early on that a BW ban could not be verified, a second question emerges: why did the British government spend over four years of diplomatic capital in promoting its passage? The British BWC initiative was rooted in two central predictions about the future of weapons of mass destruction. The predictions were first introduced by ACDRU director Hedley Bull in 1967 and were eventually adopted as collective wisdom that would guide British policy through 1971.⁶² The first prediction was that if BW development continued unchecked, it would become attractive as ‘the poor man’s nuke.’ By passing a treaty that, even if unverifiable, created strong normative disincentives for further offensive research on BW, this problem could be avoided. The second prediction was that the Soviets logically would have no interest in further BW development, and therefore could be trusted to adhere to a treaty that could not be verified, paving the way for future arms control agreements. These predictions provide a more complete and specific explanation of what really drove the treaty forward.

Yet other important questions regarding the treaty’s enforcement and the Soviet violations remain unanswered: a more complete assessment of this final period in the development of the BWC might consider how the treaty functioned when a Soviet violation was suspected after the Sverdlovsk outbreak of 1979. Would the United States have been able to take a tougher line against suspected BW activities at Sverdlovsk if the “guttled” provisions of the 1979 draft had remained intact?

Newly declassified documents from US and British archives detailing governmental responses to the Sverdlovsk incident raise new questions about the extent to which policymakers disregarded intelligence on Soviet violations to avoid a messy confrontation with the Soviets. Gary Crocker, the US Department of State’s top arms control intelligence analyst during the 1970s and early 1980s, said that he had been writing about the Soviet’s clandestine BW program since 1975.⁶³ In 1979, the Central Intelligence Agency’s Weapons and Space System’s Intelligence Committee rejected all explanations of the Sverdlovsk incident “other than the release of a large quantity of

61 Steven Block, “The Growing Threat of Biological Weapons,” *American Scientist* 89, no. 1 (February 2001), 5.

62 Susan Wright, one of the only scholars to examine the newly released documents, has also argued that once Britain and other major powers determined that biological weapons were militarily unreliable, biological weapons became the “poor mans nukes” – a cheap means of deterrence for “underdeveloped” states without nuclear weapons. Wright, *Biological Warfare and Disarmament*, 323.

63 Gary Crocker. “PBS Frontline’s Plague Wars: Interviews.”

disease-producing agent from a biological warfare facility.”⁶⁴ The Department of State agreed that BW stocks were involved, but did not think there was adequate evidence that the Soviets were producing, instead of researching, BW agents at Sverdlovsk.⁶⁵ An important question to be answered, then, is why the United States decided not to publically declare the USSR in violation of the BWC until 1984. Even in 1984, the United States did not submit a formal complaint to the UNSC under Article VI of the BWC. As Milton Leitenberg argues, the United States could have followed the Article VI procedure in 1979. And though a Soviet veto would have been likely then and also in 1984, the action would have “impugned Soviet compliance.”⁶⁶

It is also worth examining the effect that unpunished Soviet noncompliance had for arms control more generally. The appearance of an unpunished violation arguably damaged future prospects for arms control treaties with the Soviet Union. In the mid-1980s, international distrust on BWC adherence had increased enough that some analysts even predicted a new biological weapons arms race.⁶⁷ As Ken Alibek points out, the limitations of the BWC continue to frustrate the international arms control community to this day, as many of its provisions still depend on the “goodwill” of all sides, rather than good verification clauses.⁶⁸

64 Memorandum, Defense Policy Coordination to Zbigniew Brzezinski, 10 March 1980, Staff Evening Reports File, Box 10, File 27, Jimmy Carter Library.

65 Ibid.

66 Milton Leitenberg, “Biological Arms Control.” *Center for International and Security Studies and Maryland: Project on Rethinking Arms Control*, no. 16 (1996).

67 Richard A. Falk, “Inhibiting Reliance on Biological Weaponry: The Role and Relevance of International Law,” *American University Journal of International Law and Policy* 1, no. 1 (1986).

68 Ken Alibek and Stephen Handelman, *Biohazard: The Chilling True Story of the Largest Covert Biological Weapons Program in the World* (New York: Random House, 1999).

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American Aid in Haiti: What Motivates Action?

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ABSTRACT

What motivated the United States to provide disaster relief aid during the immediate aftermath of the 2010 Haiti earthquake? Was it a purely humanitarian mission, as constructivists would suggest, or was it a mission meant to advance the American national interest, as realists would argue? Most importantly, why did the aid dissipate after only one month? This paper investigates this issue from both the realist and constructivist perspectives in an effort to explain US state behavior. This paper will then compare the case of the 2010 Haiti earthquake to the 2008 Sichuan earthquake in China. This comparison is made in an effort to identify patterns in American state behavior and also to identify any unique elements of the 2010 Haiti earthquake case that might have caused the observed outcomes. This paper seeks to demonstrate that foreign aid is, in the words of Stephen Walt, "international bribery": an instrument by which a state seeks to advance its national interests.

On January 12th, 2010, a massive magnitude 7.3 earthquake struck Haiti – the most powerful earthquake experienced in Haiti in over 200 years. The epicenter of the earthquake was mere miles away from Port-au-Prince, the country's capital. The earthquake had catastrophic consequences for the people of Haiti. Totaling the earthquake's casualties has proven to be a very difficult task, but most estimates range between 220,000 and 250,000 deaths and over 300,000 injured. The earthquake destroyed over 150,000 homes, damaged hundreds of thousands more,

and leveled numerous schools and hospitals.¹ The earthquake also exacerbated a myriad of problems already facing Haitians prior to the disaster. Already the poorest country in the Western Hemisphere,² Haiti suffered over \$7.8 billion in assessable damage³—120% of its 2009 GDP of \$6.5 billion.⁴

In the immediate aftermath of the earthquake, there was an outpouring of support for Haiti throughout the international community. The global media fixated on the tragedy, celebrities partnered with television stations worldwide to host telethons to support relief efforts, and governments and NGOs flocked to Haiti to assist in emergency response. On January 13, 2010, only a few hours after the earthquake, the United States Navy deployed the USS Carl Vinson “to conduct Humanitarian Assistance/ Disaster Response (HA/DR) missions,”⁵ and numerous other Naval vessels deployed to Haiti as soon as possible.⁶ The US Navy brought Medical Corpsmen and supplies to treat the wounded, as well as food and clean drinking water to combat starvation and disease. Furthermore, the United States Department of Homeland Security (DHS) temporarily suspended all deportations to Haiti and granted Temporary Protected Status (TPS) to a limited number of Haitians who sought permission to live and work in the United States.⁷ In its totality, the United States government’s response to the earthquake can be described as swift, significant, and certainly crucial to saving many lives.

Not long after the earthquake, however, the vast majority of the aid dried up. On the one-year anniversary of the earthquake, President Obama said that “Haiti can and must lead the way, with a strong vision for its future,” implying that Haiti, alone, is responsible for the wellbeing of its people.⁸ Given the disaster that the state suffered, it is hard to imagine a state less capable of independently serving its population. Still, President Obama’s assertion about Haiti’s ability to lead the way is closely tied to the observed cut in US aid toward the damaged nation. The United States Agency for International Development (USAID) reports the United States government spent \$655,698,000 in response to the 2010 Haiti earthquake.⁹ However, almost all of this aid was spent in the first two months following the disaster.¹⁰ According to a recent

1 Damien Cave, “More than 150,000 Have Been Buried, Haiti says,” *The New York Times*, January 23, 2010.

2 Yasmine Shamsie, “Building ‘Low-Intensity’ Democracy in Haiti: The OAS Contribution,” *Third World Quarterly* 25 (2004): 1097.

3 Marc Lacey and Ginger Thompson, “Agreement on Effort to Help Haiti Rebuild,” *The New York Times*, January 25, 2010.

4 Ibid.

5 Ngaire Woods, “The Shifting Politics of Foreign Aid,” *International Affairs* 81 (2005): 395.

6 Ibid., 403.

7 Muzaffar Chishti, “Remarks by Muzaffar Chishti,” *Proceedings of the Annual Meeting (American Society of International Law)*, 104 (2010): 116.

8 Jesse Lee, “President Obama on Haiti, One Year Later,” *The White House Blog*, January 11, 2011.

9 United States Agency for International Development, “USAID Haiti: USAID post-earthquake response.”

10 Ibid.

account by an administrator in Save the Children Haiti’s Port-au-Prince bureau, only approximately 8% of the rubble had been cleared as of January 2012.¹¹ Nearly two million Haitians continue to live in temporary settlements.¹² Disease is rampant; according to the United States Center for Disease Control (CDC), an outbreak of cholera was confirmed in Haiti on October 21, 2010.¹³ Since cholera had not been present in Haiti for decades, an outbreak was not considered a pressing concern following the earthquake. But tragically, there have been over 340,000 reported cases of cholera since the earthquake, causing over 6,000 deaths and forcing nearly 120,000 patients into hospitals.¹⁴

There is urgent need for aid in Haiti, but it is nowhere to be found. Why are not the United States and the entire international community taking more decisive action to stop the spread of cholera, improve access to clean water and food sources, and help rebuild Haiti? What motivated the scale of the immediate response to the earthquake, and why is that same motivation no longer present? In order to investigate these questions, it is first useful to investigate the general motivations for humanitarian aid and disaster relief as described by the constructivist and realist paradigms of international relations theory. This paper will apply these theoretical models to the US response to the 2010 Haiti Earthquake. This paper will also explore the history of US aid in Haiti and elsewhere. Together, the application of theories and the exploration of history demonstrate that the motivation for initial response and the lack of motivation for sustained relief assistance in Haiti are one in the same: the advancement of the American national interest.

PATH DEPENDENCE: THE ROLE OF HISTORY IN HAITI-US RELATIONS

One cannot consider the American response to the 2010 earthquake in Haiti without placing it within the larger context of Haiti-US relations. Dating back to Woodrow Wilson’s presidency, the United States has intervened, invaded, engineered regime changes, and provided aid to Haiti on numerous occasions.¹⁵ Motivations aside, the history of intervention and aid in Haiti in and of itself has created a habit of intertwining American interests and Haitian domestic stability.

Haiti has been plagued by extreme poverty, disease, and severe political turbulence throughout its post-colonial history. The four years that immediately followed the 24 years of the oppressive regime of Francis “Papa Doc” Duvalier were notorious for their rampant political chaos: Haiti was led by six presidents from 1986 to 1990.¹⁶ The last

11 Save the Children Haiti.

12 Ibid.

13 The Center for Disease Control and Prevention, “Haiti Cholera Outbreak.”

14 Ibid.

15 Judson Jefferies, “The United States and Haiti: An Exercise in Intervention,” *Caribbean Quarterly* 47 (2001): 71.

16 Ibid., 76.

of these six presidents, Father Jean Bertrand Aristide, was overthrown by a military coup in 1991. As with the economic and public health crises described earlier, Haiti has suffered from a perpetual cycle of severe political insurrections.

America has a long history of intervention in Haiti. The first monumental intervention was the American invasion of Haiti in 1915. After the assassination of President Jean Sam, the sixth president to be murdered in a span of four years, President Woodrow Wilson sought to stabilize Haiti.¹⁷ Wilson also took action based on his desire to protect American financial interests and regional stability. More recently, in 1994, the United States invaded Haiti in an attempt to reinstate Aristide as President of Haiti. President Clinton justified the invasion as an attempt to stabilize the region, prevent an influx of Haitian refugees into the United States, and protect American interests in Haiti.¹⁸

Regardless of the international relations paradigm used to examine Haiti-US relations in the aid response to the 2010 earthquake, the influence of history is clear and significant. Constructivists see Haitian history as the development of a norm for intervention. A constructivist would say that the United States has identified itself as a nation that is responsible for Haiti's national wellbeing and stability. A realist, on the other hand, would point to the history of political instability and violence as an indicator of potential risk for additional political instability after the earthquake.

Some would explain American foreign policymakers' interests in Haiti with an argument that combines identity and normative values: Americans wish to maintain peace throughout the world and uphold the normative values of peace, civil liberties, and governments that serve the interests of its entire citizenry. In this way, the history of US-Haiti relations provides constructivists with a precedent for upholding American identity and norms. Proponents of this argument would expect these values to resurface following the earthquake.

In Haiti's political history, others would see a serious cause for concern: a state only a few hundred miles off the coast of Florida has had constant political turbulence and regime change. They would likely explain repeated American interventions in Haiti in terms of the American national interest. Given Haiti's proximity to the United States, American economic interests in Haiti, and the Haitian diaspora living in the United States, Haiti is an element within the much larger framework of overall American national interest.

Arguably, Haiti is not the most vital state to the American national interest. However, Samuel Huntington attributes the prominence of Haiti in the American political

¹⁷ Ibid., 71-72.

¹⁸ Ibid., 83.

consciousness to "searching for national interests."¹⁹ After the fall of the Soviet Union brought the Cold War to an end, there was no longer an "other" upon which American foreign policymakers could concentrate their efforts. Therefore, according to Huntington, American foreign policymakers were forced to find other issues of significance and find new avenues through which they could continue to advance their national interest.²⁰ During this search, policymakers have identified a number of such avenues; one of these avenues, Huntington argues, is Haiti.²¹ Therefore, one might expect that the American national interest would be at the forefront of the decision-making process following the 2010 earthquake.

CONSTRUCTIVIST EXPLANATION: NORMS, NON-STATE ACTORS, AND IDENTITY

The constructivist worldview argues that "foreign policy is and should be guided by ethical and legal standards."²² Constructivism characterizes actors as dynamic individuals who change their interests and identities over time and across contexts. There is no objective view of the world. Rather, according to constructivists, states create their own realities based on how they interact indirectly within institutions and directly with each other. Instead of focusing on the structure of the international system, constructivists emphasize normative values that serve as standards for appropriate behavior. Actors create norms, which are then validated and internalized as actors proceed to act in accordance with these norms. Over time, these norms are woven into the world's systemic fabric and grow independently of the actors who initially created them.

According to constructivists' interpretation of the international system and the actors within it, the United States' decision-making in the aftermath of the 2010 Haiti Earthquake was likely governed by a long-developed normative value of humanitarianism.²³ According to this norm, Americans are expected to have an intrinsic interest in the protection of humanitarian needs around the world. Natural disasters tend to exacerbate humanitarian crises and human rights violations in already-vulnerable regions.²⁴ Therefore, after the earthquake, normative values of humanitarianism spurred the United States to aid in Haiti's disaster relief efforts.

Though norms might contribute significantly to the explanation for the initial

¹⁹ Samuel Huntington, "The Erosion of American National Interests," *Foreign Affairs* 76:5 (1997): 35.

²⁰ Ibid., 39-40.

²¹ Ibid., 40.

²² Jack Snyder, "One World, Rival Theories," *Foreign Policy* 145 (2004): 59.

²³ Lieutenant Commander Tahmika Ruth Jackson, "Bullets for Beans: Humanitarian Intervention and the Responsibility to Protect in Natural Disasters," *Naval Law Review* 59 (2010): 14.

²⁴ Daniel Lord, "Disability-Inclusive Disaster Preparedness and Response: Challenges and Opportunities for Reconstruction in Haiti," *Proceedings of the Annual Meeting (American Society of International Law)* 104 (2010): 119.

response to the earthquake, norms do not explain why the aid has not been sustained. Humanitarianism is no less relevant to the current situation in Haiti than it was in the immediate aftermath of the earthquake. In order to adequately explain the international response to the earthquake, constructivism must explain not only the immediate disaster relief, but also the drop-off of relief in the crisis's less-immediate aftermath. The distinguishing factor is likely based on emotional appeal: perhaps there is something about the jarring nature of a natural disaster that compels actors to take action more than do more chronic humanitarian crises, such as disease, famine, and extreme poverty. As US State Department Haiti Special Coordinator Thomas Adams explains, "[Americans are] an impatient lot, and it can be difficult to understand why progress in Haiti is slow."²⁵ In other words, success is measured in very short-term metrics, and sustained long-term aid efforts are not politically viable in the American political climate.

Constructivists claim that foreign policy should be driven by legal and ethical values, however the ethical components of certain events may only remain relevant to a population or a government administration for so long. Despite the normative value of humanitarianism, the earthquake has grown less and less important to Americans—and, more importantly, to American policymakers—after the initial shock of the disaster. While slow results may frustrate advocates of sustained US aid for Haiti, the decreased media attention and diminishing emotional shock from the situation—both inevitable consequences of the passage of time—may also serve to explain the short-term nature of the aid. Despite the moral imperative that constructivists claim Americans face in the treatment of Haiti, over time, the Haitian earthquake has lost its importance to the US in the grand scheme of global moral crises.

REALIST EXPLANATION: THE NATIONAL INTEREST

The realist worldview is based on four central assumptions: the international system is anarchic; the system is composed of states, which behave as unitary actors; states necessarily act in their own self-interest; and "power is the main currency of international politics."²⁶ Therefore, a realist would likely explain international disaster relief aid in Haiti as a state's efforts to advance its own self-interest. On the surface, to aid an extremely impoverished state to recover from a natural disaster might not seem like a method of advancing a state's self-interest. However, it was certainly in America's best interest to respond swiftly to the earthquake.

Regional and hemispheric stability is undoubtedly in a state's best interest; even domestic civil unrest in a small state has been shown to create a "spillover effect" that

²⁵ Thomas C. Adams, "Haiti: One Year Later," DipNote, U.S. Department of State Official Blog, January 11, 2011.

²⁶ Brian Schmidt, "Theories of US Foreign Policy," in *US Foreign Policy*, ed. Michael Cox and Douglas Stokes (Oxford: Oxford University Press, 2008): 11.

can spread civil unrest into neighboring states.²⁷ Furthermore, severe domestic unrest can often result in a regime change, which can destabilize international relations. It is certainly in a state's best interest to curb civil unrest and avoid the "spillover effect." In the case of the earthquake in Haiti, the spillover effect would include an influx of Haitian refugees into the United States and an unfavorable regime change in a nearby state. According to Philip Nel and Marjolein Righarts, the risks of violence and civil conflicts are significantly augmented following natural disasters.²⁸ The authors list numerous examples, in which scholars associated natural disasters with various political disturbances, including Haiti in 1954. Nel and Righarts describe their understandings of what they call "political ecology": the outlook that "environmental change affects conflict through its impact on social variables such as migration, agricultural and economic decline, and through the weakening of institutions."²⁹ This decline, according to the authors, frequently results in civil violence. There is a direct relationship between the severity of a disaster and the degree of the ensuing political unrest and violence.

The causal relationship between extreme natural disasters and severe violence presents a viable realist explanation for American disaster relief aid following the 2010 earthquake. In the post-Cold War context and in the aftermath of the 1993 humanitarian intervention in Somalia, Robert Patman observed that "weak or failed states...were now the main source of threat and instability in the world."³⁰ Collectively, Patman, Nel, and Righarts make clear that extreme natural disasters can be considered a component of instability in the world. The high correlation between extreme natural disasters, the resulting severe political violence, and the weakening of institutions suggests that a state that suffers an extreme natural disaster will likely become a weak or failing state. Therefore, it will pose a threat to regional, if not systemic, stability.

In addition to the threat posed by weak and failing states, Patman asserts that "military overspill from intrastate conflicts [challenges] the old sovereign distinction between domestic and external policy in the field of security."³¹ In essence, he acknowledges the ever-increasing globalization and interdependence between states and the detrimental effects of interdependency on domestic conflicts. Spillover is now a very real concern for states, especially those within close geographic proximities to a state experiencing conflict.

This theoretical framework is impressively complete in its ability to explain both the

²⁷ Huntington, "The Erosion of American National Interests," 46-49; and Philip Nel and Marjolein Righarts, "Natural Disasters and the Risk of Violent Civil Conflict," *International Studies Quarterly* 52 (2008): 168.

²⁸ Nel and Righarts, "Natural Disasters," 184-185.

²⁹ *Ibid.*, 160.

³⁰ Robert Patman, "Globalization, the New US Exceptionalism and the War on Terror," *Third World Quarterly* 26:6 (2006): 91.

³¹ *Ibid.*

rapid and expansive initial aid relief in Haiti and the significant decrease of American efforts in Haiti soon thereafter. The earthquake was, without question, an extreme natural disaster. The pattern of “political ecology” demonstrates that the earthquake created ideal conditions for severe domestic political unrest and violence to occur in Haiti. Thus, it was in America’s national interest to curtail any political disturbances in Haiti that may arise. Moreover, the United States believed that the stabilization of the domestic living conditions in Haiti would decrease a potentially enormous influx of Haitian refugees into Florida and throughout the United States.³²

Stephen Walt refers to foreign aid as “international bribery,” a tool that is used to develop a reliable and effective ally.³³ He explains that “the provision of military or economic assistance is believed to give suppliers significant leverage over the recipient.”³⁴ Therefore, though the United States intended to help Haitians in need, the US also intended to leverage its relationship with Haiti through the provision of aid.

The realist perspective also successfully explains why the initially robust relief effort quickly dissipated. The theoretical framework provided by “political ecology” only applies to the immediate aftermath of a natural disaster. Thus political ecology does not pose the same threat after conditions have sufficiently stabilized and returned to a “pre-disaster equilibrium.” Certainly, this pre-disaster equilibrium is not a satisfying state-of-being for those compelled to improve the Haitian standard of living. Nevertheless, the suspension of US aid after overcoming the initial augmentation in violence and instability following a natural disaster follows Nel and Righarts’ logic.

Indeed, Judson Jeffries attributes multiple past political insurrections in Haiti to instability caused by natural disasters.³⁵ Additionally, Jonathan Todres cites the recurring concern over a potential influx of Haitian refugees into the United States.³⁶ A crisis-ridden immigration system, numerous potentially threatening regimes in the region, and multiple ongoing international wars already plagued America. Therefore, America did not need to add a violent regime change in a nearby state to its list of issues. Potentially, this violent regime change could result in a massive migration of refugees into the United States, the rise to power of an anti-America regime in Haiti, or even an armed conflict to resettle the country and install a pro-America regime (a scenario for which there is significant precedent in Haitian history).³⁷ This is why the United States used “international bribery,” as Walt calls foreign aid, to build Haiti as a

32 Cave, “More than 150,000.”

33 Stephen Walt, “Alliance Formation and the Balance of World Power,” *International Security* 9:4 (1985): 27.

34 Ibid.

35 Jeffries, “The United States and Haiti,” 78-82.

36 Jonathan Todres, “Accounting for Haiti’s Children After the Earthquake: Immediate Needs with Lifelong Consequences,” *Proceedings of the Annual Meeting (American Society of International Law)* 104 (2012): 126.

37 Nel and Righarts, “Natural Disasters,” 158.

strong ally for the future.

In the words of USAID Administrator Rajiv Shah, the goal of US aid in Haiti was “to meet the needs of that moment.”³⁸ In the days immediately following the earthquake, the Haitian government posed a significant threat to American interest. Thus, America needed to stabilize the Haitian government so that it could mitigate this threat. The concept of stabilization is best understood in relative terms. “Stabilization” is not meant to suggest that the Haitian government has instantly become a consolidated, ordered, and self-sustaining democracy free of corruption; that is certainly far from the reality.³⁹ Rather, “stability” is used in this case to draw a contrast between the drastic instability immediately following the earthquake, as described by Nel and Righarts, and the relative stability that followed. What may seem like a sudden shift in policy is actually completely coherent: throughout the decision-making process, American foreign policymakers were advancing American national interest. The American decision to provide aid immediately following the earthquake was an attempt to advance American national interests, as was America’s eventual withdrawal of relief aid from Haiti.

NOT ALL DISASTERS ARE CREATED EQUAL: SICHUAN EARTHQUAKE

While the 2010 Haiti earthquake was disastrous -- one of the deadliest earthquakes in modern history -- it was not the only severe natural disaster in recent history. On May 12, 2008, a magnitude 7.9 earthquake struck China’s Sichuan Province. There were over 78,000 reported deaths and nearly 20,000 people missing. Thousands of those found dead were school children killed when their school buildings collapsed.

As with the disaster in Haiti, during the immediate aftermath of the Sichuan earthquake there was an outpouring of support and good will from other states, NGOs, and private corporations. The Red Cross, for example, was particularly active; in its immediate response, it sent thousands of tents and blankets to the Sichuan region.⁴⁰ However, the American response was markedly different than its response to Haiti. A statement made by then-US President George W. Bush best summarizes the difference: “The thoughts and prayers of the American people are with the Chinese people, especially those directly affected. The United States stands ready to help in any way possible.”⁴¹ Following the 2010 Haiti earthquake, the United States did not merely “stand ready”; instead, the US deployed its military and sent aid to Haiti immediately. USAID reported that the US government spent \$655,698,000 in response to the 2010 Haiti earthquake. In stark contrast, the USAID reported that the US government spent only \$4,877,598

38 Rajiv Shah, Interview with Rajiv Shah, January 7, 2011, <http://www.state.gov/r/pa/prs/ps/2011/01/154130.htm>.

39 Todres, “Accounting for Haiti’s Children,” 123.

40 United States Agency for International Development, “USAID Haiti.”

41 Agence France-Presse (AFP), “Bush: US ‘Ready to Help’ China After Quake,” May 12, 2008.

in response to the 2008 Sichuan earthquake.⁴²

Some would explain the enormous discrepancy between the two aid efforts by emphasizing that America considers Latin America and the Caribbean to be “America’s backyard.” Therefore, Americans perceive affairs in these regions to be more relevant and close to the American interest than they might be in reality.⁴³ A constructivist would conclude that this view that Haiti is part of “America’s backyard” made the earthquake feel ‘closer to home’ for Americans, and therefore prompted a more significant initial response.

Nel and Righarts, among others, explain the difference in American aid responses to the two earthquakes much more successfully, and do so in terms of the American national interest. Unlike constructivists, who focus on the perception of the national interest, realists argue that domestic stability in Haiti is more crucial to America’s immediate national interest than is stability in the Sichuan province in China. Almost universally, China is seen as a competitor of the United States, who challenges US systemic hegemony. Furthermore, given China’s distance from America, neither an exodus of Sichuan refugees nor any domestic unrest in the Sichuan Province would have an immediate impact on the well-being of the American population.⁴⁴

American aid to China decreased dramatically soon after America’s initial response. As in Haiti, American sent nearly 90% of its aid to China during the first two months after the earthquake.⁴⁵ In both cases, America did not continue to provide significant aid after the immediate disaster relief efforts because it was not in America’s national interest to do so. Once the immediate concerns related to political ecology were alleviated, there was no motivation for America to continue to provide aid in China and Haiti.

CONCLUSION

When trying to explain the abrupt end of American foreign aid in Haiti, it is tempting to search for a factor that would produce a fissure in American foreign policy with respect to Haiti. However, the reverse is indeed the case. What motivated the initial outpouring of disaster relief aid and support following the 2010 Haiti earthquake was the very same motivation that caused its end: the goal of advancing the American national interest. Political ecology demonstrates that instability, political unrest, and violence are often the result of natural disasters. The “spillover effect” gives American policymakers cause for concern that the American national interest is at risk when

42 United States Agency for International Development, “USAID Haiti.”

43 Huntington, “The Erosion of American National Interests,” 48-49.

44 Ibid.

45 United States Agency for International Development, “USAID Asia: USAID Provides Earthquake Relief in China.”

a nearby state, such as Haiti, experiences a severe natural disaster, such as the 2010 earthquake. Walt’s explanation of foreign aid as “international bribery” illustrates the way in which providing aid to Haiti not only stabilized the region but also built a strong, dependable ally.

It is this very same desire to advance the American national interest that caused the significant decrease in American foreign aid following the first two months after the earthquake. Given the relative stabilization of post-earthquake Haiti in comparison to the immediate aftermath, it became clear that the effects of natural disasters described by Nel and Righarts were less threatening. Thus, the costs of the aid began to outweigh the benefits it had for the American national interest. The realist approach to the pursuit of the national interest far outweighed any humanitarian norms. After all, if norms were more persuasive, the US would have tried to improve the standard of living of a suffering population, and thus would have maintained a continuous, strong presence in Haiti.

The waning of interest in foreign aid is hardly unique to the 2010 Haiti earthquake; after all, as stated by Thomas C. Adams of the US Department of State, the American people are “impatient”⁴⁶. What is the cause of this impatience? Why did America spend years rebuilding Europe following World War II, but only two months in Haiti after the earthquake? Furthermore, why does America devote so little time to rebuilding Sub-Saharan African nations after any number of crises? The term ‘national interest’ should possibly be taken to an extreme – simply, Americans are impatient and uninterested in solving the long-term crises plaguing the developing world.

46 Adams, “Haiti: One Year Later.”

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Breakdown of Authoritarian Rule: Egyptian and Tunisian Revolutions During the “Arab Spring”

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ABSTRACT

In early 2011, protests swept North Africa and the Middle East, resulting in the toppling of multiple regimes and reform in many other states in the region. This paper seeks to explain the breakdown of authoritarian rule in both Tunisia, the first state to experience mass uprisings, and Egypt, possibly the most internationally publicized uprising. A summary of democratization theory provides insight into authoritarian regime breakdown. Furthermore, the breakdown of authoritarian regimes can be looked at using both rational choice and structural views. These two comparative viewpoints explain different aspects of authoritarian regime breakdown. The aftershocks of the revolutions are shaping the international system. A consequence of revolutions is that the revolutionaries need to build new governments. Additionally, the revolutions took the world by surprise. If scholars are better able to understand the way in which these authoritarian regimes broke down, they may be able to predict future revolutions.

In the early months of 2011 the world saw pro-democracy civilian protests against governments across the Middle East and North Africa. The protesters' demands of their governments, the violence of the uprisings, the responses of the governments, and the successes of the movements varied. Due to the fact that these revolutionary movements occurred at the same time in the same region, there certainly were common factors leading to civilian protest movements in the Middle East and North Africa. Determining the factors that led to the growth of the pro-democracy movement and

revolution in some nations and substantial political and social change in others is vital to international relations scholars. The events in 2011 in the Middle East and North Africa took many of these scholars by surprise. As such, it is important to understand the factors leading to the Arab Spring in order to predict future revolutionary and reform movements in developing nations.

This paper examines the Arab Spring using a democratization theoretical lens, mainly drawing from an overview of the democratization process. For the purposes of clarity and brevity, the paper focuses on the Tunisian and Egyptian revolutions in 2011. First, an explanation of democratization theory, focusing on the structural relationship of economic development and democratization, will explain the growth of pro-democracy sentiments in the Middle East and North Africa. Next, rational-choice views of mass protests and structural analyses of authoritarian regimes provide two perspectives from which to examine the Arab Spring. In the next section, the Tunisian and Egyptian revolutions are evaluated using democratization theory. The following section analyzes the quality of the aforementioned theories for explaining the revolutions. Finally, the conclusion outlines the subject's importance and implications of the Arab Spring.

DEMOCRATIZATION THEORY

A clear definition of democracy is necessary for understanding the democratization process. A formal definition describes democracy in terms of processes, constitutional condition, and constitutional standards. Four identifiable mechanisms defining democracy are “a competitive multiparty system, free and noncorrupt elections, and an effective legal framework of civil liberties or human rights.”¹ Many scholars would also add universal suffrage to the list. Though these are clear-cut characteristics, democracy is more than a set of principles. A substantive definition of democracy must also take into account the quality of political, social, and economic life.² Georg Sørensen asserts that in studying democratic transitions, minimal and clearly identified boundaries for democracy are necessary to avoid analytical difficulties.³ Consequently the paper will use the definition of democracy outlined above.

Democratization theory is useful for explaining the onset of civilian protests and their effects in the Middle East and North Africa in 2011. First, I will outline the structural correlation between economic development and democratization. Most scholars agree there is a causal relationship between capitalist economic development and democratization, but the factors defining the relationship are harder to discern.⁴

1 Timothy C. Lim, “What Makes a Democracy? Explaining the Breakdown of Authoritarian Rule,” *Doing Comparative Politics: an Introduction to Approaches and Issues* (Boulder, CO: Lynne Rienner, 2010), 180-81.

2 *Ibid.*, 181.

3 *Ibid.*

4 *Ibid.*

One school of thought theorizes that democratization is the last step in the modernization process, which consists of a gradual differentiation and specialization of social structures that culminates in a separation of political structures from other structures and makes democracy possible.⁵ In other words, economic development entails a development of social structures, such as education, industrialization, and/or sanitation. Simply, modernization means a build-up of a state's infrastructure. Widespread economic development results in a more equitable distribution of wealth. Recently economically empowered masses have the means to organize and mobilize. As a result, a "viable civil society" can develop. The "viable civil society" is the set of voluntary, civic groups who naturally challenge the state and favor democracy.⁶ Thus, it can be said that democratization occurs as a consequence of the political struggle of those who recently benefitted from improved economic conditions against barriers that previously limited their participation in the political game.

THE THEORETICAL FRAMEWORK

A. Modernization and Democratization

According to modernization theorists, one of the most important precursors to democratization is capitalist economic development in states formerly classified as "underdeveloped." Historical scholars and political scientists theorize that democratization can only occur under certain economic circumstances of capitalist industrialization, resulting in a growth of a nation's gross domestic product (GDP).⁷ Increasing GDP generally means that more money is allocated for social improvements, including increased level of urbanization, improved education, and media growth. These three progressions are necessary conditions supporting the creation and sustainability of civil society.⁸ Generally, these conditions result in better standards of living for citizens. Better standards of living and increased wealth at individual levels produce a stable middle class, who constitute civil society. Upon evaluating the Tunisian and Egyptian revolutions, the conditions for democratization set forth above explain the creation and sustainability of the civil societies that demanded democracy from their governments.

As stated in the democratization theory, the democratization of a nation is dependent on the demands made by civil society. Thus, the civil society that manifests in conditions of modernization and increased capitalism is the instrumental group in the democratization of regimes. Newly empowered civil societies have the means to

5 Adam Przeworski and Fernando Limongi, "Modernization: Theories and Facts," *World Politics* 49, no. 2 (1997): 158.

6 Timothy C. Lim, "What Makes a Democracy? Explaining the Breakdown of Authoritarian Rule," *Doing Comparative Politics: an Introduction to Approaches and Issues* (Boulder, CO: Lynne Rienner, 2010): 185.

7 Zehra F. Arat, "Democracy and Economic Development: Modernization Theory Revisited," *Comparative Politics* 21, no. 1 (October 1988): 21.

8 Ibid., 22.

make demands of their governments. The relative economic security afforded to them by the nationally-improved economic conditions provides resources and mobility to challenge the status quo—which, in the cases of these nations, is the authoritarian regime. Once better educated, economically endowed, and organized, members of civil society begin to demand more liberties and rights from their rulers.⁹ One problem, however, is that civil society often continues to be plagued with unemployment.¹⁰ Unemployment in societies where the majority of the population belongs to the middle class breeds discontent. Should the government prove unsuccessful at resolving unemployment, dissatisfaction among the middle classes continues to rise. The inability of the government to solve various issues plaguing its citizens is most often what leads to increasing public discontent, and ultimately regime change. In summary, the economic development of Arab nations in the years preceding the Arab Spring resulted in the modernization of Arab societies, which then naturally demanded pro-democratic political changes.

B. Mass Protests in the Rational-Choice View

The rational-choice view of mass protests explains the ability of regular citizens to rise up and achieve goals for democratic political change. In this view, the general public is the primary agent in the democratization process.¹¹ Members of civil society recognize common opinions about anti-authoritarianism amongst their fellow citizens and rationally make decisions to unite with those with common opinions to accomplish goals. The larger the group of protesters, the less likely that the government will be able either to ignore or suppress the uprising. Furthermore, mass political protests, and an inability of authoritarian leaders to suppress uprisings, signal breakages in authoritarian control.¹² Mass protests force authoritarian governments to recognize protesters and negotiate their demands. This recognition of the mass protesters as a legitimate, challenging force provides protest leaders with bargaining advantages. In other words, recognition of the protesters is also recognition of the threat they pose to the authoritarian regime.

Supporters of the status quo and opponents of political change cannot ignore nationwide mass protests. Authoritarian regimes must at least recognize the divergent views of its citizens and either make concessions accordingly or attempt to suppress the voice of civil society. If the protests are nationwide and extremely strong, the only choice for leaders may be to agree to end nondemocratic rule and thus change the form of government entirely.¹³ Otherwise, authoritarian regimes may offer higher degrees of liberalization of the political system. However, small concessions often are

9 Ibid., 21-24.

10 Lim, "What Makes a Democracy?" 185-86.

11 Ibid., 197.

12 Valerie Bunce, "Rethinking Recent Democratization: Lessons from the Postcommunist Experience," *World Politics* 55 (2003): 192.

13 Lim, "What Makes a Democracy?" 198.

not sufficiently satisfactory to suppress the mass mobilization of citizens. Still, should governments refuse to negotiate with protesters, the governments face the likely consequence of being forcibly removed from office.¹⁴ Participants in mass protests aim to be a force so strong that the government, and the world, is completely unable to ignore their cries for democratic government.

C. Authoritarian Regime Breakdown in the Structural View

Finally, the structural view of dismantling of authoritarian regimes is vitally important in evaluating the Egyptian and Tunisian revolutions. Structural theories of international relations focus on the structure of the international system, structures within individual states, and how these structures motivate and constrict actors. Thus, in analyzing how authoritarian regimes break down, structuralists focus on the particular structures of each regime. Accordingly, there are four types of authoritarian regimes: personalist (which this paper will focus on), military, single-party, and a fourth mixed category called “amalgams of pure types.”¹⁵

Personalist regimes are based on the dominance of a single ruler and the group of elites that forms around him, with little chance for political opponents to gain entry to the government. The primary interest of the ruler and his elites is the survival of the regime—particularly the continuing control of the dictator. The likelihood of a democratic transition in a personalist regime is low due to the controlling regime’s resistance to internal instability.¹⁶ Instead, the destabilizing factor that can lead to the toppling of the regime is external. An external system shock precedes a particular event or process that directly brings down the regime. The events are either top-down, such as *coups* or assassinations, or bottom-up, such as popular uprisings and insurgencies. Finally, the breakdown of personalist regimes generally is not negotiated, as those in power are unwilling to relinquish that power.¹⁷ Instead, the fall of personalist regimes results from violent, forced regime change. If the fall of the regime results from a bottom-up movement, it is likely the transition will be to a more democratic government.

CASE STUDY 1: TUNISIA

First, an overview of the mass protests leading to regime change in Tunisia is necessary in order to discuss the context in which revolution occurred. Tunisia’s revolution began on December 17, 2010 with twenty-six year old Tunisian university graduate Mohamed Bouazizi. Bouazizi was a well-educated and seemingly ordinary citizen

14 Ibid.

15 Barbara Geddes, “What Do We Know About Democratization After Twenty Years?” *Annual Review of Political Science* 2 (1999): 121.

16 Ibid., 134.

17 Ibid., 135.

who became a fruit vendor due to rising unemployment. A government inspector confiscated his product and then ordered Bouazizi to be beaten when he resisted. In protest of his unfair treatment and government corruption, Bouazizi publically set himself on fire, which resulted in his death weeks later. In response to the unfair treatment of Bouazizi and his public suicide, protests began on a variety of issues, including food price inflation, government corruption, unemployment, and lack of political freedoms. The protests escalated when police began beating and killing protesters. As a result of this violent suppression of the mass protests, the general public united nationally. In other words, the previously regional movement became a national movement.¹⁸ Protests spread to all of Tunisia’s major cities and suburbs. The protesters demanded the resignation of President Zine el-Abidine Ben Ali, president for twenty-three years, as well as the creation of a democratic government. In response to these demands, Ben Ali attempted to negotiate by promising protesters that he would not seek another presidential term. He also ordered the police and military forces to cease using firearms on protesters, and vowed to lower food prices.¹⁹ These promises were too little, too late and mass protests continued—even following the deaths of over sixty protesters. Finally, the masses achieved their goal. Ben Ali lost control of the country and was forced to flee to Saudi Arabia on January 14, 2011.²⁰

According to democratization theory, the modernization of Tunisian society through capitalist economic growth should have resulted in the creation of a pro-democracy civil society. In fact, in the years preceding the revolution, the real GDP of Tunisia rose steadily each year. In 2010 alone, the real GDP growth rate was three percent.²¹ The steady growth in GDP had the effects that democratization theorists claim follow economic growth—urbanization, improved education, and media growth. Tunisia’s annual urbanization rate is estimated at 1.5 percent, with sixty-seven percent of the population living in urban areas.²² Urbanization in Tunisia obviously resulted in higher concentrations of people in cities, which facilitated the organization of groups who voiced discontent and ultimately challenged the legitimacy of the regime. Through improvements made to the Tunisian education system, the European Union Delegation helped make possible the growth of pro-democratic sentiments. These improvements include increasing the scope of education, developing professional training programs, and encouraging the use of information and communication skills.²³ These improvements to education introduced Tunisians to new ideologies

18 “Middle East and North Africa in Turmoil: Tracking the Protests,” *The Washington Post: National, World & D.C. Area News and Headlines*, November 8, 2011.

19 Richard Spencer, “Tunisia Riots: Reform or Be Overthrown, US Tells Arab States amid Fresh Riots,” *Telegraph.co.uk - Telegraph Online, Daily Telegraph and Sunday Telegraph*, January 13, 2011.

20 “Middle East and North Africa in Turmoil: Tracking the Protests.”

21 “Background Note: Tunisia,” *U.S. Department of State*, U.S. Department of State, 22 September 2011, 22.

22 “Field Listing: Urbanization,” *CIA World Factbook*.

23 “Delegation News,” *ENPI-EuroMed*, ENPI Information and Communication Support Project, 14 February 2012.

and the possibility that civil society could challenge governments that they believe are unsatisfactory. The final factor engendering civil society in Tunisia is the growth of the media (or, more specifically, the growth of the media's influence and the freedom of the media to report without governmental consent). Prior to the 2011 revolution, Tunisia ranked 154 out of 178 states on the spectrum of a Press Freedom assessment.²⁴ Freedom of speech, freedom of assembly, and freedom of expression were extremely limited. Thus, prior to the revolution, the government maintained strict control over the media in Tunisia. To be sure, the media was not in a growth period. However, the news of the self-immolation of street vendor Mohamed Bouazizi spread throughout the nation, inciting the nation to rebel against the regime. Conclusively, the factors of urbanization and improved education played huge roles in stimulating an active civil society. Following the revolution, media freedoms have increased drastically. These new freedoms have led to the continual growth of political discussion in the media and civil society more generally.²⁵

The masses in Tunisia, in an extreme display of determination, were definitely a driving force in the toppling of the authoritarian regime. The masses presented a persistent, united impetus that Ben Ali's government could not ignore. According to the rational view of mass protests, civil society is the primary agent behind the toppling of regimes. Certainly, the mass uprising in Tunisia can be seen as a series of mass protests, and in large part it was these movements that destabilized the regime. The protests were widespread and resistant to suppression by the regime. Ben Ali was unable to ignore the protests, afforded the protesters recognition, and began negotiation attempts. Rather than satisfy the protesters, this recognition by the regime probably encouraged demonstrators to continue with the movement until they achieved their ultimate goal of deposing Ben Ali. The ability of the protesters to resist repression and continue to challenge the status quo signaled breakages in Ben Ali's regime. Ben Ali, the elites, and the police were unable to stop the wave of protests and pro-democratic sentiments that flooded Tunisia. The rational view theorizes that if the government is not sufficiently responsive to the demands of protesters, then it will lose control. In keeping with the rationalist view, as a result of the inability of the authoritarian regime to strictly control its citizens, Ben Ali and his elites lost control over the country. In sum, the rational choice theory on mass protests accurately describes the movement and progression of events in Tunisia during the Arab Spring.

Finally, the structure of the pre-revolution Tunisian regime can be classified as a personalist regime due to the absolute control that Ben Ali and his elites maintained over the government. Prior to the revolution in 2011, the Tunisian government was officially classified as a constitutional republic.²⁶ Yet, President Ben Ali and the Constitutional Democratic Party (RCD) had been in power for 23 years. The longtime

24 "Background Note: Tunisia," 22.

25 Ibid.

26 "Tunisia," *U.S. Department of State*, September 22, 2011.

rule of Ben Ali is illegal according to the original Tunisian constitution, which was changed to allow Ben Ali to retain control of Tunisia when the time came for new elections. Furthermore, though the government promised that the elections would be fair and democratic, the elections results reported that Ben Ali won the election each time with over ninety percent of the vote. Scholars say that this statistic often indicates rigged elections.²⁷ As it was based around the single ruler Ben Ali, the pre-revolution government was personalist. If the analysis of the breakdown of authoritarian regimes is valid, then the breakdown of the personalist regime in Tunisia would have begun in response to an external pressure, been non-negotiated, and violent. However, in studying the Tunisian revolution, there was no account of exogenous pressures. The mass protests were in response to government corruption, unemployment, economic stagnation, and a lack of political freedoms, namely the right of free press. These were internal issues in Tunisia, by and large separate from international pressures. The revolution was sparked by the self-immolation of Bouazizi, another endogenous pressure within Tunisia. Nevertheless, the other characteristics of personalist regime breakdown fit the Tunisian revolution. Ben Ali did attempt negotiations to subdue the uprising, but not his removal from power. He was forced to resign his power only when it became clear that there would be no end to the mass protests until the corrupt ruler was ousted.

CASE STUDY 2: EGYPT

Egypt's pre-revolution authoritarian regime shared many characteristics with Tunisia's government and various other governments in the region. The authoritarian leader, Hosni Mubarak, had been long despised by the general Egyptian population. According to the US Department of State, Egypt's government was a republic. Mubarak was first elected to the presidency in 1981, and was elected to six more consecutive terms. Though the government gradually allowed more transparency in the elections and greater participation by political parties other than Mubarak's, the ruling National Democratic Party, there were still claims of government manipulation of election results, as evidenced by Mubarak's sweeping majority victories in each election.²⁸

The creation of civil society is theoretically tied to modernization according to democratization theory, measured by the urbanization rate, education improvements, and growth of the media. Economic growth must precede these modernization factors, and Egypt saw rapid economic growth in 2010, with a 5.1 percent increase in real Gross Domestic Product (GDP).²⁹ This growth in GDP allowed for a greater degree of modernization before the revolution. Compared to Tunisia, a lesser percentage of the

27 Alaa Shahine, "Tunisia Revolt Threatens Rulers Sharing Ben Ali's Regime Model," *Bloomberg - Business & Financial News, Breaking News Headlines*, 17 January 2011.

28 "Egypt," *U.S. Department of State*, November 10, 2010.

29 Ibid.

Egyptian population lives in urban areas at only 43.4 percent of the population, yet the rate of Egyptian urbanization is 2.1 percent, which higher than Tunisia's.³⁰ Egypt also experienced fairly rapid urbanization in the years preceding the revolution. This led to a rise in discontent as cities became more crowded, unemployment rose, and opposition political groups became easier to sustain. The Egyptian education system has been improving over recent years, with help from various NGOs and international assistance. Egypt has made great strides in the education sector. It has provided better access to education, boosted enrollment, and narrowed the gender gap in schools.³¹ The improved education system in Egypt had the same effect on civil society as in Tunisia. Thus the better-educated public had the knowledge and means to challenge the status quo in their country. Finally, as in Tunisia, the state controlled the media in Egypt. Most media was state-run, and the government shut down certain protest-organizing websites, such as Facebook and Twitter, in the days preceding the revolution.³² As such, the government still had a great degree of control over the media, but the introductions of stricter controls infuriated and perhaps fueled the mass uprising in 2011. Conclusively, the modernization indicators demonstrate that the growth of pro-democracy sentiments was present in Egypt, which led to the growth of the vocal civil society that overthrew Mubarak's regime.

As with the Tunisian revolution, the Egyptian civil society played a primary, pivotal role in toppling the authoritarian regime. The rational choice view hypothesizes that the larger the protests, the more effective the protesting groups will be at having their demands recognized. The mass protests seen throughout the nation in 2011 were publicized worldwide, which certainly made the demonstrations impossible for the regime to ignore. Mubarak's regime made small attempts to placate the protesters. For example, the regime increased pensions and salaries and removed certain corrupt leaders from the government.³³ Violent attempts to repress the uprising were also made by police forces, but to no avail. Protesters were absolutely set on their demand to depose Mubarak and would not cease their nationwide demonstrations until their goal was achieved.³⁴ As was the case in Tunisia, the Egyptian government was not sufficiently responsive to demands. Thus, the rational choice view, wherein mass protests are believed to cause regime change, can aptly describe the Egyptian case as well.

As Mubarak's government was in firm control of Egypt and posed barriers to other parties attempting to enter the political game, it can be classified as a personalist regime. According to the theoretical framework introduced above, one can expect the

30 "Field Listing: Urbanization," *CIA World Factbook*, .

31 "USAID Egypt from the American People," *EDUCATION*, USAID/Egypt Programs, April 14, 2011.

32 Mark A. Peterson, "Arab Media & Society," *Egypt's Media Ecology in a Time of Revolution*, Arab Media & Society, Summer 2011.

33 "Middle East and North Africa in Turmoil: Tracking the Protests," *The Washington Post: National, World & D.C. Area News and Headlines*, November 8, 2011.

34 Ibid.

proximate cause of the fall of Mubarak's regime to be an exogenous shock, paired with little to no negotiations and high levels of violence. The success of Tunisia's revolution served as the exogenous shock and inspiration that Egyptians needed to start their own pro-democracy mass uprising. Through social media, Egyptian protesters organized a "day of revolt" against the regime, citing Tunisia's success as proof that the masses could overthrow their leaders.³⁵ When protesters called for Mubarak's resignation, Mubarak responded with small compromises. However, protesters would stop at nothing to achieve the fall of Mubarak, and as such protests continued until Mubarak was forced to flee the country. Mubarak's non-agreement to relinquish his power supports the non-negotiated portion of personalist regime breakdown theory. Finally, the theoretical framework hypothesizes that personalist regime breakdown will be violent. Egypt's mass uprising was extremely violent, as Egyptian police and military were permitted to beat and fire at protesters, resulting in over 800 deaths and 1,000 injuries.³⁶

DISCUSSION

The main goal in this paper was to find commonalities in the situations leading to and causing the Tunisian and Egyptian revolutions. Utilizing democratization theory, there exist commonalities in the three areas examined: the economic situations leading up to the revolutions, the success of mass protests in overthrowing the government, and the nature of the pre-revolution authoritarian regimes.

First, the economic situations in Tunisia and Egypt were very similar. Regional GDP had been steadily growing in the decade leading up to the Arab Spring. As described in the sections above, economic development necessarily leads to a degree of cultural and social modernization, leading to the formation of a viable civil society. The masses felt empowered and compelled to overthrow their corrupt leaders and establish democratic governments. Key landmarks in economic development, such as urbanization and improved education, are identifiable in the cases of both Tunisia and Egypt, and preceded the overthrows of the corrupt governments. The successful identification of common economic factors that led to sweeping mass protests has implications for the ability to predict future popular uprisings. This validates the theory that there is a causal relationship between modernization and the democratization process.

The next factor in the democratization process is the rational-choice view of mass protests. The basic theoretical assumption rational-choice theorists make about mass protests is that civil society is the key agent that spurs political change. The masses, mainly the middle classes in Egypt and Tunisia, were certainly the bases for the mass

35 Harron Siddique, Paul Owen, and Adam Gabbatt "Protests in Egypt and Unrest in Middle East as It Happened," *The Guardian*, January 25, 2011.

36 "Middle East and North Africa in Turmoil."

protests, demanding regime change and ultimately succeeding. The relentless mass protests in the Arab Spring forced the leaders to attempt to bargain with protesters, but did not negotiate regime change to allow for more democratic elements. Thus, protests continued until the governments finally were forced to resign their positions of power. The rational-choice theory on mass protests correctly characterized the bottom-up movements to predict how corrupt leaders would respond to mass protests. The theory further predicted how the protesters would respond to different regime reactions. Thus the rational-choice view of mass movements correctly defined the mass protests as a means of democratization. This too indicates that democratization theory was fitting to explain the Arab Spring.

The last part of democratization theory examined in this paper was a structural view of the nature of authoritarian regimes. The theory characterized the personalist regimes of Tunisia and Egypt, citing qualities of the regimes of Ben Ali and Mubarak. More importantly, the theory correctly predicted, for the most part, how the personalist regimes would break down. The one stumbling block in using the structural view of personalist regime breakdown was the absence of an exogenous shock in prompting the fall of Ben Ali's regime in Tunisia. Instead, the proximate causes of the Tunisian revolution were internal, as the masses were motivated by the corrupt nature of the government, a variety of modernization factors, and the actions of activists such as Bouazizi. In contrast, the Egyptian case does follow the theoretical prediction, as the success of the Tunisian revolution provided the external shock needed to spur mass rebellion in Egypt.

The inability of the structural view of authoritarian governments to explain the internal causes of the Tunisian revolution does not discredit the democratization theory as an effective tool for analyzing the pro-democracy revolutions of Tunisia and Egypt. The evidence is clear that the democratization theory explained a great deal about both of the causes of the revolutions and of the courses that the revolutions followed. This minor failure of the democratization theory can be credited as a lesson for studying international relations theory. Theorists try to make theories as exacting as possible, and in doing so must make generalizations in favor of large explanatory power. By making generalizations, theories may not actually account for each and every singular event and factor in international relations. That being said, the inability of democratization theory to predict the internal factors leading the revolution in Tunisia can be forgiven due to the theory's effectiveness in explaining the great majority of the Tunisian and Egyptian revolutions.

V. CONCLUSION

The final section of this paper summarizes the events that have transpired following the overthrow of the authoritarian regimes in Tunisia and Egypt. Then, prescriptions for the future of Tunisian and Egyptian societies and governments are outlined. Given

the revolutions' successes, now comes the difficult task of attempting to build new democratic governments. Tunisia held democratic elections in October of 2011, in which the moderate Islamist party, Ennahda, won 41% of the vote. This resulted in more protests throughout Tunisia.³⁷ The tensions in Tunisia have not dissipated following the resignations of the former president and prime minister. The new government must find a way to satisfy the Tunisian masses in order to avoid continued violence.

Likewise, Egypt's formation of a new government has only just begun. The nation has not seen the end of demonstrations. The fighting that occurs during these conflicts is now between the various factions vying for power. The nature of the new Egyptian government is of great concern to many states, many of which fear the formation of an Islamic government in Egypt. It remains to be seen what shape the new Egyptian government will take, as the military is still in control of the state. The continuing protesters hope to encourage the interim military government to hold free and fair democratic elections. The cultural value of mass protests to express dissatisfaction and attempt to affect political change remains strong in both Tunisia and Egypt.

Many scholars have recommended applying what has been called the "Turkish model" in the Arab world. The Turkish model includes, in part, Turkey's successful combination of a powerful military and liberal democracy. It further addresses Turkey's success in combining a secular government and a primarily Muslim public. Turkey has enjoyed relative economic success—certainly more than its neighbors have.³⁸ Turkey has garnered respect from other states and become increasingly influential in the international system. Attempts to implement the Turkish model would be useful and likely successful in Tunisia and Egypt. Both states share Turkey's historical legacy of a late modernization and an Ottoman past.³⁹ These shared elements of their histories suggest that Turkey, Egypt, and Tunisia came to similar understandings of democracy, human rights, and political rights through relatively late exposure to western ideas of liberal government. The realization of democratic ideals will be extremely difficult. No one can truly predict the futures of Egypt and Tunisia. However, one thing is certain: the masses have risen up and realized that their collective voices can affect change. The people in the Arab world will have a say in the shape of their governments. Otherwise they will continue to protest.

37 "Tunisia's Islamist Ennahda Party Wins Historic Poll," *BBC – Homepage*, Nov. 9, 2011.

38 Rashid Khalidi, "The Arab Spring," *The Nation*, Mar. 3 2011.

39 *Ibid.*

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Core vs. Periphery: Exploring the Structure of Economic Integration Within the Eurozone

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ABSTRACT

The recent European sovereign debt crisis has spurred much discussion about the existence of a core and periphery within the Eurozone. Specifically, there exists a widespread perception that countries in the periphery have less sound economic policies than the countries in the core. This paper seeks to answer two questions related to this perception. First, which European Monetary Union (EMU) member states actually make up the core and periphery? And second, is being in the periphery in fact associated with economic mismanagement? The analysis in this paper demonstrates that, in terms of trade flows and portfolio investment, a core-periphery structure definitively exists within the Eurozone. Contrary to the prescriptions of convergence theory and dependency theory, however, membership in the core or periphery is not associated strongly with three different indicators of sound economic policy. This paper thus contends that the dichotomization of the Eurozone into core and periphery, although popular in the media, is an improper way to analyze economic trends in the Eurozone.

Much of the discussion about the current Eurozone crisis has referenced a “core-periphery” split that dominates the monetary union. Political analysts have focused on the political tensions between the “periphery” nations in need of bailouts and the “core” nations providing the financing. Investment firms have highlighted the widening spread between sovereign borrowing costs of the core and periphery. Politicians are quick to place blame on the party that is most convenient, whether that be the

periphery for being too fiscally profligate or the core for being too domineering. Yet despite the frequent invocation of the core-periphery dialectic, there has been only minimal analysis to demonstrate if such a structure actually exists. More importantly, there has been essentially no work investigating whether or not a core-periphery framework is actually *useful* for analyzing the political and economic conditions of the Eurozone.

The idea of a core-periphery structure comes from the field of social network analysis. The goal of social network analysis is to analyze the relationships between “nodes” – be they people, businesses, or states – that are connected in some way to form a “network.” In a continuous core-periphery network, nodes in the core are very well connected to each other, while nodes in the periphery are weakly interconnected; connections between the core and periphery usually take on some middling value.¹ The idea of connectedness is particularly relevant to the analysis of economic relationships; *Table 1* below summarizes how international flows of trade and investment could correspond to a core-periphery structure.

Level of Mutual Trade and/or Investment		Partner B	
		Core	Periphery
Partner A	Core	High	Moderate
	Periphery	Moderate	Low

Table 1: Core/Periphery Structure in an Economic Network

Research in social network analysis has provided us quantitative measures that evaluate how much a given network corresponds to a core-periphery structure and can allow us to determine to what extent a particular node is core or peripheral. Armed with these tools, it is possible to perform a concrete analysis on economic integration in the European Monetary Union (EMU). Such analysis could answer several key questions raised by recent discussions of the Eurozone crisis. First, we can determine which countries are in the core and which are in the periphery of the EMU. Given the inconsistency with which countries are identified as one or the other, a measure of “coreness” could help remove confusion about the group in which a country belongs. Second, a measure of coreness would help us evaluate whether the core-periphery distinction within the EMU is in any way useful. A substantial amount of recent analysis has focused on the supposed difference between the periphery and the core. Core countries are assumed to have low fiscal deficits and a business-friendly environment; the peripheral economies, on the other hand, are perceived as less responsible and productive, earning themselves somewhat derogatory

¹ Stephen P. Borgatti and Martin G. Everett, “Models of Core/Periphery Structures,” *Social Networks* 21, (1999): 387.

monikers such as the PIGS (i.e. Portugal, Ireland, Greece, and Spain) and the Club Med economies (referencing both the proximity of the assumed periphery countries to the Mediterranean as well as the supposed “relaxed” work ethic of these countries).² Whether or not these generalizations prove to be empirically true would provide useful insight into our current beliefs about European economic integration.

CURRENT PERCEPTIONS OF CORE AND PERIPHERY

Despite the widespread belief in the existence of a core and a periphery within the Eurozone, there is essentially no agreement over what puts a country in one category or the other. As Flandreau and Jobst note, core-periphery distinctions tend to take on a tautological tone; any country with a strong economy is automatically grouped into the core, and a country in need of a bailout is relegated to the periphery.³ However, Flandreau and Jobst also point out that the fact that analysts use such a core-periphery distinction means that structures actually do matter to them. Thus, it is important to have a solid foundation to such specifications.

A quick survey of the literature finds that these foundations largely do not exist, despite a certain level of agreement over the status of several countries. Baldwin and Krugman, fully admitting the crudeness of their measure, assigned countries to the core and periphery based on whether or not they were an “established centre;” they denote Germany, France, Italy, Belgium, the Netherlands, and Luxembourg as the core of the EMU, and Greece, Portugal, Spain, and Ireland as the periphery.⁴ However, Claessens, Tong, and Zuccardi identify the peripheral Eurozone countries as Greece, Ireland, Portugal, Italy, and Spain.⁵ Further, Celine Allard, a Deputy Division Chief of the IMF’s European Department, defines the periphery *ad hoc* as the southern Eurozone countries and Ireland.⁶

The mass media’s interpretation of the core and periphery is somewhat similar to that of the academic literature. Perceptions of the EMU’s core vary, but there is a general consensus that Germany and France exhibit the most coreness of all of the member nations.⁷ Perceptions of the periphery are slightly more uniform. *Table 2*

2 Kash Mansori, “Why Greece, Spain, and Ireland Aren’t to Blame for Europe’s Woes,” *The New Republic*, October 11, 2011.

3 Marc Flandreau and Clemens Jobst, “The Ties that Divide: A Network Analysis of the International Monetary System, 1890-1910,” *The Journal of Economic History* 65, (2005): 978.

4 Richard E. Baldwin and Paul Krugman, “Agglomeration, Integration, and Tax Harmonization,” *European Economic Review* 48, (2004): 6.

5 Stijn Claessens, Hui Tong, and Igor Zuccardi, “Did the Euro Crisis Affect Non-financial Firm Stock Prices through a Financial or Trade Channel?” *IMF Working Paper*, 2011.

6 Céline Allard, “More Europe, Not Less,” *Finance & Development* 48, (2011): 52-54.

7 Amrose Evans-Pritchard, “EMU Crisis Deepens as Slump Reaches Europe’s AAA Core,” *The Telegraph*, August 16, 2011; William Launder, “Gloomy Picture for Banks in Europe’s Core,” *The Wall Street Journal*, December 23, 2011; and Julien Toyer and Annika Breidhardt, “French and Germans Explore Idea of Smaller Euro Zone,” *Reuters*, November 9, 2011.

below summarizes the results of an unscientific sampling of twenty articles from newspapers and magazines around the world found in the LexisNexis Academic database. Each of these articles explicitly identified two or more countries as being “peripheral,” or members of the periphery. In total, five different countries were listed as peripheral: Greece, Ireland, Portugal, Spain, and Italy. Furthermore, there was a very strong consensus that Greece, Ireland, and Portugal – the three countries thus far to receive EU/IMF bailouts – were in the periphery. A majority and a notable minority also listed Spain and Italy, respectively, as peripheral despite their large economies. All of these countries have experienced recent trouble with their sovereign debt, indicating that the countries were likely deemed peripheral due to their fiscal woes and not their level of integration. Interestingly but not surprisingly, when discussing the periphery, none of the articles mentioned some of the EMU’s smallest economies: Slovenia, Cyprus, and Malta.

Country	Publication Title	Date	Classified as Periphery (Y/N/?)				
			Greece	Ireland	Portugal	Spain	Italy
Canada	The Globe and Mail	12/20/2011					
Canada	National Post	12/21/2009					
China	Sunday Morning	6/26/2011					
France	Agence France Presse	7/19/2011					
France	Agence France Presse	7/26/2011					
Germany	Business & Finance Magazine	12/21/2010					
Germany	Business & Finance Magazine	7/1/2011					
Germany	The Irish Times	6/16/2011					
Japan	The Nikkei Weekly	10/14/2011					
Latvia	Daily Star	7/28/2011					
Malaysia	The Edge	6/16/2010					
UK	Daily Mail	1/14/2011					
UK	Financial Times	1/31/2011					
UK	Investment Week	4/11/2011					
UK	The Guardian	10/21/2010					
UK	The Herald	8/4/2011					
UK	The Times	10/24/2011					
USA	International Herald Tribune	8/24/2010					
USA	International Herald Tribune	6/24/2011					
USA	Savannah	4/11/2011					

Percent Classified as Periphery: 100% 80% 60% 40% 20%

Table 2: Listings of Periphery Countries in Newspapers and Magazines

Whether or not they list core or peripheral countries, most reports discussing the core and periphery will not actually *define* the terms. Financial analysts will frequently reference their outlook on peripheral sovereign debt without offering any qualification as to what makes a country core or peripheral. Most knowledgeable investors would assume that a negative outlook on peripheral sovereign debt bodes ill for Portugal and Greece. But how far does the periphery extend? Does it include Italy? Should Cyprus and Malta be taken into account? The most egregious example of unsubstantiated core-periphery rhetoric comes from the International Monetary Fund (IMF). In its “Concluding Statement of the IMF Mission on Euro-Area Policies,” the IMF discussed a “sovereign crisis in the periphery” in four of its thirteen findings.

Yet while the Fund called for “a more cohesive and cooperative approach” to contain the periphery crisis, it failed to identify exactly what the periphery crisis was and which countries it affected.⁸

THE IMPORTANCE OF STRUCTURE

Several competing theories exist to explain how coreness and welfare relate to each other. An unsubstantiated consensus exists that, if a core-periphery structure does exist, countries in the core are economically stronger. In its “Concluding Statement”, the IMF contrasted a strong and growing core with a periphery characterized by high sovereign debt burdens, declining competitiveness, and weak banks. In this case, the IMF did not give an opinion as to whether being on the periphery was a cause or result of these countries’ poor economic infrastructure. However, the question of cause or consequence has generated a heated debate.

If it is assumed that economic interactions in the Eurozone indeed exhibit a core-periphery structure (which is by no means guaranteed at this point), it is possible to think of three potential hypotheses regarding the relationship between coreness and economic soundness. First, one could claim that being on the periphery is a *result* of poor economic policy; core countries are rewarded with trade and investment by businesses and investors that prize economic stability. Second, one could make the opposite claim: being on the periphery *causes* poor economic policy; lack of trade and investment prevents countries from carrying through successful economic reforms. Third, one could argue that coreness and economic policy bear no relation to each other. In this paper, these three policies are referred to as the “German,” “Greek,” and “neutral” perspectives, respectively, for reasons described below.

First, it is possible to make the argument that peripheral countries are peripheral because they are economically mismanaged. Businesses and investors don’t want to trade and invest in countries where bureaucracy is stifling and corruption is endemic. Moreover, since countries in the EMU do not have independent monetary policy, large fiscal deficits are a sign of inevitable future economic contraction. As such, “economic mismanagement” relegates bureaucratic, corrupt, and high-deficit countries to the periphery. Such a position could be called the “German perspective,” since many German leaders believe that peripheral countries are responsible for their own economic woes.

This German perspective has theoretical roots in *convergence theory*, i.e. the idea that economic policies are increasingly converging towards a friendlier business climate and away from social welfare. Mosely describes the mechanism by which convergence occurs.⁹ Business and investor interests are assumed to pursue a uniform set of

8 International Monetary Fund, “Concluding Statement of the IMF Mission on Euro-Area Policies,” 2011.

9 Layna Mosley, “Room to Move: International Financial Markets and National Welfare States,”

policies, specifically reduced social regulation and lower welfare spending; if these actors do not get their way, they will “discipline” countries by withdrawing their capital. Peripheral countries are thus responsible for their own peripheral status; business and investors have chosen to shun the periphery due to poor economic policies.

It is also possible, however, to make the reverse argument: namely, that so-called “economic mismanagement” is a result of peripheral status. Due to historical factors, countries on the periphery are less productive than their peers in the core. Core countries are therefore able to flood peripheral markets with their exports, thereby stifling the development of any domestic business in the periphery. Peripheral countries are forced to run large fiscal deficits to try to stimulate growth. At the same time, bureaucracy and corruption remain problems, since these poorer countries do not possess the necessary resources to undertake major reforms. Such a position could be called the “Greek perspective,” since many Greek leaders and protesters have cited inequality within the EMU as the principal source of their economic difficulties.

This Greek perspective has its theoretical roots in *dependency theory*. Dependency theory rests on the idea that, by exerting their economic power, core countries can directly and indirectly exploit the resources of the periphery. Specifically, core countries use the periphery not only as sources of raw materials and cheap labor, but also as a market for high value-add exports. Periphery countries are thus trapped in a cycle of poverty in which they use all of their income generated from selling low value-add raw materials to purchase imports from the core.¹⁰ In this way, peripheral countries are peripheral because the core inevitably stifles their efforts at development.

There is also a third position between the German and Greek perspectives: the “neutral perspective” assumes that there is not a relationship between coreness and sound economic management. Proponents of the neutral perspective would claim that other factors—political leadership, history, culture, etc.—determine the soundness of economic policy and that economic integration has little role to play. This paper does not seek to determine what those other factors actually are; rather, it simply tries to assess whether coreness relates to economic management.

TESTING FOR CORENESS: METHODOLOGY

The idea of testing for a core-periphery structure is not new. In 1979, Snyder and Kick used discrete blockmodel analysis (an analysis technique that involves grouping nodes together and seeing if they have connections to other groups of nodes) to evaluate the coreness of the “world system,” focusing on trade flows, diplomatic

International Organization 54, (2000): 738.

10 Andrew Walter and Gautam Sen, *Analyzing the Global Political Economy* (Princeton, NJ: Princeton University Press, 2009), 194.

relations, military interventions, and treaty relationships.¹¹ Snyder and Kick were confined to using only binary relationships, i.e. the strength of every relationship had to be 0 or 1. Now, however, advances in network theory and computing allow us to analyze continuous data.

In the analysis, this paper will focus on two types of economic exchange: total trade flows and total portfolio investment between the sixteen members of the EMU. Total trade flows, retrieved from the United Nations (UN) Comtrade database, encompass the total value of imports and exports between two countries during 2010, the most recent year for which data is now available. Total portfolio investment, retrieved from the IMF Coordinated Portfolio Investment Survey database, includes the total value of domestic debt and equity securities held by denizens of a foreign country and the total value of that foreign country's securities held domestically as of December 31, 2010.

These two types of data were chosen for two reasons. First, trade and portfolio investment are two of the most important international economic activities. A higher level of trade and investment is indicative of greater "centrality" in the world trade network.¹² Second, the sources of the two types of data – Comtrade and CPIS – are generally reliable, especially for the advanced economies of the Eurozone.

A matrix of the total trade flows and portfolio investment positions for each dyad can be found in the appendix. These matrices contain all of the data needed for this paper's analysis of coreness: each country constitutes a node, and the level of trade or investment between two countries represents the strength of the connection.

To measure the coreness exhibited by the trade and investment networks, this paper will use the method of "multiplicative coreness" developed by Borgatti and Everett.¹³ Assume matrix A contains the values of trade or investment between two countries in a given year. The matrix entry A_{ij} represents the flow between country i and country j . For the purposes of the analysis, this paper has defined trade and investment as reciprocal, so our matrix A is symmetric, i.e. $[A]_{ij} = [A]_{ji}$. Thus, the goal is to find a column vector c to achieve the maximum correlation between c^*c^T and A . Entry c_i of this vector represents the coreness of country i . Note that if i and j are core countries, $[c^*c^T]_{ij}$ will be high; if i and j are periphery countries, $[c^*c^T]_{ij}$ will be low; and if i is core and j is peripheral or vice versa, $[c^*c^T]_{ij}$ will be moderate. This agrees exactly with the definition of a continuous core-periphery structure established earlier; core countries have strong economic ties to other countries and periphery countries have

11 David Snyder and Edward L. Kick, "Structural Position in the World System and Economic Growth, 1955-1970: A Multiple Network Analysis of Transnational Interactions," *The American Journal of Sociology* 84, (1979): 1096-1126.

12 Stefano Schiavo, Javier Reyes, and Giorgio Fagiolo, "International Trade and Financial Integration: A Weighted Network Analysis," *Quantitative Finance* 10, (2010).

13 Borgatti and Everett, "Models of Core/Periphery Structures," 387.

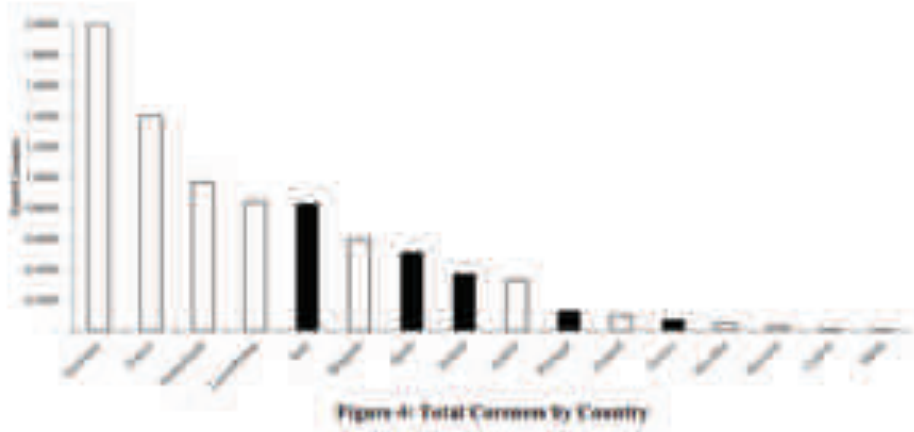
weak economic ties to other countries.

Finding the coreness vector c is a complex optimization process, but can be completed quickly using the software program UCINET.¹⁴ Table 3 summarizes the coreness levels found for the two sets of data. Note that the vectors have been normalized so that the most core country has a coreness level of 1. The scaled coreness levels are then added together to get a level of total coreness. Figure 4 summarizes the total coreness levels in graphical form; the five countries with filled bars – Italy, Spain, Ireland, Portugal, and Greece – are those that either have received EU/IMF bailouts or have come close to needing them.

Country	Trade Coreness	Investment Coreness	Total Coreness
Germany	1.0000	1.0000	2.0000
France	0.4947	0.9071	1.4018
Netherlands	0.4365	0.5319	0.9684
Luxembourg	0.0251	0.8124	0.8375
Italy	0.3148	0.5118	0.8267
Belgium	0.3638	0.2332	0.5969
Spain	0.2011	0.3078	0.5089
Ireland	0.0423	0.3260	0.3684
Austria	0.1852	0.1457	0.3309
Portugal	0.0476	0.0801	0.1278
Finland	0.0357	0.0638	0.0995
Greece	0.0251	0.0455	0.0707
Slovakia	0.0450	0.0055	0.0504
Slovenia	0.0212	0.0055	0.0266
Cyprus	0.0026	0.0036	0.0063
Malta	0.0026	0.0018	0.0045
Correlation between A and c^*c^T	0.9520	0.9600	N/A

Table 3: Coreness Levels for Trade and Investment within the Eurozone

14 UCINET is a network analysis tool developed by Lin Freeman, Stephen Borgatti, and Martin Everett. The software is frequently used in academic research on social networks. It is available for download online.



TESTING FOR CORENESS: FINDINGS

A few observations can be made about the above analysis. First, the high correlation levels indicate that a core-periphery structure definitely does exist in European economic relations. Specifically, the core can be defined as including Germany, France, the Netherlands, Luxembourg, and Italy.¹⁵ The remaining countries would be members of the periphery, with Belgium, Spain, Ireland, and Austria potentially forming a semi-periphery block.¹⁶

Additionally, with regards to the positioning of individual countries, the overall media consensus is only correct to a very limited extent. Germany is indeed the most core of the nations of the Eurozone. Claims that Italy is part of the periphery, however, do not have merit; Italy is one of the most central countries in the European trade and investment network. Moreover, while Spain and Ireland are technically periphery countries, they exhibit noticeably higher coreness than half of the members of the

¹⁵ In addition to assigning coreness scores, UCINET also assigns countries to either a core or periphery group. The mathematics behind this assignment is similar to how the program assigns coreness scores. A vector b is found that maximizes the correlation between $b*b'$ and network matrix A . In this case, however, b is a binary vector; it can only take on values of 0 or 1. If b_i takes on a value of 1, it implies that country i is part of the core; if it takes on a value of 0, the country is part of the periphery. For both the trade and investment matrices, UCINET found that the five countries with the highest scores constituted the core of their respective networks. As such, the countries with the top five total coreness scores—Germany, France, the Netherlands, Luxembourg, and Italy—were determined to make up the core of Eurozone.

¹⁶ The “semi-periphery” of a network is a group of nodes that have greater coreness than the periphery but less coreness than the core. This paper did not explicitly test for the existence of a semi-periphery block, although it is likely that one exists given the notable coreness score difference between countries like Belgium and Spain and countries like Cyprus and Malta. For more discussion on the concept of a semi-periphery, see Borgatti and Everett.

EMU; this is most likely because these countries maintain high levels of GDP per capita that make them attractive markets for international businesses in spite of their high sovereign debt burdens. It is worth noting that countries on the extreme periphery – Slovakia, Slovenia, Cyprus, and Malta – are rarely, if ever, identified by the media as being peripheral, despite the fact that these countries are markedly less integrated (in absolute terms) than Portugal and Greece.

ASSESSING THE IMPORTANCE OF CORENESS: METHODOLOGY

With a measure of coreness, this paper consequently evaluates whether core-periphery distinctions are useful. To assess whether being in the periphery is associated with economic mismanagement, this paper compares a country’s level of coreness to three variables: ease of doing business, corruption, and level of fiscal deficits.

Ease of doing business, measured by the World Bank Doing Business Survey, is a sign of an efficient bureaucracy and a pro-business climate. If coreness is meaningful, a country in the core should have a better ranking for its ease of doing business. Proponents of the German perspective would claim that countries that make it easy to do business would be rewarded with greater trade and investment flows. Reversing causality, proponents of the Greek perspective would claim that low trade and investment flows make it difficult for countries to improve their doing-business climate.

Corruption, measured by the Transparency International Corruption Perceptions Index (CPI), is indicative of weak governmental institutions and an inefficient productive environment. Once again, if coreness is meaningful, core countries should have a higher CPI rank, indicating less corruption. The German perspective holds that core countries are rewarded with greater international economic activity for having low corruption. On the other hand, the Greek perspective holds that corruption is a consequence of low trade and investment.

Finally, high fiscal deficits, measured by the European Central Bank’s reporting of deficits as a percentage of GDP, are a sign of excessive government spending and/or poor tax collection capacity. If coreness is meaningful, core countries should run lower fiscal deficits. Adherents to the German perspective would claim coreness results from the fact that businesses and investors prefer to deal with countries that are fiscally responsible. Yet, proponents of the Greek perspective would claim that peripheral countries are forced to run large deficits because they lack sufficient trade and investment to reduce unemployment and drive growth.

Table 5 below contains the data on ease of doing business, corruption, and fiscal deficits for each of the Eurozone members. The ease of doing business ranking is scaled from 1 to 183, where 1 indicates the best climate for doing business; the data

below were taken from the 2011 Survey, which was published in 2010. Note that no data was available for Malta. The corruption perception score is scaled from 1 to 10, where 10 indicates the least corrupt environment; the data below were taken from the 2011 Index which uses data collected in 2010. The data on fiscal deficits as a percentage of GDP are for the year 2010; deficits are expressed as positive values, so a higher percentage indicates a larger deficit as a percentage of GDP.

Country	Total Coreness	Doing Business Rank	Corruption Perception Index	Deficit to GDP Ratio
Germany	2.0000	22	8.0	3.3%
France	1.4018	26	7.0	7.0%
Netherlands	0.9684	30	8.9	5.4%
Luxembourg	0.8375	45	8.5	1.7%
Italy	0.8267	60	3.9	4.6%
Belgium	0.5969	25	7.5	4.1%
Spain	0.5089	49	6.2	9.2%
Ireland	0.3684	9	7.5	22.4%
Austria	0.3309	32	7.8	4.6%
Portugal	0.1278	31	6.1	9.1%
Finland	0.0995	13	9.4	2.5%
Greece	0.0707	109	3.4	10.5%
Slovakia	0.0504	41	4.0	7.9%
Slovenia	0.0266	42	5.9	5.6%
Cyprus	0.0063	37	6.3	5.3%
Malta	0.0045	N/A	5.6	3.6%
Correlation to Coreness		-0.1924	0.1648	-0.1594

Table 5: Coreness and Economic Mismanagement

ASSESSING THE IMPORTANCE OF CORENESS: FINDINGS

As evidenced by the low correlations between coreness and the mismanagement indicators, coreness does not seem to be related even moderately to ease of doing business, corruption, and fiscal deficit levels. Although the predicted directions of the correlations (i.e. positive or negative) are correct for the three relationships, there does not seem to be enough evidence to confidently support either the German or the Greek perspective.

A key illustration of the weakness of the coreness-mismanagement relationship is the example of Finland. Finland is ranked as one of the top 20 countries in which to do business, has a remarkably high corruption perception score of 9.4 (indicating that the country has little to no corruption), and boasts a deficit that amounts to only 2.5% of GDP. Despite these strong indicators of sound economic management, Finland has a total coreness score less than that of Portugal and only slightly more than that of Greece. Proponents of the German perspective would hypothesize that businesses should be flocking to trade with and invest in Finland due to its optimal economic climate, but the country's low coreness scores for both trade and investment indicate

otherwise. Similarly, proponents of the Greek perspective would assume that Finland's peripheral role in the EMU is locking it into a cycle of economic mismanagement, but this is also disproven by the country's efficient governance and fiscal responsibility.

Based on this data, the neutral perspective emerges as the correct frame of analysis for evaluating the relationship between coreness and economic soundness. Essentially, there is no association between being on the periphery and economic mismanagement. Such a conclusion is in line with much of the empirical work that has been done on convergence and dependence theory.

Convergence theory—the theoretical basis of the German perspective—has very limited empirical viability. Mosely performed both a series of interviews and a statistical analysis of convergence theory, assessing whether investors force policy convergence by punishing governments for pursuing policies that do not appeal to their interests.¹⁷ The conclusion of her work was that, although investors do care about economic policy, their disciplinary effect is not nearly as large as convergence scholars describe it to be. In fact, Mosely found that, in terms of economic policy, there has been more of a *divergence*, not *convergence*, effect among industrialized democracies. In the case of the Eurozone, it is clear that businesses and investors are still willing to trade with bureaucratic countries like Italy and invest in high-deficit countries like Ireland.

Dependency theory—the theoretical basis of the Greek perspective—also has a poor track record. Dependency theorists in the mid-twentieth century hypothesized that in order for peripheral countries to move out of their peripheral roles, imports needed to be replaced with domestic production. Yet, when applied in Latin America, such “import substitution” policies were largely a failure. The peripheral nations of East Asia had much greater economic success by strengthening their ties with the core, rather than severing them.¹⁸ Such a pattern indicates that a core-periphery economic structure is not merely a vehicle for one-way dominance. In the case of the Eurozone, it is clear that Germany and other core countries are not using their dominance to keep the periphery poor and economically mismanaged. On the contrary, over the past year Germany has spearheaded several bailouts and has led multinational efforts to rewrite the rules of the EMU.¹⁹ Despite the German public's reluctance to rescue Eurozone members that it perceives as “irresponsible,” German leadership recognizes that the continued strength of the country's export-dependent economy requires a Eurozone wealthy enough to afford German goods and assets.

Despite the results above, many still may be hesitant to think that increased economic

¹⁷ Mosely, “Room to Move.”

¹⁸ Walter and Sen, *Analyzing the Global Political Economy*, 159.

¹⁹ Ian Traynor, “As the Dust Settles, a Cold New Europe with Germany In Charge Will Emerge,” *The Guardian*, December 9, 2011.

integration is not related to improved economic governance in some way. Indeed, one of the motivations behind the EU and the EMU in particular was the harmonization and improvement of economic policy. Regardless of whether being on the periphery is a cause or consequence of economic mismanagement, shouldn't the leading nations of the Eurozone—i.e. the core—strive to uphold the rules of an institution that they worked to found?

The answer to that question lies largely in the diffusion of power within the EMU. Cohen notes that despite the euro's prominent place in world markets, the governance structure of the EMU is very weak.²⁰ A lack of central authority means that nations cannot be effectively compelled to reduce their deficits or crackdown on corruption. This explains why a country like Italy, which plays a leading role within the Eurozone, can pursue economic policies against the letter and spirit of the EMUs covenants; there is simply no one to stop it from doing so.

WHY CORENESS DOESN'T MATTER

Much of the rhetoric surrounding the European debt crisis centers on two key assumptions. First, observers assume that the EMU can be divided into two subgroups: core countries that are highly integrated and peripheral countries that are integrated to a lesser extent. Second, observers assume that the differences between these subgroups extend beyond their level of integration; peripheral countries, according to these assumptions, have inferior growth prospects and pose more of a credit risk.

This first assumption is largely correct; the network analysis in this paper indicates that some countries are clearly more or less interlinked than others. Indeed, the very high correlation scores in *Table 3* suggest that European trade and financial linkages are prime examples of core-periphery structures in the global economy. The second assumption, however, does not stand up to close scrutiny. At the most basic level, financial bailouts do not seem to bear any relation to coreness; highly integrated economies like Italy have required intervention while the peripheral economies of Slovakia and Slovenia have so far weathered the European sovereign debt storm. At an even deeper level, coreness does not appear to be related to indicators of overall economic soundness; no substantial correlation was observed between coreness and ease of doing business, levels of corruption, or the size of fiscal deficits.

This dissonance between common perceptions and reality can be explained by the differences between the perceived and actual makeup of the Eurozone's core and periphery. In actuality, the EMU's core is not just made up of thrifty countries like Germany and Luxembourg; it also contains high-deficit countries such as France and high-corruption countries such as Italy. Likewise, the periphery of the Eurozone

20 Benjamin J. Cohen, "The International Monetary System: Diffusion and Ambiguity," *International Affairs* 84, (2008): 460.

includes not only economically unstable countries like Greece but also highly stable countries like Finland (which maintains a triple-A credit rating²¹ despite having a coreness score below that of Portugal). Thus, although a core-periphery structure definitely exists in the EMU, comparing trends in the core to trends in the periphery yields very little information of value. When discussing a "two-speed" Europe, commentators would do well to draw nuanced distinctions between sound and unsound economies rather than using a convenient, yet improper core-periphery generalization.

APPENDIX

Total Trade Flows in 2010 (millions of USD)

	Austria	Belgium	Cyprus	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	Malta	Netherlands	Portugal	Slovakia	Slovenia	Spain
Austria	—	6,011	139	1,084	10,504	116,904	893	676	22,001	351	46	8,727	721	7,328	4,916	4,696
Belgium	6,011	—	297	4,610	106,694	138,056	2,575	20,216	30,153	8,920	145	103,736	3,783	2,049	877	19,214
Cyprus	139	297	—	31	462	1,081	1,863	46	1,049	10	9	541	61	130	13	418
Finland	1,084	4,610	31	—	4,749	16,927	426	604	3,637	70	37	9,794	517	328	152	2,064
France	10,504	106,694	462	4,749	—	203,158	4,335	8,723	92,837	4,904	869	64,423	11,276	6,807	3,304	82,988
Germany	116,904	138,056	1,081	16,927	203,158	—	10,207	13,960	135,291	11,556	863	203,471	16,652	24,134	9,661	71,336
Greece	893	2,575	1,863	426	4,335	10,207	—	442	9,535	39	58	3,847	283	308	204	2,669
Ireland	676	20,216	46	604	8,723	13,960	442	—	4,765	132	49	7,790	701	142	92	5,411
Italy	22,001	30,153	1,049	3,637	92,837	135,291	9,535	4,765	—	1,373	1,597	35,659	6,349	6,260	7,631	47,307
Luxembourg	351	8,920	10	70	4,904	11,556	39	132	1,373	—	8	2,499	116	121	89	490
Malta	46	145	9	37	869	863	58	49	1,597	8	—	353	32	10	6	231
Netherlands	8,727	103,736	541	9,794	64,423	203,471	3,847	7,790	35,659	2,499	353	—	5,617	3,482	1,296	24,414
Portugal	721	3,783	61	517	11,276	16,652	283	701	6,349	116	32	5,617	—	284	98	34,891
Slovakia	7,328	2,049	130	328	6,807	24,134	308	142	6,260	121	10	3,482	284	—	824	2,249
Slovenia	4,916	877	13	152	3,304	9,661	204	92	7,631	89	6	1,296	98	824	—	836
Spain	4,696	19,214	418	2,064	82,988	71,336	2,669	5,411	47,307	490	231	24,414	34,891	2,249	836	—

Total Portfolio Investment as of 2010 (millions of USD)

	Austria	Belgium	Cyprus	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	Malta	Netherlands	Portugal	Slovakia	Slovenia	Spain
Austria	—	21,554	593	6,808	103,806	166,605	6,451	21,028	33,958	58,662	450	51,263	4,333	4,354	3,190	19,068
Belgium	21,554	—	684	11,505	223,359	91,150	10,100	53,809	53,683	197,525	164	130,115	10,119	1,279	2,243	53,053
Cyprus	593	684	—	334	1,665	2,658	22,356	1,780	1,194	1,916	43	1,660	276	67	50	917
Finland	6,808	11,505	334	—	50,598	48,145	2,639	25,401	11,530	45,230	8	25,339	2,407	539	483	9,334
France	103,806	223,359	1,665	50,598	—	640,631	46,850	257,408	431,688	449,308	1,708	492,319	74,035	3,393	4,478	321,773
Germany	166,605	91,150	2,658	48,145	640,631	—	42,899	272,991	275,928	777,973	704	423,124	50,407	5,503	5,270	227,178
Greece	6,451	10,100	22,356	2,639	46,850	42,899	—	5,282	7,377	14,791	508	11,028	7,405	1,179	726	11,451
Ireland	21,028	53,809	1,780	25,401	257,408	272,991	5,282	—	173,382	116,966	1,109	128,654	95,244	2,809	438	78,203
Italy	33,958	53,683	1,194	11,530	431,688	275,928	7,377	173,382	—	440,675	792	152,744	17,667	2,385	1,994	87,216
Luxembourg	58,662	197,525	1,916	45,230	449,308	777,973	14,791	116,966	440,675	—	1,110	229,519	21,801	1,569	1,431	126,825
Malta	450	164	43	8	1,708	704	508	1,109	792	1,110	—	750	240	34	191	706
Netherlands	51,263	130,115	1,660	25,339	492,319	423,124	11,028	128,654	152,744	229,519	750	—	23,031	2,496	1,671	104,646
Portugal	4,333	10,119	276	2,407	74,035	50,407	7,405	95,244	17,667	21,801	240	23,031	—	1,827	235	41,814
Slovakia	4,354	1,279	67	539	3,393	5,503	1,179	2,809	2,385	1,569	34	2,496	1,827	—	763	4,352
Slovenia	3,190	2,243	50	483	4,478	5,270	726	438	1,994	1,431	191	1,671	235	763	—	616
Spain	19,068	53,053	917	9,334	321,773	227,178	11,451	78,203	87,216	126,825	706	104,646	41,814	4,352	616	—

21 *Fidelity Worldwide Investment*, "Is Europe's Core under Threat?" November 17, 2011.

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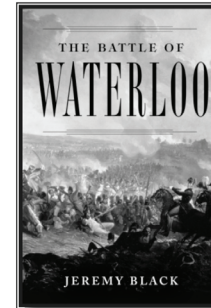
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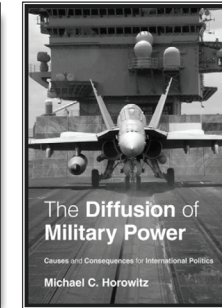
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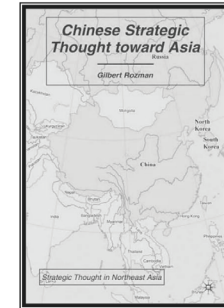
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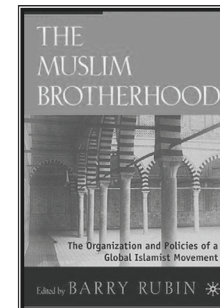
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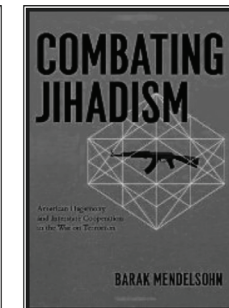
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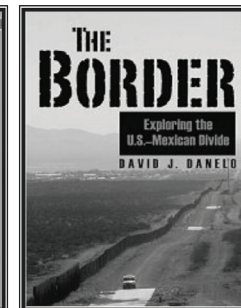
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Turkish-Israeli Relations: The Unraveling of a Remarkable Alliance

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ABSTRACT

A decade ago, Middle East analysts hailed the Turkish-Israeli alliance as an impressive strategic relationship. Today, the notable Turkish-Israeli relations of the 1990s—which once included close military, intelligence, and diplomatic cooperation—have diminished significantly. Some Middle East analysts have attributed the relationship's decline to the 2010 Mavi Marmara flotilla incident. This essay, however, will dispute this notion and instead suggest that the flotilla event served as a flashpoint, an event that enabled long-simmering tensions between Turkey and Israel to finally erupt. Over the course of the last decade (2000-2010), pivotal shifts in Turkey and Israel paved the way for the fracturing of this important relationship.

“A dark stain on the history of humanity.” An “insolent, irresponsible, reckless, and unfair attack.” “A bloody massacre.”¹ With this rhetoric, Turkish Prime Minister Recep Tayyip Erdogan castigated Israel for its role in the 2010 *Mavi Marmara* incident. The *Mavi Marmara*, a six-ship international flotilla carrying over 600 passengers and 10,000 tons of aid,² sought to break the Israeli blockade on Gaza and deliver humanitarian support to Palestinian residents. However, on May 31, 2010, Israeli Defense Forces intercepted and boarded the flotilla in international waters, killing eight Turkish citizens and one U.S. citizen of Turkish descent.³ Israel’s role in the incident ignited international outrage. Multiple countries, including Turkey, recalled

1 “PM tells Israel Turkey’s enmity is violent as much as friendship,” *World Bulletin*, June 1, 2010.

2 Isabel Kershner, “Deadly Israeli Raid Draws Condemnation,” *The New York Times*, May 31, 2010.

3 “Turkey’s Crises Over Israel and Iran,” *International Crisis Group Europe Report*, no. N 208 (2010): i.

their ambassadors from Tel Aviv in protest. The United Nations’ Security Council denounced Israel’s unjust use of force in international waters. The Turkish President declared that, “Turkey’s ties with Israel will never be the same again.”⁴

Many have argued that the *Mavi Marmara* confrontation served as the primary cause for the recent collapse of longstanding Turkish-Israeli relations. In fact, according to Dr. Brent Sasley, an assistant professor of Political Science at the University of Texas at Arlington, it has “become an axiom to highlight the 2010 *Mavi Marmara* incident as the breaking point in Turkish-Israeli relations.”⁵ Yet, while the flotilla may have served as a flashpoint, this essay will contend that the breakdown in Turkish-Israeli relations was long in the making. Several underlying shifts that occurred over the last decade (2000-2010) helped trigger the deterioration of the once-impressive alliance. Therefore, even if both countries eventually reach an amicable resolution regarding the flotilla incident, diplomatic and military relations will likely remain irrevocably damaged for the foreseeable future.

Throughout its five sections, this essay will explore the complex evolution of Turkish-Israeli relations from 1990 and onward. The first section explores the history of strong collaboration between Turkey and Israel during the 1990s. This section touches on Turkey’s relatively insecure regional position, the details of the remarkable Turkish-Israeli coordination that ensued, and the benefits both countries enjoyed as a result of the entente. The second section focuses on the evolution of Turkey between 2000-2010. This section features an analysis of Turkey’s shifting political structures, growing influence of public opinion in the political sphere, increasing economic expansion, and rising international prominence. Third, this essay will demonstrate how the escalation of the Israeli-Palestinian conflict has contributed to the undermining of the Turkish-Israeli relationship. The fourth section begins with a brief exploration of the flotilla incident and examines the diplomatic, military, and economic ramifications of the fractured alliance. Finally, this essay concludes with predictions for the future state of Turkish-Israeli relations.

ONE: THE “GOLDEN AGE” OF TURKISH-ISRAELI COLLABORATION (1990s)

Turkey’s insecure and unstable position in the 1990s helped foster the formation of a Turkish-Israeli alliance. Perhaps the most significant obstacle Turkey faced in this decade was its enduring struggle against the Kurdistan Workers Party (*Partiya Karkeren Kurdistan* or PKK). Founded in 1974, the PKK is comprised of a group of Kurdish separatists who have pushed for the establishment of an autonomous Kurdish state in southeastern Turkey and in adjacent countries. In order to achieve their

4 Jeffrey Heller and Alastair Macdonald, “Turks mourn ship dead as Israel offers probe,” *Reuters*, June 3, 2010.

5 Brent E. Sasley, “The Long Decline in Turkish-Israeli Relations,” *The Huffington Post*, September 13, 2011.

objective, PKK members have resorted to extremist methods, including abductions, suicide bombings, and assaults on Turkish diplomatic buildings.⁶ Turkey's attempt to contain and even crush the PKK organization placed Turkey in a rather precarious regional position; by the mid 1990s, Turkey was at odds with six of its nine neighboring nations.⁷ Moreover, chances of achieving membership in the European Union were looking increasingly grim, with the EU consistently condemning Turkey's military tactics in its fight against the PKK.⁸ Turkey's insecure standing in the 1990s is perhaps best characterized by Dr. Soli Özel, a professor of International Relations and Political Science at Istanbul Kadir Has University. Özel maintains that, "[f]eeling shunned by their allies, unable to get the kind of intelligence and material they needed to conduct the counterinsurgency, and surrounded by hostile neighbors, Turkish security officials looked intently for a way to break out of their impasse."⁹ Thus, in an effort to gain regional prominence, the Turkish military devised a strategic entente with Israel.

Before delving into actual details of the alliance, it is important to note the impact that the Turkish military had in forging the relationship. Excluding the military establishment, many Turkish citizens wanted little to do with Israel. Historically, the Turkish citizens' sympathies for the Palestinian plight have evoked strong anti-Israel sentiment.¹⁰ In fact, during the mid 1990s—the time in which the alliance began to take serious form—the country's top political leader, Prime Minister Necmettin Erbakan, strongly opposed a Turkish-Israeli alliance. After coming to power in 1995, Erbakan "harshly denounced ties to Jerusalem, accusing Israel of fostering plans to conquer all of the territory between the Nile and the Euphrates."¹¹ However, during the 1990s, public opinion as well as political leadership took a backseat to the military. Turkey's constitution granted the Turkish military the unique ability to "conduct foreign and security policy largely as they saw fit, and they moved to strengthen relations with Israel in an unprecedented fashion."¹² The military exerted an overpowering influence on the Turkish political scene, ensuring that the Turkish-Israeli relationship remained "off-limits" to Turkish political leaders. Therefore, despite unquestionable opposition from Erbakan and his Islamist Refah Party, the Turkish parliament enacted both a

6 Greg Bruno, "Inside the Kurdistan Workers Party (PKK)," Council on Foreign Relations, October 19, 2007.

7 Soli Ozel, "Reshuffling the Cards: Turkey, Israel, and the United States in the Middle East," in *Troubled Triangle: The United States, Turkey, and Israel in the New Middle East*, ed. William B. Quandt, (Just World Publishing, LLC, 2011): 45.

8 Tarik Oguzlu, "The Changing Dynamics of Turkey-Israel Relations: A Structural Realist Account," *Mediterranean Politics* 15, no. 2 (July 2010): 279.

9 Ozel, "Reshuffling the Cards," 45.

10 Dov Waxman, "Turkey and Israel: A New Balance of Power in the Middle East," *The Washington Quarterly* 22:1 (Winter 1999): 28.

11 Gregory A. Burris, "Turkey-Israel: Speed Bumps," *Middle East Quarterly* XVII, no. 4 (Fall 2003): 69.

12 F. Gregory Gause, III, "The U.S.-Israeli-Turkish Strategic Triangle: Cold War Structures and Domestic Political Processes," in *Troubled Triangle: The United States, Turkey, and Israel in the New Middle East*, ed. William B. Quandt, (Just World Publishing, LLC, 2011): 31.

significant arms deal and a bilateral trade agreement with Israel during this period.¹³ In addition to exerting strong pressure on party leaders, the Turkish military reacted swiftly and harshly to critiques of Israel. For example, when Mayor Bekir Yildiz, a Refah party leader, criticized Israel's occupation of Jerusalem at an anti-Israel rally in Sincan, Turkey, the military stormed the town and arrested the demonstrators, including Mayor Yildiz. In doing so, the military "set off a series of events that eventually led to Erbakan's forced resignation."¹⁴

The military helped construct a robust Turkish-Israeli alliance centered on intelligence and collaboration. Though Turkey and Israel had maintained ties for decades, a Memorandum of Understanding in November 1993 helped further intelligence coordination. In this document, both countries agreed to the formation of a joint committee, which was tasked with addressing regional hazards and sharing intelligence on Syria, Iran, and Iraq.¹⁵ A few years later, Turkey and Israel also signed onto multiple historic military agreements. The Military Training Cooperation Agreement, reached in February 1996, envisioned "a broad exchange of military experience, visits between the armed forces of the two countries, joint training as well as separate exercises in each other's territory, and attendance of observers from each country."¹⁶ Furthermore, the Military Industry Cooperation Agreement, established in August 1996, helped produce extensive arm sale agreements. In one such agreement, Turkey granted Israeli Aircraft Industries a \$632 million contract to modernize 54 Turkish F-4 Phantom aircraft.¹⁷ Perhaps most importantly, at its height, the relationship also took on a strategic nature. During the late 1990s, Israeli Defense Ministry officials conducted bi-annual strategic talks with senior Turkish military officials.¹⁸

Both Turkey and Israel benefited significantly from the enhanced coordination. For the Turkish government, Israeli intelligence and military technology proved crucial in its struggle against the PKK.¹⁹ The alliance also had the broader benefit of decreasing Turkey's regional isolation.²⁰ For Israel, access to Turkish airspace and the Turkish-Iranian border provided a critical advantage in gathering intelligence and plotting potential military activity against Iran. Furthermore, Israel gained a much-needed friend amidst a region of hostile neighbors, allowing Israel to finally crack the "hostile ring of Arabic-speaking neighbors."²¹ The strategic military coordination

13 Burris, "Turkey-Israel: Speed Bumps," 69.

14 Ibid.

15 Ekavi Athanassopoulou, *Israeli-Turkish Security Ties: Regional Reactions* (Jerusalem: Harry S. Truman Research Institute for the Advancement of Peace, Hebrew University of Jerusalem, 2001): 4.

16 Ibid., 2.

17 Ibid.

18 Athanassopoulou, *Israeli-Turkish Security Ties*, 2.

19 Ozel, "Reshuffling the Cards," 47.

20 Waxman, "Turkey and Israel: A New Balance of Power," 30-31.

21 Ibid., 27, 29; and Daniel Pipes, "A New Axis: The Emerging Turkish-Israeli Entente," *The National*

enabled, or perhaps necessitated, increased diplomatic activity. Throughout the decade, numerous high-level meetings and interactions occurred between senior Israeli and Turkish government officials.²² For both countries, the enhanced military and intelligence cooperation also helped pave the way for a bilateral Free Trade Agreement. The accord, agreed upon in principle during 1996, boosted bilateral trade from approximately \$100 million in 1991 to approximately \$900 million in 1999.²³

TWO: THE EVOLUTION OF TURKEY (2000-2010)

In contrast to the 1990s, when Turkey's instability helped generate a strong Turkish-Israeli alliance, significant shifts in Turkey in the 2000s contributed to the fracturing of the relationship between the two nations. The internal Turkish changes included the rise of a new political party, decline of the military's influence, increased involvement in foreign affairs, and a remarkable economic ascent.

Political changes in the early 2000s contributed to the Islamization of the Turkish political arena. In November 2002, the Justice and Development Party (*Adalet ve Kalkınma Partisi* or AKP) rose to power. Many of the AKP's leading political figures, including its foreign minister, justice minister, interior minister, and parliament speaker previously held governmental positions in Turkey's Islamic Refah party. Moreover, the party's Prime Minister Recep Tayyip Erdogan served in the Refah party as mayor of Istanbul.²⁴ The Islamist influences rooted in the AKP have certainly affected Turkey's foreign policy approach. The AKP has publicly demonstrated its support for Islamist groups such as the Palestinian Hamas and the Lebanese Hezbollah.²⁵ Furthermore, AKP aspirations to engage neighboring Islamic countries have necessitated reduced affiliation with Israel. As Assistant Professor of International Relations at Bilkent University Tarik Oguzlu explains, "aligning with Israel would lead to Turkey's further disengagement from the Islamic world and would culminate in a one-dimensional, western-oriented Turkish foreign policy."²⁶

In addition to seeking to broaden Turkey's connections to the Islamic world, the AKP also implemented fundamental domestic changes. After coming to power in 2002, the AKP sought to curb the military's impact on political affairs and further the democratization of the Turkish political environment. In the summer of 2003, the Turkish Parliament passed several reforms aimed at curbing the military's dominance. These reforms limited the power of the National Security Council, "a

Interest 50 (1997/1998).

22 Hasan Kosebalaban, "The Crisis in Turkish-Israel Relations: What Is Its Strategic Significance?" *Middle East Policy* XVII no. 3 (2010): 45-46.

23 Athanassopolou, *Israel-Turkish Security Ties*, 3.

24 Burris, "Turkey-Israel: Speed Bumps," 69.

25 Soner Çağaptay, "The AKP's Foreign Policy: The Misnomer of 'Neo-Ottomanism'" *Turkey Analyst* 2, no. 8 (April 24, 2009).

26 Oguzlu, "The Changing Dynamics of Turkey-Israel Relations," 276.

body traditionally used by generals to lay down the law to politicians," and opened the "military budget to greater parliamentary scrutiny."²⁷ At the time, CNN Turk broadcaster Mehmet Birand called the changes "'revolutionary'" and suggested that "'Turkey is in the middle of an incredible 'civilianization' process, with the influence of the military waning.'"²⁸ The decline of the military ushered in a period of heightened democratization, in which political leaders relied increasingly on public opinion in shaping foreign policy.²⁹ With these critical Turkish internal shifts, Israel lost a crucial ally in the Turkish military and gained a potential enemy in Turkish public opinion. As Oguzlu concluded, "[a] political leadership that feels itself more accountable to the public than ever will be likely to view Israel's policies through skeptical eyes."³⁰

AKP leadership created a foreign policy centered on engagement and consequently gained enhanced international recognition. Under the leadership of Erdogan and Turkish Foreign Minister Ahmet Davutoglu, the AKP implemented a "zero problems" foreign policy approach. The goal of this new strategy was simple: "Turkey would mend fences with all neighbors and make friends anew in the wider world."³¹ Erdogan and Davutoglu's successful execution of this approach yielded impressive results. In the latter half of 2009, Turkish political leaders helped construct important bilateral agreements designed to improve relations with multiple bordering countries, including Armenia, Syria and Iraq.³² Moreover, a 2010 report released by the International Crisis Group found that "Turkey's engagement in the Middle East is greater than at any time since the modern republic was founded in 1923."³³ President Obama's selection of Turkey as his first Muslim destination after assuming the presidency further highlighted Turkey's growing international prominence.³⁴ By spearheading Turkey's increased foreign engagement, Erdogan amassed strong public support. One 2010 poll of Arabs ranked the Turkish Prime Minister as the "most admired" leader in the world.³⁵ Though Erdogan's increased engagement has afforded him the opportunity to cultivate relationships with several Middle Eastern leaders, he has formed an especially intimate bond with President Obama. The two leaders hold each other in high regard and frequently consult on foreign policy matters.³⁶ The "zero problems" foreign policy approach helped Turkey emerge from its previous isolated regional position, allowing Turkish leaders to form a cohort of regional allies, thereby decreasing the relative importance of an alliance with Israel.

27 Jonathan Gorvett, "Political Changes Curb Turkish Military Straddling EU Role And Iraq Fallout, Civilians Take To Fore," *The Boston Globe*, August 3, 2003.

28 Ibid.

29 Gause, "The U.S.-Israeli-Turkish Strategic Triangle," 32.

30 Oguzlu, "The Changing Dynamics of Turkey-Israel Relations," 277.

31 Bobby Ghosh, "Erdogan's Moment," *Time Magazine World*, November 28, 2011.

32 Nicholas Birch, Charles Levinson, and Marc Champion, "TV Show Deepens Split Between Israel and Turkey," *The Wall Street Journal*, October 17, 2009.

33 "Turkey's Crises Over Israel and Iran," 1.

34 Ibid.

35 Ghosh, "Erdogan's Moment," 1.

36 Soner Çağaptay, "Obama, Erdogan Find Shared Interests," *The Washington Post*, November 11, 2011.

Turkey's shifting political dynamics and increased foreign engagement paved the way for impressive economic expansion. From 2002-2007, Turkey's foreign investment "increased by a factor of more than fifteen to nearly \$20 billion annually and exports quadrupled to \$132 billion."³⁷ As of Fall 2010, Turkey maintained the seventh largest economy in Europe and the fifteenth largest economy in the world.³⁸ Turkey's economic development during the latter half of the decade was particularly impressive in light of lackluster international economic growth during the same period. For example, in 2010, Turkey's GDP increased by 8.9%; in comparison, during the same time span the European Union's collective GDP increased by a mere 1.9%.³⁹

One of the most important factors in Turkey's economic development relates to Turkey's economic ties with the Arab world. Increased foreign engagement appears to have significantly improved Turkey's access to Arab markets. While Turkish exports to the Middle East and North Africa totaled approximately \$3 billion per year in 2002, as of 2010, Turkish exports to the same region had increased to approximately \$30 billion per year.⁴⁰ Oguzlu contends that Turkey's economic growth enabled it to achieve a more secure standing in the region and facilitated its metamorphosis from a "security seeking (military state)" to a "market seeking (trading state)."⁴¹ In other words, as Turkey achieved greater economic prominence, Turkish leaders became more assertive in regional affairs and less concerned with maintaining Turkey's longstanding defensive-minded approach towards regional conflict. This critical transformation further decreased Israel's relative importance as a strategic ally, as Turkey's need for Israeli military cooperation—which had served as the cornerstone of the Turkish-Israeli alliance—began to diminish.

THREE: IMPACT OF THE PALESTINIAN-ISRAELI CONFLICT ON TURKISH-ISRAELI RELATIONS

As Turkey was experiencing significant changes in the 2000s, Israel was also undergoing numerous critical developments. The worsening of the Israeli-Palestinian conflict was perhaps the most notable and important shift during this period. The increasing unrest in Israel also contributed to the growing divide between Israel and Turkey.

With the inception of the Second Intifada in 2000 and the ensuing period of violence between Israelis and Palestinians, Turkish public opinion of Israel began to sour further. At the outset of the Second Intifada, Turkey expressed its resentment of Israeli

37 "Turkey's Crises Over Israel and Iran," 1.

38 Kosebalaban, "The Crisis in Turkish-Israel Relations," 36.

39 Ghosh, "Erdogan's Moment," 1.

40 Jacques N. Couvas, "A Rising Influence Among Arab Nations," Inter Press Service.

41 Oguzlu, "The Changing Dynamics of Turkey-Israel Relations," 282.

actions by voting in favor of an October 2000 U.N. resolution "condemning Israel for using excessive force against the Palestinians."⁴² Israeli Prime Minister Ariel Sharon experienced this growing hostility firsthand during a 2001 trip to Ankara, where he encountered crowds protesting "'butcher of Palestine, go home!'"⁴³

Perhaps the most intense Turkish outrage, however, stemmed from Operation Defensive Shield—an extensive mission launched by the Israeli Defense Forces (IDF) in spring 2002 which sought to eradicate Palestinian terrorist cells in the West Bank. During the operation, which lasted for over two months, the IDF killed 497 Palestinians and caused widespread damage to Palestinian property.⁴⁴ Turkish leaders harshly denounced the Israeli acts of aggression. Turkish Prime Minister Bulent Ecevit accused Israel of carrying out a "genocide" against the Palestinian people.⁴⁵ Turkish public citizens also united to express their indignation and solidarity with the Palestinians. One Turkish political columnist offered the following depiction of the Turkish public reaction in the wake of Operation Defensive Shield:

The slogan "We are all Palestinians" became ubiquitous, plastered on countless walls of Turkish towns and cities along with solidarity posters and announcements of this or that protest or demonstration. Turk-Is, Turkey's largest labor confederation, held marches in Ankara, while white-collar workers marched in Istanbul. [...] Unionists in central Anatolia, Turkey's heartland, organized sit-ins and hunger strikes. [...] Meanwhile, group after group bearing bouquets of flowers visited the Palestinian embassy in Ankara. Streams of delegations came to express solidarity and support and met with Palestinian ambassador Fuad Yasin; poets came to recite poems they had written for the Palestinians, while folk singers performed songs composed to hail Palestinian resistance.⁴⁶

The intense unrest of the Second Intifada eventually subsided by the middle of the decade. However, Turkey and Israel continued to clash over Israel's treatment of the Palestinian people, especially in relation to the Hamas Party. Israel's 2004 assassination of Sheikh Ahmad Yassin, a blind quadriplegic Hamas leader, triggered widespread public anger in Turkey.⁴⁷ Tensions concerning Hamas simmered again in 2006, when the AKP invited Hamas political leader Khaled Meshal to visit Ankara.⁴⁸ Israeli leaders

42 Burris, "Turkey-Israel: Speed Bumps," 72.

43 Ibid.

44 The United Nations, "Report of Secretary-General on Recent Events in Jenin, Other Palestinian Cities," News release, January 8, 2002, United Nations.

45 Jonny Dymond, "Turkey Accuses Israel of Genocide," *The BBC*, April 4, 2002.

46 Cengiz Candar et al., "The Street Reacts To Operation Defensive Shield: Snapshots From The Middle East," *Journal of Palestine Studies* 31 (2002): 63.

47 Kosebalaban, "The Crisis in Turkish-Israel Relations," 37.

48 Oguzlu, "The Changing Dynamic of Turkish-Israeli Relations," 275.

sharply condemned the invitation⁴⁹ and maintained deep concerns regarding AKP leaders' ongoing insistence that Hamas constituted "a democratically elected group that was denied the chance to govern."⁵⁰ The 2008-2009 Operation Cast Lead (or War in Gaza) pushed the frictions to the forefront, further highlighting the Turkish-Israeli rift over Hamas. After Israeli Defense Forces killed over 1100 Palestinians in a three-week offensive in Gaza,⁵¹ AKP leaders accused Israel of "committing state terrorism, using excessive force, failing to differentiate between combatants and civilians, and resisting calls to lift the economic and political embargo on Hamas."⁵²

Turkey's political leaders and citizens publicly demonstrated their intense anger over Operation Cast Lead. Diplomatic tensions between Turkey and Israel peaked in late January 2009 at the World Economic Forum in Davos, Switzerland. During a panel discussion regarding Israel's military conduct in the operation, Erdogan launched into a tirade, exclaiming to Israeli President Shimon Peres "[w]hen it comes to killing, you know well how to kill."⁵³ Upon his return to Turkey, Erdogan received widespread praise for his stinging rebuke of Peres. In fact, according to one 2009 poll of Turkish public opinion, over 80 percent of Turkish citizens approved of the Erdogan's Davos remarks and the "policies pursued by the Turkish government during Israel's Gaza offensive."⁵⁴ The diplomatic and public outcry in the wake of Operation Cast Lead served as the inspiration for the debut of a highly controversial television series in Turkey. Titled "Separation," this new series attempted to portray, and perhaps intentionally exaggerate, the perceived inhumane actions of the IDF. Episodes of "Separation" depict vulgar scenes in which Israeli soldiers mercilessly gun down innocent Palestinian civilians, including children and even newborn babies.⁵⁵

FOUR: THE MAVI MARMARA INCIDENT AND AFTERMATH

Thus far, this essay has explored two primary narratives. The first narrative, covered in Section One, relates to the development of strong Israeli-Turkish ties in the 1990s. The second narrative, discussed in Sections Two and Three, addresses internal Turkish shifts and the Turkish responses to the Palestinian-Israeli conflict in the 2000s. The combination of pivotal changes in Turkey and increasing unrest in Israel helped lay the foundation for the ensuing breakdown of Turkish-Israeli relations. The following

49 Ibid.

50 Carol Migdalovitz, "Israel's Blockade of Gaza, the Mavi Marmara Incident, and Its Aftermath," *Congressional Research Service*, June 23, 2010.

51 Wire Staff, "Israeli Soldier Faces Manslaughter Charge in Gaza Incursion," *CNN*, July 6, 2010.

52 Oguzlu, "The Changing Dynamic of Turkey-Israel Relations," 275.

53 Katrin Bennhold, "Leaders of Turkey and Israel Clash at Davos Panel," *The New York Times*, January 29, 2009.

54 Özer Sencar and Sitki Yildiz, "Social and Political Situation in Turkey: 'Davos Crisis,'" Metro Poll: Strategic and Social Research Center (2009): 4.

55 Nicholas Birch, Charles Levinson, and Marc Champion, "TV Show Deepens Split Between Israel and Turkey," *The Wall Street Journal*, October 17, 2009.

section examines how the *Mavi Marmara* flotilla incident served as the culmination of long-brewing tensions between Turkey and Israel.

Turkey's role in the *Mavi Marmara* affair stemmed largely from the involvement of one Turkish NGO, The Foundation for Human Rights and Freedoms and Humanitarian Relief (İnsan Hak ve Hürriyetleri ve İnsani Yardım Vakfı, or IHH). After the Free Gaza Movement⁵⁶ announced plans to organize the international flotilla, several international groups expressed interest in joining, including the IHH. Perhaps the most important aspect of the IHH's planning for the expedition relates to its dealings with the AKP. In the flotilla incident aftermath, AKP leaders frequently sought to distance themselves from the flotilla organizers. However, recovered data from the *Mavi Marmara* ship seems to tell a different story. A document found on an activist's laptop indicates that numerous members of the AKP, including the Prime Minister himself, supported the IHH's mission.⁵⁷ An analysis of the ties between the AKP and the IHH strengthens this suggestion. As many as 21 AKP party members have concurrently held positions in the AKP and the IHH.⁵⁸ Based on the strong ties between the AKP and the IHH, some Middle East analysts have intimated that the AKP actually instigated the ensuing confrontation. After this new evidence surfaced, Reuven Erlich, director of the Meir Amit Intelligence and Terrorism Information Center in Ramat Hasharon, Israel, suggested that "The Turkish government was behind this unprecedented provocation against the State of Israel [...] The Turkish government went through several levels of involvement from behind the scenes to the front. You cannot disconnect the two."⁵⁹

Turkish animosity in the wake of the *Mavi Marmara* incident triggered a severing of diplomatic, military, and social ties with Israel. The Israeli action provoked widespread anger amongst Turkish citizens. Thousands of Turkish citizens turned out for the funeral of the activists killed onboard the *Mavi Marmara*. Demonstrating their solidarity with the murdered Turkish citizens, the Turkish crowds chanted, "[w]e are all soldiers of Hamas," and "[d]amn Israel! Israel is the angel of death!"⁶⁰ The reactions of Turkish political leaders, as detailed in the essay's introduction, were equally strident. After harshly reprimanding Israel, Turkish leaders took concrete steps towards dissolving the Turkish-Israeli alliance. The Turkish government recalled its ambassador to Israel, cancelled three scheduled joint military exercises for 2010, reduced exhaustive intelligence coordination, and prohibited future Israeli

56 The Free Gaza Movement is a group of international activists who seek to provide humanitarian assistance to Palestinians in Gaza.

57 Chaim Levinson, "Turkey Denies Offering Assistance to Gaza Flotilla Organizers," *Haaretz*, August 21, 2010.

58 Melis Evcimik, "The Assault on the MV Mavi Marmara in Light of Turkish-Israeli Relations," Thesis, Princeton University, 2011, 60.

59 Yaakov Katz, "Erdogan and Turkish Government Supported IHH," *The Jerusalem Post*, January 24, 2011.

60 "Turkish Protestors: We're All Soldiers of Hamas," *YNet News*, June 3, 2010.

military flights over Turkish airspace.⁶¹ Over a year later, the diplomatic fallout has continued to worsen, as was made clear by the Turkish response in light of the long-anticipated September 2011 publication of the Palmer Commission Report. (The Palmer Report, commissioned by the United Nations, found that Israel did utilize excessive force in the *Mavi Marmara* incident but deemed Israel's blockade of Gaza to be legal.) Following the report's publication, Turkey downgraded diplomatic relations with Israel to its lowest possible level and ousted the Israeli ambassador and other senior Israeli officials. Moreover, Erdogan announced that Turkey would completely suspend all military coordination and defense trade with Israel.⁶²

Turkey's attempt to isolate Israel in the wake of the *Mavi Marmara* affair has also had a sharp impact on tourism between Israel and Turkey. In the months after the flotilla, Israeli tourism to Turkey diminished significantly. While approximately 311,582 Israelis visited Turkey during 2009, only 109,559 Israelis made the same trip during 2010.⁶³ Israeli tourism to Turkey diminished further after Erdogan's statements following the publication of the Palmer Commission Report. Gilad Brovinsky, the Deputy Head of Marketing for an Israeli tour group, confirmed the recent decrease in tourist activity. He claimed that as of September 2011, Israeli tourism to Turkey "has fallen to zero and we are dealing with mass cancellations of vacations and flights to Turkey."⁶⁴ According to Brovinsky, Israeli travelers have even begun to avoid layovers in Istanbul.⁶⁵

Initially, it appeared that economic ties might survive the otherwise fractured relationship. However, in light of the new flotilla-related developments even the economic ties now lie in a state of uncertainty. Surprisingly, while tourism numbers declined considerably, trade between Israel and Turkey maintained a steady rate of the growth in the flotilla's aftermath. Between 2009 and 2010, Turkish-Israeli trade volume actually increased from approximately \$2.5 billion to \$3.1 billion.⁶⁶ However, Erdogan's cancellation of defense trade, once a pillar of the Turkish-Israeli economic alliance, has triggered speculation about the durability of these economic ties. Erdogan's announcement prompted Bank of Israel Governor Professor Stanley Fischer to express his concern for the future of bilateral trade between the two countries. "Turkey is rebuilding its standing as an important player in regional trade, with Asian countries, with Europe, and with the Middle East," said Fischer. He also noted that, "Turkey is an important trading partner for Israel, and the consequences

61 Kosebalaban, "The Crisis in Turkish-Israel Relations," 44, and "Turkey's Crises Over Israel and Iran," 8.

62 Harriet Sherwood, "Turkey Suspends Military Ties with Israel," *The Guardian*, September 6, 2011.

63 Evcimik, "The Assault on the MV Mavi Marmara," 130.

64 Ben Hartman, "Once Thriving Tourism to Turkey Virtually Non-existent" *The Jerusalem Post*, July 9, 2011.

65 Hartman, "Once Thriving Tourism to Turkey Virtually Non-existent."

66 Gad Lior, "Exporters Fear Losing Turkish Market," *YNet News*, September 5, 2011.

of damage to trade with it will be severe for us."⁶⁷

Though it may be tempting to point to the ramifications of the flotilla incident as evidence of the flotilla's defining influence in shaping Israeli-Turkish relations, this notion would be severely misguided. The flotilla incident merely served as a flashpoint that enabled tensions simmering beneath the surface to finally erupt. If not for the combination of internal Turkish shifts and growing unrest between Israelis and Palestinians, the *Mavi Marmara* incident would have achieved far less significance and far fewer consequences. If Turkey's current government was not primarily comprised of leaders with Islamist backgrounds and strong Hamas sympathies, the flotilla may never have set sail in the first place. Had Turkey remained in a state of regional instability and had the military retained its powerful hold, such an incident may have provoked condemnation, but the outcome likely would have been vastly different. The social outcries would have been muted, and the military would have ensured that a strong Turkish-Israeli alliance endured. In the 1990s, Turkey had too much at stake to jeopardize intelligence cooperation, joint military exercises, and critical defense trade. But times have changed.

Today, Turkey enjoys impressive growth and enhanced regional prominence. Instead of having to struggle for approval in the Arab world, many Middle Eastern and North African countries now look to Turkey and its popular leadership for inspiration. These factors, combined with the rising influence of a Turkish public with strong Palestinian sympathies, diminished the need for and appeal of an Israeli alliance. Therefore, the *Mavi Marmara* incident should not be viewed as a primary cause of the collapse in Turkish-Israeli relations. Instead, the affair should serve to highlight the complex developments that paved the way for this significant rift.

FIVE: FUTURE IMPLICATIONS FOR THE DAMAGED ALLIANCE

Some Middle East analysts have attempted to construct possible scenarios for the revitalization of the relationship between Israel and Turkey. These forecasters have suggested that the recent regional uncertainty triggered by the Arab Awakening — a wave of revolutions that swept through the Middle East and North Africa beginning in December 2010—will eventually draw the two sides back together. Many of these analysts share the belief that, with some form of an Israeli apology or attempt at reconciliation, the relationship will return to its strong roots.

This argument certainly has validity from the Israeli perspective. As the Middle East experiences increasing instability, the reasons that have underpinned the relationship from the Israeli side are perhaps more important and relevant than ever before. With Egypt and Syria in disarray, Israel is in desperate need of a prominent and stable

67 Lilach Weissman, "Fischer Warns of Damage to Israeli-Turkish Trade," *The Jerusalem Post*, May 9, 2011.

regional ally. Furthermore, as Israel grows increasingly apprehensive about a nuclear Iran, the importance of it having access to Turkish airspace and strong intelligence ties with Turkey's military has risen.

Though this argument for revitalization may correctly highlight the Israeli perspective, it is fundamentally flawed and misguided. The analysts who promote this view have largely failed to take into account the fundamental shifts described in this essay. Given the shifts of the last decade, a mere apology or reconciliation attempt over the flotilla incident would do little to rectify the fractured bond with Turkey.

Moreover, rather than propelling Israel and Turkey back together, the Arab Awakening has actually bolstered Turkey's strategic position and leadership role in the Middle East and therefore further diminished Turkey's need for a regional ally like Israel. With its strong economic growth and remarkable international relationships, Turkey is both a tower of stability amidst a sea of regional unrest and a potential role model for the national and democratic movements across the region. As TIME journalist Bobby Ghosh recently suggested, "[d]emocratic, economically ascendant and internationally admired: as political templates go, Turkey's is pretty irresistible to people shaking off decades of authoritarian, impoverishing rule."⁶⁸ As Turkey continues to rise and to assert its influence on the international stage, the importance of an alliance with Israel will only continue to decline. For this reason, the relationship will likely remain in its current impaired state for the foreseeable future. As history reflects on the severed Turkish-Israeli bond, the *Mavi Marmara* incident will not be viewed either as a major turning point or a temporary setback, but rather as the culmination of longstanding shifts that undermined the once-cordial relationship.

⁶⁸ Ghosh, "Erdogan's Moment," 2.

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The Fukushima Crisis and Its Effects on Japan's Nuclear Relations

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ABSTRACT

Although the Fukushima crisis brought on by the Tohoku earthquake on March 11, 2011 is most known for its nuclear dangers, it is also critically important in marking a far broader change in Japan's energy plans and foreign relations. The Fukushima crisis has caused Japan to shift away from nuclear energy, thus setting a new direction in national energy policy and reversing a forty year trend in which Japan has grown increasingly dependent on nuclear energy after the Oil Shock of 1973. This paper will first discuss how nuclear energy became a core tenet of Japan's national energy policy and in turn became a focus in its foreign relations with nations such as the United States, Russia, India, and Kazakhstan. This paper will then demonstrate how Fukushima and Japan's subsequently deadened nuclear appetite have affected its relations with these aforementioned nations. After a study of Japan's nuclear relations with these nations, this paper comes to the conclusion that two variables, Japan's nuclear business and domestic nuclear fuel trade links, can be isolated in determining whether its nuclear relations with a nation will continue to be a source of positive foreign relations or will die out after the Fukushima crisis.

One of Japan's most persistent and difficult challenges is its energy insecurity. Japan, with its severe shortage of domestic energy resources, has always struggled to secure energy sources from abroad to fuel its economic and industrial efforts. Consistently a major driving factor in Japanese foreign policy, Japan's need for energy sources

has resulted in the nation's creating and fostering strategic relationships with those nations that can best provide the energy it so desperately needs. As Japan's preferences for different energy sources have changed, its bilateral relations have changed accordingly.

In recent decades, nuclear energy has emerged as Japan's energy source of choice. Nuclear energy is efficient, relatively economical, environmentally safe, and unlike oil, particularly attractive for its consistent availability and freedom from foreign dependency. Nuclear power also fits and enhances Japan's international image well, serving as a symbol of its technological and industrial prowess; Japan's peaceful utilization of atomic power after the bombings of Hiroshima and Nagasaki only strengthens this reputation. Nuclear energy's rise in domestic energy policy has been closely followed by the growing importance of nuclear energy in defining bilateral relations with other key nuclear powers such as the United States and Russia. Japan's domestic nuclear energy demand was expected to grow in the future and was a key assumption in Japan's plans for not just fostering existing nuclear relationships, but also creating new important relations with nations such as India and Kazakhstan.

Yet, on March 11, 2011, the Tōhoku earthquake and tsunami destroyed these seemingly secure plans along with the Fukushima Daiichi nuclear power plant and Japan's enthusiasm for nuclear energy. From this situation, three questions emerge which will be the focus of this paper: Historically, how has Japan's nuclear energy dependence shaped its foreign relations with the United States, Kazakhstan, Russia, and India? What effect has the Fukushima crisis had on these four critically important nuclear relations so far, and how will it continue to change these relations in the future? And finally, after determining which of Japan's nuclear relationships will continue and which will diminish after Fukushima, can any factors be isolated that determine the future of these relations?

Before delving into these questions, this paper will first establish the context of Japan's nuclear foreign relations by discussing the birth of Japan's nuclear industry after World War II, early American involvement in Japan's nuclear industry, and the industry's takeoff in response to the Oil Shock of 1973. Japan's bilateral relations with the United States, Kazakhstan, Russia, and India will then each be examined individually to highlight how Japan's dependence on nuclear energy has shaped its foreign policy decisions towards these nations. After establishing the history of Japan's nuclear relations with these four nations, the Fukushima crisis and its effects on Japan's nuclear demand will be addressed, followed by an assessment of how the crisis has already affected the aforementioned nuclear relations. Using this information, this paper will predict that Japan's nuclear relations with the United States and India will remain unaffected by Fukushima while nuclear relations with Russia and Kazakhstan will be replaced by other energy ties. Finally, through a comprehensive review of Japan's nuclear relations, this paper isolates the two key

factors that govern how Japan's nuclear relations with a given nation will fare after Fukushima. These two factors, which are a focus on Japan's importation of nuclear fuel for its domestic nuclear energy consumption and Japanese nuclear business activity, may have wider application and be useful in determining the future of Japan's other nuclear relations not studied in this paper.

THE HISTORY OF JAPAN'S NUCLEAR INDUSTRY AND EARLY AMERICAN INVOLVEMENT

The beginnings of nuclear energy in Japan can be traced to World War II and its aftermath. Like the United States, Japan had been involved in nuclear weapons research during World War II, but lacked the infrastructure and necessary amounts of uranium to make much progress. Nonetheless, this military nuclear research represented the initial domestic interest in nuclear energy and its various applications, be it for weapons or for electricity.¹ The war's end brought US occupation and demilitarization to Japan. Despite the minimal progress that Japan had made towards nuclear energy, the United States' Atomic Energy Act of 1946 prohibited nearly all nuclear-related scientific activity in Japan and subsequently confiscated cyclotrons and other nuclear research facilities.² Yet scientific interest survived this moratorium, and after the Atomic Energy Act of 1954, many of the Japanese scientists involved in military research became integral to the birth of Japan's scientific nuclear community.³ Two notable examples are Yoshio Nishina, the head of Japan's nuclear weapons research program during World War II, and Sin-itiirô Tomonaga, a fellow researcher in Nishina's program and future winner of the Nobel Prize for Physics, who were leaders in the push for the creation of Japan's Institute for Nuclear Study (INS) in 1955 and later of the National Laboratory for High Energy Physics (KEK) in 1970. As the first post-World War II Japanese nuclear research institutions, INS and KEK reestablished scientific infrastructure and funding for nuclear research and represented a significant step toward achieving nuclear energy in Japan. However, the institutions faced significant obstacles such as public disapproval and a lack of funding and technology; both the creation of INS and KEK and actual nuclear energy production were accomplished only with significant American assistance and guidance.⁴

The birth of Japan's nuclear industry was largely brought about by US support. While Japan's scientific community initially pursued nuclear energy primarily for scientific interest, the United States developed nuclear energy in Japan entirely for the purpose of establishing a strategic relation between the two nations. As the United States entered

1 Walter E. Grunden, "Wartime Nuclear Weapons Research in Germany and Japan," *Osiris* 2, (2005): 107-130.

2 Morris F. Low, *Science, Technology, and Society in Contemporary Japan* (Cambridge, UK: Cambridge University Press, 1999).

3 United States. Cong. U.S. Nuclear Regulatory Commission, *Nuclear Regulatory Legislation*, Washington DC, Office of the General Counsel, 2002.

4 Morris F. Low, "Accelerators and Politics in Postwar Japan," *Historical Studies in the Physical and Biological Sciences* 2 (2006): 275-296.

the emerging Cold War with the Soviet Union, it was in dire need of Japan as an ally and a Pacific outpost, but was acutely aware of the obstacles it faced in this endeavor due to Japanese public resentment towards the United States. Much of this resentment originated from the American use of nuclear weapons to end the war. This public sentiment was only exacerbated when the United States detonated a US hydrogen-bomb at Bikini Atoll in March 1954 as part of a nuclear weapons testing campaign. The fallout from the detonation contaminated the native population as well as 23 Japanese fishermen aboard the fishing vessel *Lucky Dragon*.⁵ Concerned with its plummeting public approval and expected Soviet propaganda and influence in Japan, the United States embarked on a major public relations campaign after the Bikini Atoll incident to repair its public image in Japan and to cement its alliance. This campaign aimed to reshape how the Japanese people viewed nuclear energy and pledged to spread the peaceful and useful applications of atomic energy.⁶ This campaign was global in scope, as evidenced by President Eisenhower's choice to deliver his famous "Atoms for Peace" speech at the United Nations on December 8, 1953, but gave particular attention to Japan. The United States launched a vigorous promotion campaign for nuclear energy in Japan by shrewdly releasing Matsutaro Shoriki, a Class-A war criminal who also ran the *Yomiuri Shimbun* and Nippon Television Network, in exchange for his leadership in the campaign.⁷ The campaign featured a US exhibit highlighting the peaceful uses of nuclear energy such as generating electricity, preserving food, controlling insects, and even treating cancer. The exhibit and all its hype (such as a Shinto purification ceremony in Tokyo and a six-city tour) had worked – a classified US poll revealed that the number of Japanese who equated the "atom" with "harmful" had dropped from 70 percent in 1956 to 30 percent in 1958.⁸ In addition to overcoming public opposition (a feat that the domestic scientific community alone would not have been likely to accomplish given the vast amount of resources needed), the United States was also crucial in providing the initial nuclear technology that Japan lacked. To this day, Japan has been exclusively importing American Light Water Reactors with a single exception since the beginning of its nuclear energy production and has established several long lasting intra-industry ties with American power companies such as the one between Toshiba and Westinghouse.⁹

THE OIL SHOCK OF 1973 AND JAPAN'S DEPENDENCE ON NUCLEAR ENERGY

Although the foundation for nuclear energy was laid in the aftermath of World War II, nuclear energy did not become a national priority until the 1973 Oil Shock exposed the dangers of Japan's dependency on Middle Eastern oil. In the years after World War II, Japan relied on what had been a consistent and safe flow of cheap oil to

5 Peter Kuznick, "Japan's Nuclear History in Perspective: Eisenhower and Atoms for War and Peace," *The Bulletin of Atomic Scientists*, April 13, 2011.

6 Ibid.

7 Ibid.

8 Ibid.

9 Low, *Science, Technology, and Society in Contemporary Japan*.

power its economic rise, but the Middle East's unexpected stoppage of oil wreaked economic havoc, with Japan experiencing its first major postwar recession, severe price inflation, and a deep trade deficit.¹⁰ These serious economic problems resulting from Japan's energy dependence made diversification of energy sources a priority. Indeed, Japanese governmental actions reflect this urgency, as evidenced by the creation of the Agency for Natural Resources and Energy under MITI in 1973 and the International Energy Agency in conjunction with the United States in 1974.¹¹

Of the new potential energy sources, nuclear energy was given especially heavy weight due to its domestic production and the abundance of cheap uranium, which made it the only quasi-domestic energy source available. This emphasis on nuclear energy is clear from the dramatic jump that nuclear energy took in total generated output of energy after the Oil Shock. In 1966, seven years prior to the Oil Shock, nuclear power accounted for just 0.3% of total generated energy output, but this figure jumped to 7.6% in 1976, just three years after the Oil Shock, and then to 27.8% in 1986, and 34.6% in 1996.¹² Just prior to the Fukushima shutdown, nuclear energy accounted for 29% of Japan's total electricity production, with plans for creating new nuclear reactors,¹³ and under the 2006 Nuclear Energy National Plan, nuclear power was expected to provide 41% of all electricity by 2017 and at least 50% by 2030.¹⁴

JAPAN-UNITED STATES NUCLEAR RELATIONS

As nuclear energy grew in importance to Japan, it played a more prominent role in foreign relations. With the United States, Japan's oldest and most important nuclear partner, nuclear energy has taken part in shaping both the highs and lows of US-Japanese relations. As discussed earlier, nuclear energy, specifically the transfer of nuclear technology and generous American licensing contracts to Japanese firms, was a key part in the United States' post-World War II strategy of establishing Japan as an ally in the Cold War. The last decade has also seen nuclear energy's importance in strengthening the United States-Japan alliance, as the two governments have continued to establish new cooperative forums for nuclear affairs; examples include both nations' participation in the Generation IV International Forum (2000) to research Generation IV reactors and more importantly, the US-Japan Joint Nuclear Energy Action Plan (JNEAP) in 2007 for bilateral research and development.¹⁵

10 Masaru Yoshitomi, "The Recent Japanese Economy: The Oil Crisis and the Transition to Medium Growth Path," *The Developing Economies* 14.4 (2007): 319-340.

11 Ibid.

12 Kazuya Fujime, "Energy Policy of Japan - Basic Targets and Subjects," *Tokyo: Institute of Energy Economics* (2000).

13 "Nuclear Power in Japan," *World Nuclear Association*, October 4, 2011.

14 Enecho, "Rikkokugaiyou Report," Ministry of Economics, Trade, and Industry (METI), September 2006.

15 Grace Ruch, "Atomic Bonds: US and Japan Share History of Nuclear Collaboration," *Japan Matters for America*, August 9, 2011.

Yet nuclear energy was also alongside the bitter trade disputes that produced the rocky relations between Japan and the United States in the 1970s and 1980s. American concerns about Japanese trade practices were not the only source of strain on the alliance, as Japanese complaints about American unilateralism in shaping global nuclear policies were also a bitter subject. In 1977, the United States enacted the Nuclear Nonproliferation Act of 1978 which imposed far stricter controls on exporting uranium enrichment and reprocessing technology, essentially preventing a transfer of technology that Japan had been expecting and relying on for the production of the highly anticipated next generation nuclear reactors. This move was greatly resented by the Japanese, not only because the United States failed to consult with Japan on a policy shift that ruined plans with prior investment, but also because both parties had implicitly understood this transfer of technology to be guaranteed.¹⁶

The underlying problem rested in a divergence of interest in nuclear energy during the 1970s and 1980s. While Japan had already invested quite heavily in nuclear power as the foundation for its new energy policy and had counted on continued American support, the United States had grown far more wary about nuclear energy than it had been before. This sudden drop in US interest can be explained by India's nuclear tests in 1974 and the Three Mile Island accident in 1979.¹⁷ While the Three Mile Island accident caused a major decline in American domestic desire for nuclear energy, India's nuclear tests led to increased caution in international nuclear affairs because of concerns that the exportation of supposedly peaceful nuclear energy technology (such as the uranium enrichment facilities in question) had led to the proliferation of nuclear weapons. Though this contentious issue caused considerable tension, it was eventually resolved with a change in US leadership along with a more liberal nuclear exportation policy when President Ronald Reagan came into office.¹⁸

JAPAN-KAZAKHSTAN NUCLEAR RELATIONS

Japan has also reached out and fostered new relations with nations that have nuclear and strategic significance to it, such as Kazakhstan, by utilizing nuclear ties to achieve its broader strategic aims. Kazakhstan, which holds the second largest reserves of uranium in the world, is of great significance to Japan's nuclear needs, especially because of the state's relative proximity compared to Japan's other uranium sources, Canada and the Netherlands. But Japan has long sought to create ties with Kazakhstan and Central Asia to expand its economic and political influence for reasons more important than nuclear needs.

16 Richard K. Lester, "U.S.-Japanese Nuclear Relations: Structural Change and Political Strain," *Asian Survey* 22.5 (1982): 417-433.

17 Ibid.

18 Ibid.

Recognizing the geopolitical importance of Central Asia and its own need to hedge against China's influence, Japan began courting Central Asia earnestly in a strategy known as "silkroad diplomacy." While official development assistance (ODA) in the form of loans, grants, and technical assistance are the usual tools utilized in this strategy, Japan has also capitalized on the fact that its nuclear needs have overlapped with its strategic goals. In 2002, under Prime Minister Koizumi's direction, silkroad energy missions were sent into Kazakhstan to create energy ties between the two nations, and in 2007, 29 Japanese companies and 24 Kazakh enterprises signed deals which involved Japanese stakes in uranium mines in return for Japanese assistance in building nuclear reactors. The Japanese government has also become directly involved in business energy ties, as seen by the Japan Bank for International Cooperation's (JBIC) financing of uranium development projects. Kazakhstan, which shares a history of nuclear devastation with Japan due to the destruction that Soviet nuclear tests wreaked on Kazakh land, was also instrumental in creating the Central Asian plus Japan Dialogue Action Plan. An agreement for nonproliferation and safety in the use of nuclear energy, the Dialogue Action Plan is just one manifestation of the success that Japanese nuclear ties have achieved in silkroad diplomacy.¹⁹

JAPAN-RUSSIA NUCLEAR RELATIONS

Efforts to secure nuclear fuel have led Japan to overlook some of its historic animosities and compromise its hardline foreign policies with certain nations. For example, Japan-Russo relations are notorious for a lack of cooperation due to the dispute over the Northern territories, yet recent collaboration can be seen on issues of nuclear energy. For example, in May 2009, Japan and Russia signed the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy, which facilitated Japanese imports of uranium from Kazakhstan to be routed through Russia and its enrichment facilities before arriving in Japan. This agreement was significant for Japan in that it gained access to Russia's enrichment facilities (the largest in the world) and created an energy tie to Russia.²⁰ Government cooperation has been mirrored by the business sector, as Toshiba and Russia's state-controlled nuclear power company, Atomenergoprom, came to an agreement in 2008 for a complementary partnership. This partnership focused on the design and engineering of civilian nuclear power plants in Russia, the manufacture and maintenance of large equipment, and the front-end nuclear fuel business.²¹ Such cooperation is at best unprecedented, given that the two nations have yet to sign a formal peace treaty formally ending World War II. Particularly important is Japan's willingness to take on some dependence on Russia in its uranium enrichment agreement, and such nuclear cooperation may serve as a springboard for

19 Masako Toki, "Japan and Kazakhstan: Nuclear Energy Cooperation," *Nuclear Threat Initiative*, March 13, 2009.

20 Taisuke Abiru, "Reframing the Japan-Russia Relationship: A Report from the Valdai Club," Tokyo Foundation, December 3, 2010.

21 Ibid.

progress in other areas of this bilateral relationship.

JAPAN-INDIA NUCLEAR RELATIONS

Japan-India relations are also entering a new phase of strategic alignment that relies on nuclear cooperation for its success. In the past, relations between Japan and India have been cold due to Japan's withdrawal of ODA to India and protests to India's nuclear tests in 1974. However, a rising China and various domestic concerns have caused both Japan and India to recognize the need for a new alliance in recent years. As the two major Asian democratic powers in the region with substantial influence, Japan and India have forged an alliance at least partly in reaction to China's rise. Japan is further concerned with its reliance on China for imports of rare earth metals, which are essential for many of Japan's high-tech exports. Given that China demonstrated its willingness to use this dependence as a diplomatic weapon last year in a territorial spat over the Diaoyu/Senkaku Islands, Japan is eager to become closer with India, which possesses an abundance of these minerals.²² Recently, Japan has tempered its previously hardline insistence for India's signing of the Non Proliferation Treaty and Comprehensive Test Ban Treaty and made India its third largest recipient of ODA.²³ India, on the other hand, faces an energy shortage that comes from a growing population that consumes increasing amounts of energy while under environmental pressures as well. India has turned to nuclear energy as a solution and has sought technical help from nuclear powers such as Japan. Along with military cooperation between the two nations, a Civilian Nuclear Energy Cooperation Agreement currently being negotiated is one of the two pillars for Japan and India's new alliance.²⁴

THE FUKUSHIMA CRISIS AND ITS EFFECTS ON JAPAN'S NUCLEAR FOREIGN RELATIONS

The Fukushima crisis has completely changed nuclear energy's future for Japan, though the extent of this effect is not yet known in its entirety. The nuclear power plant meltdown, brought on by the Tohoku earthquake and tsunami on March 11, 2011, has only recently been brought under control. Major public concerns regarding exposure to radiation, the area of uninhabitable space around Fukushima, and release of more radioactive material into the environment than in the Chernobyl disaster have substantially lowered support for nuclear energy in Japan. While no official polls measuring public support after Fukushima have been made available, local communities have shut off nuclear reactors in response to Fukushima and the public has organized massive protests such as the one that occurred in September with tens of thousands of people gathering in Tokyo, thereby putting the Japanese government under intense pressure to end the state's reliance nuclear power completely.²⁵ In

22 "India, Japan Discuss Civil Nuclear Cooperation," *Daily News and Analysis*, October 29, 2011.

23 Ministry of Foreign Affairs, *Outline of Japan's ODA to India*, 2011.

24 Rajeev Sharma, "India Comes Calling on Japan," *The Diplomat*, November 2, 2011.

25 Malcolm Foster, "Nuclear Power Protests In Tokyo, Japan," *Huffington Post*, September 19, 2011.

the days immediately after Fukushima, plans for the expansion of nuclear power to generate 50% or more of all electricity in Japan have been dropped by former Prime Minister Naoto Kan. As current Prime Minister Yoshihiko Noda has remained consistent with this reversal in policy, nuclear power is not likely to be pursued for a very long time.²⁶ With Japan's domestic demand and prioritization for nuclear energy having taken a dramatic fall, Japanese relations featuring nuclear energy are likely to see substantial change in the future as well.

Japan's nuclear relationship with the United States will likely shift away from its pre-Fukushima focus on the two governments' cooperation on research and development to a focus on private businesses' in both nations cooperating to export nuclear technology. Because the Japanese government no longer plans on using nuclear reactors for energy in the future, it is difficult to imagine that the government will continue to invest as much money as it has in the past for nuclear reactor research and development – meaning that its role in the Generation IV International Forum (GIF), a major forum for Japan-US cooperation, is likely to be diminished. On the other hand, Japan's decreased domestic support for nuclear power does not necessarily mean that Japan will stop promoting nuclear energy overseas. Compared to the radical effect in Japan, global demand for nuclear energy has been minimally affected by the Fukushima crisis, as seen by numerous countries' continuing to invest in nuclear power – notably the United States and China. The World Nuclear Association also predicts a 30% increase in global nuclear generating capacity and 79 more reactors to be built worldwide within the next decade despite Fukushima.²⁷ This expanding and profitable market, along with heavy investment by Japanese businesses in the nuclear industry (such as Toshiba's recent purchase of a major stake in Westinghouse), suggest that Japan's private sector will further its efforts in the nuclear energy market. Given the close links and cooperation between Japan's private sector and government, the latter will likely continue to do what it can on an international level to make its nuclear exports as pervasive and attractive as ever before. The United States-Japan Joint Nuclear Energy Action Plan (JNEAP), signed in 2010 and a pillar of recent nuclear collaboration between the two nations, is likely to remain a focus of Japan's government for this reason. The US-Japan JNEAP ties directly with business interests, as this bilateral agreement seeks to assist potential emerging nuclear powers in the development of the necessary infrastructure needed for nuclear reactors and to support joint US-Japanese commercial activities by discussing ways to overcome commercial obstacles to civil nuclear power.²⁸

Japan's nuclear relationship with India will also likely continue relatively unchanged

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26 Justin McCurry, "Japan Nuclear Power Expansion Plans Abandoned," *The Guardian*, May 11, 2011.

27 Stephanie Cooke, "After Fukushima, Does Nuclear Power Have a Future?," *The New York Times*, October 10, 2011.

28 Ministry of Economics, Trade, and Industry (METI), *United States-Japan Joint Nuclear Energy Action Plan (JNEAP): Global Nuclear Energy Cooperation Working Group*.

due to the relationship's focus on Japan's nuclear exportation to India and India's continued strategic importance to Japan. Japan and India are continuing to negotiate the terms over the Civilian Nuclear Energy Cooperation Agreement after Fukushima; with the Japanese private sector eager for access into a major market that is also the target of other competitors such as South Korea (with whom India has separate nuclear negotiations), a conclusion seems imminent.²⁹ In addition, other factors in Japan's need for an alliance with India are unaffected by Fukushima, such as China's rise and Japan's rare earth mineral insecurity. Indeed, it is notable that Japanese ODA to India did not change despite the reduction in overall Japanese ODA after Fukushima, for which India explicitly conveyed its appreciation.³⁰

While Japan's nuclear relations with the United States and India will remain relatively unaffected by Fukushima, Japan's relations with Russia will likely take a major turn. Although the private sector cooperation between the two nations will likely continue, such as Toshiba and Atomenergoprom exporting nuclear fuel and nuclear technology to Vietnam, governmental support will likely be notably decreased, if not absent.³¹ The sudden downfall in Japan's nuclear energy demand has enormous consequences for official government cooperation, as it essentially eliminates Japan's need to continue utilizing Russia's uranium enrichment facilities and thus renders the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy, the main nuclear link between the two governments, obsolete. While this development may seem to suggest a return to deadened relations between the two nations, another door for energy cooperation between the two nations has opened as the nuclear one has closed. As Japan seeks an energy replacement to fill the vacuum left by nuclear energy, it is likely to turn to oil and natural gas from a non-Middle Eastern source. Russia, rich in these same energy resources that Japan will need in the future, is already building new pipelines such as a Vladivostok-Sakhalin line that will feed energy hungry Japan and China while tapping into a profitable market.³² These lines may take the place of nuclear energy in a new possible era of Japan-Russia relations.

Japan's relations with Kazakhstan, which also focused heavily on satisfying Japanese domestic nuclear demand, will have to wean off nuclear energy cooperation. Although Japan will probably continue to participate in nonproliferation forums such as the Central Asia plus Japan Dialogue Action Plan and continue to export nuclear technology, Japan's importation of Kazakh uranium will die out along with nuclear energy. Although it remains to be known to what extent the withdrawal of uranium trade between the two nations will alter Japan's silkroad diplomacy, a major trade link between the two nations will have disappeared. Japan may attempt to compensate

29 Rajaram Panda, "Changing Dynamics of India-Japan Relations: Future Trends," Hokudai University, October 25, 2011.

30 "India, Japan Discuss Civil Nuclear Cooperation," *Daily News and Analysis*, October 29, 2011.

31 Abiru, "Reframing the Japan-Russia Relationship."

32 Natalya Kovalenko, "Japan Looks for Alternative to Nuclear Energy," *The Voice of Russia*, April 26, 2011.

for this gap by increasing its ODA or other infrastructural assistance, but Kazakhstan lacks any substantial reserves of other energy resources for Japan to tap in creating a replacement energy/trade link.

CRITICAL INDEPENDENT VARIABLES IN DETERMINING THE FUTURE OF JAPAN'S NUCLEAR RELATIONS

By comparing the state of Japan's nuclear relations with the United States, Kazakhstan, Russia, and India before the Fukushima crisis with the likely future of these relations after Fukushima, a clear dichotomy appears between the nuclear relations that will continue to thrive and those that will diminish. This division in the fates of Japan's nuclear relations is not random, but rather can be attributed to a critical factor that determines whether a given nuclear relationship will continue. If a nuclear relationship was previously focused on Japan's importation of nuclear fuel for its nuclear energy demand, then that relationship will diminish. On the other hand, if a nuclear relationship involved cooperation between private nuclear exporting businesses in the two countries or licensing contracts for Japanese nuclear businesses, then the relationship will continue.

This variable is extracted from the cases of Japan's nuclear relations with the four nations in question. The case of Japan-Kazakhstan nuclear relations is a clear example of the first type of relationship; the basis of the nuclear relationship as Japan's importation of nuclear fuel, and so the relationship can be expected die out due to Fukushima. Although Japan's larger "silkroad diplomacy" strategy will continue in its engagement with Kazakhstan, nuclear energy is not likely to continue being a route of engagement. On the other hand, Japan-India relations are a clear demonstration of how Japanese nuclear business involvement is a positive indicator for the future of a particular nuclear relationship. Although continued nuclear cooperation is due largely to Japan's mineral insecurity and China's rise, Japanese business involvement also contributes to the continuation of nuclear relations. US-Japanese relations will also likely continue, as the United States is not a major exporter of nuclear fuel to Japan, so the Fukushima crisis will not negatively impact their nuclear ties. Business ties between the United States and Japan are extensive, and with global markets for nuclear energy expanding despite Fukushima, this cooperation will thrive in the future. Japan's nuclear relationship with Russia has also suffered and will likely continue to suffer due to its emphasis on Japan's importation of enriched uranium, but is offset by an extraneous factor, which is the potential for increased Russian exportation of oil and natural gas to Japan.

CONCLUSION

Japanese foreign policy has long been shaped by its energy security concerns, with nuclear energy playing a particularly prominent role since the 1970s. Indeed,

nuclear energy issues have been critical in defining the condition of some of Japan's most important bilateral relations, such as those with the United States. At the same time, nuclear energy has been just as important in creating new channels of engagement in Japan's relations with other countries, such as Kazakhstan, Russia, and India. Important as these nuclear relations may be in Japan's foreign policy, they all have their foundation in Japan's domestic nuclear energy demand. The recent Fukushima crisis, which effectively reversed domestic nuclear energy policy, has thus dramatically altered the situation in which Japan maneuvers its nuclear relations. Through an overview of Japan's history of nuclear relations, this paper concludes that Japan's nuclear relations with the United States and India will likely stay relatively unchanged, while its nuclear relations with Russia and Kazakhstan will diminish, only to be replaced by other ties based on other energy sources, such as oil.

Using Japan's past nuclear relations and their predicted futures, one factor that determines how a particular nuclear relation with Japan will fare after Fukushima has been identified. This factor, which deals with the nature and purpose of Japan's pre-Fukushima nuclear relations with other states, may have wider application and be useful in determining the future of Japan's other nuclear relations not studied in this paper as well. The reduction in ties based on the importation of nuclear fuel, a direct result of Fukushima, stems largely from Japan's diminished domestic nuclear appetite and ultimately corresponds to a decline in nuclear relations. However, Fukushima does not change Japan's willingness to use its accumulated expertise and capital on nuclear technology, which it will continue to use to create and shape bilateral relations to suit its other strategic needs.

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Failure to Launch: The Curious Case for the Second Lebanon War

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ABSTRACT

Using the Second Lebanon War as a case study, this paper explores the ways in which prospect theory and the “gambling for resurrection” phenomenon fail to explain state behavior in international conflict. After the July 12, 2006 Hezbollah attack on the Israeli Defense Forces (IDF) and on Israeli towns bordering Lebanon, domestic support for heavy retaliation was fervent and widespread in Israel. Unexpectedly, the IDF encountered difficulty against the guerilla tactics employed by Hezbollah, and by August 14, 2006, the United Nations abruptly imposed a ceasefire under UN Resolution 1701. The failure of the Israeli government to escalate its war commitment runs counter to what prospect theory and gambling for resurrection would predict. These peculiarities in Israel’s behavior help shed light on the conditions under which the predicted gambling response may not be the actual response to losses in warfare. Specifically, this paper notes that the contexts of dual loss and counterinsurgency warfare may result in such deviation. This paper also discusses the implications of these contexts for understanding democracies’ behavior in war.

In the last two decades, there have been incremental but solid steps taken away from the rationalist model of behavior in international relations.¹ Prospect theory and

¹ Theories, like prospect theory, deviating from the rationalist model have been discussed since at least June 1992, as stated in Rose McDermott, “Prospect Theory in Political Science: Gains and Losses from the

other studies on the cognitive biases that impact decision-making processes have helped locate the causal factors of war on the individual level, rather than solely on the state level as realist political theory assesses. Following the psychological research on “reference dependence” by Kahneman and Tversky in 1979, prospect theory posits that people behave differently under different conditions of gain or loss. If people feel that they have gained relative to a given reference point (i.e. asset level), they will be more risk averse and seek to maintain rather than enhance their positions at comparable costs. However, if they feel that they have accrued losses relative to the reference point, they will be more risk acceptant and will thus take risky measures to recoup such losses.²

An extension of this kind of loss aversion is the phenomenon of escalating commitment, whereby leaders responsible for apparently losing policies will attempt to recoup their losses through an “escalation strategy to recover their sunk costs.”³ They may do so, according to the theory, despite – and even *because* of – dissent from the domestic public: this tendency to escalate commitment is known as “gambling for resurrection.” Gambling for resurrection is particularly relevant in democratic societies, since theoretically, leaders are more willing to take huge risks to stave off removal from office.⁴ By accounting for the biases of state leaders, then, these theories arguably construct a more complete picture of international conflict.

However, an examination of particular cases of war, most notably the Second Lebanon War in 2006, reveals seeming incongruities with this account of leaders’ behavior. The Second Lebanon War is an especially salient example because it represents, perhaps, the most extreme form of loss: a loss spurred by feelings of revenge,⁵ which this paper refers to as “vengeance-inducing loss.” In this case, the loss was the July 12, 2006 attack on Israeli towns and kidnapping of Israeli soldiers by Lebanon-based militant organization Hezbollah. Israel, a democratic state, responded to this loss with intensive military action, but by August 14, 2006, the war was stalled by a ceasefire under United Nations Resolution 1701. Thus, Israel’s initial reaction to the experience of vengeance-inducing loss followed the predicted escalating commitment. But Israel’s apparent struggles in the 2006 campaign and the immediate effect that its struggles had on domestic support led to constraints on the government’s willingness to escalate its war strategy.

This paper will provide a possible solution for the puzzle of Israel’s war behavior

First Decade,” *Political Psychology* 25, no. 2 (2004): 289.

² Jack S. Levy, “Prospect Theory, Rational Choice, and International Relations,” *International Studies Quarterly* 41, no. 1 (1997): 89.

³ McDermott, “Prospect Theory in Political Science,” 300-301.

⁴ George W. Downs and David M. Rocke, “Conflict, Agency, and Gambling for Resurrection: The Principle-Agent Problem Goes to War,” *American Journal of Political Science* 38, no. 2 (1994): 363.

⁵ The influence of revenge in the Second Lebanon War is detailed in Oded Lowenheim and Gadi Heimann, “Revenge in International Politics,” *Security Studies* 17 (2008).

in the Second Lebanon War. First, it will outline the theoretical framework behind escalating commitment, detailing both the individual-level consideration of state leaders' behavior, as well as the motivations fueling public support. The paper will use this framework to construct specific predictions about the war given that Israel found itself in the domain of losses. Second, it will discuss the general difficulties in applying this theoretical framework. Next, the predictions will be tested against the case study of the Second Lebanon War to determine whether the expected responses materialized, explaining why some losses produce the predicted escalating response while others do not. Finally, the paper will end with a discussion on the implications of these findings for prospect theory and how democracies behave in war.

THE THEORETICAL FRAMEWORK OF ESCALATING COMMITMENT

This framework of escalating commitment draws upon several existing theories that challenge the rationalist model: prospect theory and the seemingly paradoxical "gambling for resurrection" effect. Taken together, these theories strongly indicate that a state that experiences losses will tend to escalate its war strategy.

The literature behind vengeance-induced loss fits very neatly into the tenets of prospect theory. As prefaced earlier, prospect theory states that actors will behave differently depending on whether they are in the domain of losses or gains with respect to their reference point. Given that actors tend to overvalue losses relative to comparable gains, a phenomenon called *loss aversion*, they should be more risk-acceptant in the domain of losses such that they may be able to recoup those losses.⁶ A leader (e.g., the prime minister of Israel in July 2006) faced with losses relative to his reference point (e.g., a reference point of assured security along the Israel-Lebanon border) is predicted to respond with a willingness to implement risky war policy.

The case of the Second Lebanon War is special in that its impetus can be categorized as a vengeance-inducing loss, for which there is specific theoretical background as well. The literature on revenge in international politics posits that, in instances where a state experiences a morally outrageous or humiliating loss, the desire for revenge will lead the state to respond with excessive force, usually without regard for innocents.⁷ Revenge-seeking states will be willing to "incur high risks" as well as "bear considerable material costs."⁸ This prediction should be true for both the leaders and the public, which leads to predictions P_1 and P_2 :

P_1 : The Israeli military response would be disproportionately heavy compared to the original Hezbollah attack, with little regard for the harming of innocents. The response would also enjoy widespread (if not fervent) public support in Israel.

6 Levy "Prospect Theory," 89-90.

7 Lowenheim and Heimann, "Revenge," 687.

8 Ibid., 693.

P_2 : Israeli leaders and the Israeli public would be willing to incur heavy material costs in pursuit of revenge.

Once a state has been pushed into the domain of losses and has decided that war is the appropriate (though not necessarily rational) response, the state is in a unique position insofar as a new reference point has been established. This reference point is not necessarily the status quo, but rather the leader's proclaimed aims and predictions about the war. Admittedly, using aspirations as a reference point is generally more problematic than regarding the status quo as the reference point, as state goals may be hard to ascertain.⁹ In the case of war, however, aspirations become not only easier to ascertain (because state leaders tend to publicize war intentions), but also necessary to analyze, because publicized expectations become the *de facto* metric for success in the eyes of leadership and the public alike.¹⁰ With a new reference point also come new opportunities to experience losses. New losses should still result in escalating behavior per loss aversion. This gives prediction P_3 :

P_3 : If Israel experienced losses relative to the leaders' stated aims for the war, the government would respond with still-escalating behavior, most likely in the form of reinforcing military forces.

As the revenge literature (and P_2) would suggest, incurring additional losses even after the original impetus for vengeance-seeking war should not affect the public's continued support for the war. In fact, since analysis of loss aversion primarily occurs at the individual level, individual (and presumably patriotic) Israeli citizens also should prove strongly in favor of escalating strategy after additional losses. But even if public support for the war were to wane, the Israeli leadership should still respond as predicted by P_4 below, due to "gambling for resurrection."

Gambling for resurrection suggests that precisely *because* the public no longer supports the war or the government's wartime performance, the government has greater incentive to escalate commitment. Clearly, this effect is stronger in democracies, since the leadership depends on public support. "Once a chief executive believes that removal is likely, he or she has nothing more to lose by 'gambling for resurrection' by escalating or extending a conflict."¹¹ In essence, though gambling may lead to a military outcome more harmful than surrender, the mere *possibility* of returning to the good graces of the public is enough for the state leader to escalate commitment.¹² Thus, Israeli leadership not only should act as P_3 would predict, but

9 Jonathan Mercer, "Prospect Theory and Political Science," *Annual Review of Political Science* 8 (2005): 6.

10 Dominic D. P. Johnson and Dominic Tierney, *Failing to Win: Perceptions of Victory and Defeat in International Politics*, (Cambridge: Harvard University Press, 2006): 292.

11 Downs and Rocke, "Gambling for Resurrection," 364.

12 Ibid., 375.

also as would P_4 :

P_4 : If public support for the government decreased during the war, the Israeli government would gamble for resurrection, likely by undertaking riskier military action to achieve quick victory against Hezbollah.

Incorporating the theories behind vengeance-inducing loss and gambling for resurrection into this framework of escalating commitment effectively controls for any variation in domestic public support. If Israeli public support for the war effort stays high, as the revenge literature would suggest, the government should escalate its strategy in the event of additional losses after the commencement of war. If Israeli public support for the war effort decreases in response to additional losses, to the point that the Israeli government could reasonably expect to be voted out of office, the government should still be expected to escalate its war strategy in accordance with the gambling for resurrection effect. Essentially, by incorporating all of the behaviors outlined above, the framework strongly indicates that Israel had every incentive, material or cognitive, to escalate its war strategy. This makes Israel's actual war behavior in the Second Lebanon War all the more puzzling.

Before examining the case of the Second Lebanon War, however, a discussion of the shortcomings of this framework is warranted, especially since this paper leans so heavily on the difficult-to-test concepts of loss aversion and escalating commitment. First, loss aversion is often difficult to define, let alone measure. The main reason is that prospect theory "provides no insight on how actors locate themselves in a domain of gain or loss."¹³ Without knowing exactly what the reference point is in any given context, discussing domains of gains or losses can become an exercise in futility. Furthermore, even if the reference point were known, to determine whether or not an actor is pursuing a particularly risky strategy is extremely difficult. Differing assessments of risk, after all, will result in different assessments of how much loss aversion can explain a given actor's choices.¹⁴ In this case study, I minimize these difficulties by setting the status quo¹⁵ as Israel's pre-war reference point. During the war, Israel's reference point is its government's own professed war aims.

Second, the concept of escalating commitment is subjective, which is partly related to the difficulties with assessing risk discussed above. Assuming that "escalation" can be defined as "trying ever more risky strategies,"¹⁶ there is no objective reason that initiating peace talks should be any less risky than increasing military commitment. Even given that increasing military action is, in fact, the riskier strategy, it is difficult

13 Mercer, "Prospect Theory and Political Science," 3.

14 Ibid., 14.

15 Political actors frequently "use the status quo as a reference point for determining their domain." Mercer, "Prospect Theory and Political Science," 4.

16 Downs and Rocke, "Gambling for Resurrection," 377.

to measure the exact level at which such action constitutes escalation. A surge of troops into a region, for example, may not be considered a risky strategy if it were not enough to fully achieve war objectives, despite the increase in military forces in absolute terms.¹⁷ I resolve the subjectivity of "escalation" by relying on the quickness with which Israel scaled down its war campaign—the entire conflict lasted only 34 days—as indicative of its lack of escalation.

Having acknowledged the inherent difficulties with answering the question of Israel's puzzling war behavior in 2006, at least from a loss aversion perspective, I will now present the case of the Second Lebanon War. I will also provide possible explanations for why Israel's behavior deviated from what given the theoretical framework would predict.

THE CASE: THE SECOND LEBANON WAR

On July 12, 2006, Hezbollah militants fired rockets at two Israeli towns along the Israel-Lebanon border in order to divert the attention of the Israeli Defense Forces (IDF) away from a concurrent cross-border raid. Hezbollah's raid killed three soldiers and resulted in the successful abduction of two additional soldiers; Hezbollah aimed to use these hostages as "bargaining chips to secure the release of Lebanese citizens convicted of terrorist acts and incarcerated in Israel."¹⁸ A follow-up rescue mission resulted in the deaths of five more IDF soldiers. The Lebanese government quickly disavowed responsibility, and Hezbollah's Secretary-General, Hassan Nasrallah, appeared live on television to take full responsibility for the incident, even taunting newly elected Israeli Prime Minister Ehud Olmert and Defense Minister Amir Peretz.¹⁹ On that same day, Israel's cabinet convened and approved airstrikes in South Lebanon. Five days later, on July 17, the IDF commenced intensive ground operations against Hezbollah. This forced the IDF into a civilian environment, since Hezbollah had "taken advantage of civilian surroundings to conceal itself and stored weapons in people's homes."²⁰

The alacrity with which Israel responded to the attack is indicative of its willingness to commence war. The "extent and ferocity" of the Israeli response took Nasrallah by surprise.²¹ In fact, Israel did not even bother to articulate war aims until ground mobilization five days after the initial attack, lending credence to the notion that

17 Ibid., 375.

18 Jonathan Spyer, "Lebanon 2006: Unfinished War," *Middle Eastern Review of Political Science* 12, no. 1 (2008): 1.

19 Lowenheim and Heimann, "Revenge," 701-702.

20 Yoram Schweitzer, "'Divine Victory' and Earthly Failures: Was the War Really a Victory for Hezbollah?" in *The Second Lebanon War: Strategic Perspectives*, ed. Shlomo Brom and Meir Elran, (Tel Aviv: Institute for National Security Strategies, 2007): 126.

21 Spyer, "Lebanon 2006," 2.

Israel's behavior was fueled by feelings of blind revenge.²² Instead, the Israeli cabinet immediately settled on massive airstrikes, apparently drawing from the 1999 NATO experience in Kosovo to justify the efficacy of such tactics.²³

Popular support in Israel was incredibly high at this early stage of the war. The Israeli consensus was that the attack from Hezbollah was “unprovoked,” and there “was almost no dissent over the government’s decision to go to war.”²⁴ On July 17, not only was public support for the war nearly unanimous, but polls found that 58% of the adult population favored fighting “until Hezbollah would be wiped out,” and 75% also supported continuing military action, as opposed to the 10% who supported entering negotiations with Hezbollah and Lebanon.²⁵ As late as August 1, 2006, two weeks into the war, 93% of the Jewish population in Israel – who viewed Hezbollah’s initial attack as an extension of Iran’s commitment to destroy Israel – supported the war.²⁶

Israel’s initial response to Hezbollah’s attack thus matches up with the predictions given by the theoretical framework of state behavior following a vengeance-inducing loss. To begin with, the evidence suggests that both the leaders and the public viewed the July 12 attack as a vengeance-inducing loss. As the polls showed, not only was there near-unanimous support for the war, but a majority of the adult population also favored complete annihilation of Hezbollah – a disproportionate response, in a strictly utilitarian sense, to the deaths of eight IDF soldiers and the abduction of two more. Furthermore, Israeli leadership did not attempt to provide coherent war aims for a full five days. Although Israel did show “partial restraint” in attacking civilian targets, the leadership still showed no qualms in destroying, for example, part of Beirut’s international airport, along with 800 homes in Bint Jbeil.²⁷ These reactions support P_1 :

P_1 : The Israeli military response would be disproportionately heavy compared to the original Hezbollah attack, with little regard for the harming of innocents. The response would also enjoy widespread (if not fervent) public support in Israel.

The evidence is strong that the Israeli leadership, having found itself in a domain of loss from the status quo of security along the Israel-Lebanon border, reacted with risk-acceptant behavior. The quick decision to settle for airstrikes – as opposed to a coherent military strategy – is one piece of evidence. Also, while the massive airstrikes reflect the vengeance that fueled the mission, Olmert and his cabinet were convinced

22 Lowenheim and Heimann, “Revenge,” 703.

23 Spyer, “Lebanon 2006,” 6.

24 Yehuda Ben Meir, “Israeli Public Opinion and the Second Lebanon War,” in *The Second Lebanon War: Strategic Perspectives*, ed. Shlomo Brom and Meir Elran, (Tel Aviv: Institute for National Security Studies, 2007): 90.

25 Ibid., 91.

26 Ibid., 92.

27 Lowenheim and Heimann, “Revenge,” 709-710.

that even “minimal force”²⁸ in ground troops could overwhelm Hezbollah. Such a conviction appears especially risky next to Olmert’s grossly overstated war aims, beyond simple vengeance: Israel aimed to free the kidnapped soldiers and return them to Israel unconditionally; end the firing of missiles by Hezbollah against Israeli citizens and targets; and finally, complete the mandate of United Nations Resolution 1559, passed in 2004, which, among other terms, called for Hezbollah to completely disarm.²⁹

Once the ground troops had been launched, Israel found itself in a much more difficult situation. Utilizing guerilla tactics, Hezbollah leveraged its system of bunkers and tunnels to disrupt the IDF.³⁰ The failure of the Israeli government to launch a full-scale ground attack until late in the war further allowed Hezbollah to continue its rocket salvos throughout the entirety of the conflict.³¹ Despite these factors, the overall casualty rates for the IDF and Hezbollah ended up extremely one-sided in Israel’s favor. Even by Hezbollah’s own statistics, there were 150 Hezbollah deaths against 119 IDF combat-related deaths. Other sources, including the Israeli and Lebanese governments as well as the UN, indicate that around 500 Hezbollah militants were killed.³² In other words, for every IDF death, five Hezbollah militants were killed, a ratio that surely portended eventual victory for Israel.

Nonetheless, within Israel, public support for the war dropped precipitously, and by the end of the first week of August, “there were clear signs of a disenchantment of the Israeli public with the results of the war.”³³ Note that public support did not significantly drop *for the war* – in fact, polls found that 83% of the Jewish population continued to support the war by August 10.³⁴ Public support *for the government’s performance during the war*, on the other hand, certainly nosedived: both Olmert’s and Peretz’s approval ratings returned to their low pre-war levels, while approval of the IDF’s performance plummeted from 87 to 59%.³⁵

The United Nations finally implemented a ceasefire on August 14, 2006, per UN Resolution 1701. An augmentation of Israeli ground troops had actually occurred in the period preceding the ceasefire, but was called off 24 hours before the ceasefire.³⁶ UN Resolution 1701 was the first time in Israeli history that Israel sought a UN resolution to end a war.³⁷ Certainly, the resolution resulted in material losses for

28 Efraim Inbar, “How Israel Bungled the Second Lebanon War,” *Middle East Quarterly* 14, no. 3 (2007).

29 Spyer, “Lebanon 2006,” 4.

30 Ibid., 2.

31 Inbar, “How Israel Bungled the War.”

32 Spyer, “Lebanon 2006,” 5.

33 Meir, “Israeli Public Opinion,” 93.

34 Ibid.

35 Ibid., 91, 93.

36 Spyer, “Lebanon 2006,” 6.

37 Inbar, “How Israel Bungled the War.”

Hezbollah, as the militant organization was essentially evicted from its stronghold in South Lebanon, to be replaced by a bolstered United Nations Interim Force in Lebanon (UNIFIL) and the Lebanese Armed Forces (LAF). But the outcome of the war was ambiguous enough that Nasrallah could immediately proclaim victory simply for having survived. Indeed, the ceasefire resolution did not even grant to Israel the recovery of the two abducted IDF soldiers, nor did it include a clause on Hezbollah disarmament.

Israel's behavior in the latter stages of the war, then, does not seem to conform to what the theoretical framework for escalating commitment would suggest. Consider P_2 :

P_2 : Israeli leaders and the Israeli public would be willing to incur heavy material costs in pursuit of revenge.

The evidence for P_2 , much like the outcome of the Second Lebanon War, is murky at best. First, the leaders did not seem totally willing to incur heavy material costs, judging by the fact that they called off the late augmentation of ground troops after suffering "considerable losses."³⁸ Second, though the public stayed consistently strong in its support for the war, some studies showed that the drops in approval rating for the government's performance were largely a function of the number of casualties,³⁹ hardly the revenge-at-any-cost attitude described by the revenge literature. If revenge is the goal, heavy costs should not factor into the public's evaluation of war progress. Therefore, it does not appear that Israel's public and government felt consistently motivated by revenge.

One possible explanation for this is the nature of the enemy. Even though it had inflicted a vengeance-inducing loss on Israel in 2006 Hezbollah is a non-state actor, and its status as such may have made it a more ambiguous enemy to gauge for the Israeli public. Studies done on the Iraq War have similarly shown that even the most hawkish, retributive individuals were much less supportive of doing protracted counterinsurgency work and much more supportive of toppling Saddam Hussein's rule.⁴⁰ In the case of the Second Lebanon War, Israel failed to harm its most visible opponent, Nasrallah, at all, and found itself embroiled in groundwork against Hezbollah in a civilian environment. Thus, the slide towards counterinsurgency work may have diminished feelings of revenge.

The failure of both P_3 and P_4 as predictions is much more stark:

38 Spyer, "Lebanon 2006," 6.

39 Meir, "Israeli Public Opinion," 95.

40 Peter Liberman, "An Eye for an Eye: Public Support for War against Evildoers," *International Organization* 60, no. 3 (2006): 707.

P_3 : If Israel experienced losses relative to the leaders' stated aims for the war, the government would respond with still-escalating behavior, likely in the form of reinforced military forces.

P_4 : If public support for the government decreased during the war, the Israeli government would gamble for resurrection, likely by undertaking riskier military action to achieve quick victory against Hezbollah.

Certainly, Israel experienced additional losses after the original Hezbollah attack. After the commencement of war, the Israeli government had essentially defined for itself a new reference point: its own war aims. In *Failing to Win: Perceptions of Victory and Defeat in International Politics*, Dominic Johnson and Dominic Tierney stress that the amazing ease with which Israel triumphed in the Six-Day War (1967) loomed large over the relatively greater struggle Israel had over the course of the Yom Kippur War (1973).⁴¹ It is perhaps not unreasonable to suggest that Israel had similarly high expectations against a militant organization – not even a state actor! – in the 2006 invasion. The public, then, not only expected to achieve Olmert's stated war aims, but they also expected swift and decisive victory. Indeed, the very sudden (over a span of merely two weeks) plummet of the IDF's approval rating lends credence to this assertion. Even beyond Hezbollah's continued bombings of Israeli towns and the failure to recapture the IDF hostages, the mere fact that the IDF was not able to quickly defeat Hezbollah put Israel once again in the domain of losses.

And instead of responding with escalation, the Israeli government gave way to the United Nations. There was no additional risky military strategy; the eleventh-hour augmentation of ground troops was called off after the IDF incurred heavy losses. By the final week of the war, there was "an avalanche of frustration, dissatisfaction, and disappointment," and polls found that almost 70% of the population supported the establishment of a national inquiry commission.⁴² Yet Olmert and Peretz did not attempt to gamble for resurrection, either. This, then, is a direct challenge to the escalating commitment framework.

There are two possible explanations for Israel's failure to escalate its war strategy despite incurring losses relative to its reference points. The first has to do with learning. The fact that Israel actually incurred *dual loss* (a loss from its pre-war status quo, and a loss with regards to its war aims) may provide an answer for why Israel responded as expected to the first instance of loss and did not respond as expected to the second instance. Arguably, after responding to the first loss with military action, the Israeli government concluded from the apparent failure of its initial ground campaign that

41 Johnson and Tierney, *Failing to Win*, 203.

42 Meir, "Israeli Public Opinion," 94, 96. This national inquiry commission did in fact happen in the form of the Winograd Commission, which began on September 18, 2006, and issued a preliminary report on April 30, 2007.

“further combat was unlikely to produce additional substantial gains or consolidate what had already been achieved.”⁴³ Additionally, the Israeli government saw that public support was not as guaranteed as cases of revenge might suggest. Indeed, after the IDF ran into initial difficulties against Hezbollah, the public was already losing its thirst for revenge and becoming less willing to bear losses.⁴⁴ Instead of doubling down on its bet, to use a gambling analogy, Olmert and the Israeli government decided to walk away from the table, having seen the disastrous outcome of its original gambles. This sequence of decision-making is outlined in Table 1.

First Loss	Hezbollah attacks towns, abduct IDF soldiers
Response to Loss: Escalation	IDF airstrikes and ground campaign
Second Loss	IDF ground forces struggle to make headway, incur considerable losses
Response to Loss: No Escalation	Olmert sees inefficacy of military solution, cedes to UN Security Council

Table 1

In other words, the fact that Israel suffered *consecutive* losses may be the key to resolving this puzzle. In cases of dual loss, state leaders can learn from the first loss to avoid the fallacy of gambling for resurrection—which is essentially an attempt to recover sunk costs—so that when the second loss occurs, the predicted gambling response does not follow. An important point here, of course, is that Israel suffered consecutive losses in quick succession, so that there was not enough time for Olmert to unlearn what he had experienced in the response to the first loss.

The second explanation is related to the *nature* of Israel’s loss; more specifically, the fact that Israel had to conduct counterinsurgency warfare tempered the Israeli government’s propensity to escalate after experiencing the second loss. Indeed, prospect theory falters in its ability to generalize across different types of loss. In the case of the Second Lebanon War, because Israel’s second loss was incurred during a counterinsurgency effort—as opposed to the original, unprovoked attack—the public’s and the government’s willingness to redouble the fighting flagged (similar to the decline in feelings of revenge). Furthermore, because Israel is a democracy, its government was highly sensitive to the shift in public support. The Israeli government’s unwillingness to escalate its war effort against an insurgent group employing guerilla tactics is hardly unprecedented. Democracies embroiled in counterinsurgency have seen their public support wane before, even in the most revenge-fueled cases: American outrage and desire for vengeance following the September 11 terrorist attacks could not sustain support for protracted military occupation in Iraq, even in

43 Mark A. Heller, “The International Dimension: Why So Few Constraints on Israel?” in *The Second Lebanon War: Strategic Perspectives*, ed. Shlomo Brom and Meir Elran, (Tel Aviv: Institute for National Security Strategies, 2007): 211-212.

44 Spyer, “Lebanon 2006,” 7.

the period when Iraq was still believed to bear some responsibility for the attacks.⁴⁵

By taking into account the type of warfare Israel was engaged in when it incurred a loss, its response to that loss becomes more intelligible. Gambling for resurrection is more unlikely in cases of counterinsurgency warfare. Tellingly, Israeli leadership willingly ceded the responsibility of restraining Hezbollah in South Lebanon to UNIFIL and LAF, even though they doubted that these two organizations could effectively uphold such responsibility.⁴⁶ The leadership, like the domestic public, may just have suffered from counterinsurgency fatigue.

CONCLUSIONS AND IMPLICATIONS

The Second Lebanon War is a particularly interesting case because it fulfills many of the requirements for escalating commitment. From Israel’s point of view, the war was one of many extremes: firstly, a devastating loss that sent both the public and the government into vengeance-seeking fury; secondly, an immediate response in the form of heavy and almost indiscriminate airstrikes; thirdly, a clear second loss toward which to respond; and finally, a compact time frame in which to examine these actions and reactions. This last element is especially important, since it underscores the contrast between Israel’s outsized counterattack and the relatively subdued fashion in which the ceasefire was implemented. The stark contrast makes the claim that Israel failed to escalate much stronger.

Generalizing Israel’s failure to escalate in the Second Lebanon War to other cases will require further inquiry into the possibilities of learning and the importance of context in warfare. As this case study suggests, the twin components of dual loss and counterinsurgency warfare help explain the Israeli government’s decision not to redouble its war effort after setbacks against Hezbollah. Just as the reference point can change over the course of war, the saliency and impact of certain kinds of losses surely can change over the course of war as well.

The Second Lebanon War case also challenges some of the existing notions on democracies’ behavior in war. In their book, *Democracies at War*, Dan Reiter and Allan C. Stam posit that, because they are beholden to public support, democratic governments will generally only fight wars they can win. Furthermore, Reiter and Stam find that the mere fact of being a democracy significantly improves decision-making in foreign policy.⁴⁷ But democratic Israel’s behavior in the Second Lebanon War challenges this assertion on two fronts. First, while the Israeli government arguably showed keen decision-making ability in choosing not to escalate, the explanation for

45 Liberman, “An Eye for an Eye,” 707.

46 Schweitzer, “Divine Victory,” 132; and Spyer, “Lebanon 2006,” 7.

47 Dan Reiter and Allan C. Stam, “Understanding Victory: Why Political Institutions Matter,” in *International Security* 28, no. 1 (2003): 177.

that may not be restricted to the fact that it is a democracy. As this paper suggests, the context of dual, consecutive losses in war allows for learning and adapting. Whether or not being a democracy—and therefore being subject to changes in public support—makes a government necessarily or significantly better at learning is unclear from this case study.

Second, Israel certainly erred in its retaliation strategy against Hezbollah. Not only did it fail to achieve military victory (recall that the ceasefire was implemented by the United Nations), it also did not adequately counter Hezbollah's attacks. Rockets continued to pepper Israeli towns along the Israel-Lebanon border throughout the war, and despite the five-to-one casualty ratio advantage the IDF held, the late augmentation of IDF forces resulted in significant losses. The explanation I provide for this strategic failure is that the response to vengeance-inducing loss is not always rational. Reiter and Stam counter that Hezbollah is not a state actor, and furthermore, that Israel's history of warfare is extremely successful in the big picture.⁴⁸ Nevertheless, this does not detract from the importance of understanding contexts like counterinsurgency in order to better understand state behavior in war. By bringing in these contexts, we can make better predictions about when escalating responses will occur.

48 Ibid, 177-178.

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Interest and Power in the International Criminal Court: Strengthening International Legal Norms Within a Sovereign State System

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ABSTRACT

The International Criminal Court (ICC) has faced considerable political obstacles since its creation in 2002, demonstrating a striking incapacity to enforce arrests or punish the guilty. Although critical evaluations of its performance have been limited, the structure of the Court clashes with the basic principles of modern international relations: interest and power. Only by acknowledging the interests of sovereign states can the ICC gain both the normative authority and concrete political support it needs to function. To operate as the effective judicial body it was intended to be, two structural reforms are in order. First, the ICC must limit its jurisdiction to crimes committed within member states and cases referred by the United Nations Security Council; and second, it must strengthen its institutional ties to the United Nations.

For those familiar with the International Criminal Court (ICC), the recent developments in Kenya instill an uneasy sense that history is bound to repeat itself. It is no coincidence that the situation unfolding in the most recent ICC case parallels those which occurred in Darfur and Uganda several years ago. Specifically, the Court is hampered by fundamental structural flaws that will continue to haunt almost every case that falls under its purview. In order to perform its responsibilities, the ICC must align itself with the two defining features of the sovereign state system: interest and power.

Most recently, ICC prosecutor Luis Moreno-Ocampo launched investigations regarding the post-election crisis in Kenya in the spring of 2007. The outcome of the fiercely contested presidential election sparked riots and ethnic killings throughout the country; thousands died and hundreds of thousands were displaced before a peace settlement was reached the following February. By the end of 2010, though, Moreno-Ocampo identified the six suspects responsible for perpetrating the violence, all of whom were high-ranking officials of the current coalition government.¹ Nairobi, Kenya's capital, responded swiftly and emphatically. Parliament immediately passed a motion calling for withdrawal from the ICC Rome Statute with an overwhelming bipartisan support.² Specifically, cabinet members from both sides of the coalition government pledged to oppose the ICC, launching a "charm offensive" in which they lobbied state capitals across Africa to back their bid to block Court investigations in Kenya.³ Meanwhile, despite Parliament's repeated rejection of a local tribunal and weak judicial system, the government asserted its capacity to try suspects independently.⁴ Accordingly, the case in Kenya can be expected to unravel much the same way as the one in Sudan: a protracted struggle with an unaccommodating government that eventually dwindles to an inconclusive, fruitless end.

This article provides a four-part analysis, which draws on the guiding principles of modern international relations to explain the root of the problems with the ICC. After a brief historical overview, I explain the inherent inconsistency between its jurisdiction and the interests of dominant states. Part I outlines US opposition to the Court through this framework, and Part II explains the difficulties the Court has encountered in past cases, emphasizing its overdependence on legitimacy and the poverty of hard power. Finally, after evaluating how the principles of the Court relate to political interest and power, I propose two key institutional reforms to maximize the court's efficacy in the world system.

BACKGROUND OF THE ICC

The notion of a permanent international legal institution began after World War II when the Nuremberg and Tokyo courts popularized the concept of universal crimes. During the postwar rise of global institutions, advances toward international cooperation also followed in the legal realm. In the early half of the 1990s, the United Nations (UN) Security Council established ad hoc tribunals in war-torn areas, specifically in Rwanda and the former Yugoslavia.⁵ By the end of the decade, it had organized an international conference on the Rome Statute to the International Criminal

1 Jeffrey Gettleman, "Kenyan Leader and Opponent Meet," *The New York Times*, January 8, 2008.

2 Bernard Namunane and Oliver Mathenge, "Kenya Seeks Africa Support over Hague," *Daily Nation*, January 12, 2011.

3 Ibid.

4 Otieno Owida, "It's Too Late to Stop Ocampo," *Daily Nation*, December 26, 2010.

5 Marc Weller, "Undoing the Global Constitution: UN Security Council Action on the International Criminal Court," *International Affairs* 78, no. 4 (October 2002): 697.

Court, designed to adjudicate genocide, crimes against humanity, and war crimes. As an independent organization, the ICC would operate outside of the UN system at its headquarters in Hague and receive funding from member states. Currently, its jurisdiction encompasses three different scenarios: it may launch investigations where the accused is "a national of a State Party or a State otherwise accepting the jurisdiction of the Court," when crimes occur in the territory of these states, and when crimes are referred by the UN Security Council to the Prosecutor, "irrespective of the nationality of the accused or the location of the crime."⁶ As an additional qualifier, the complementary principle of the Statute notes that the aforementioned cases would be inadmissible if the states with jurisdiction are currently investigating the crimes themselves. If, however, these states are unwilling or incapable of "genuinely carry[ing] out the investigation or prosecution," the suspects remain vulnerable to ICC prosecution.⁷

The ratification was a partial success, as the Rome Statute won widespread support with a vote of 120-7 and subsequently achieved rapid ratification by the required sixty countries in the early years of the 21st century.⁸ However, some of the world's most influential states, including India, China, and Russia, have chosen not to ratify the Rome Statute. Other major groups such as the Arab League and the African Union, which include states party to the Statute, have obstructed past court cases. Despite signing the Rome Statute, the United States vocally opposed the establishment of the ICC, declaring its jurisdiction over crimes committed on the territory of all signatory states a transgression of sovereignty. Accordingly, the Bush administration sought to limit oversight to two types of crimes: those committed by citizens of signatory nations within their own countries and those referred by the Security Council.⁹ Though it has failed to obtain complete immunity from the ICC through the UN Security Council, the United States has vigorously campaigned to achieve it through other forums.¹⁰ For instance, the United States has withheld forces from UN peacekeeping areas, claiming that American citizens should be exempt from ICC prosecution.¹¹ It has also pressured parties to the Statute to sign bilateral treaties granting US citizens immunity under their territory, at times cutting or threatening to cut aid from states that refuse to cooperate.

A PARADIGMATIC OPPOSITION

6 "Jurisdiction and Admissibility," *The International Criminal Court*.

7 Ibid.

8 Weller, "Undoing the Global Constitution," 697.

9 Jack Goldsmith, "The Self-Defeating International Criminal Court," *The University of Chicago Law Review* 70, no. 1, Centennial Tribute Essays (Winter 2003): 99.

10 Robert C. Johansen, "The Impact of US Policy Toward the International Criminal Court on the Prevention of Genocide, War Crimes, and Crimes Against Humanity," *Human Rights Quarterly* 28, no. 2 (May 2006): 308.

11 Ibid., 306.

An assessment of the ICC's struggle for state support reflects the motivations and capabilities present in contemporary politics. Statesmen and scholars have urged the United States in particular to fulfill its moral obligations, perhaps in the hopes that extensive moral rebuke will eventually push the country into line with international opinion.¹² While such arguments are relevant, they do not address the crux of the issue. The opposition of non-signatory states is primarily compelled not by lack of duty or morality, but rather, by *interest*.

At its core, the international stage is an anarchic system dominated by sovereign states. Free from higher government or an enforced code of law, states' interactions are driven by self-interest out of necessity. Thus, calculations of state power in the course of these interactions determine whose interests prevail.¹³ However, steps towards international cooperation have tempered political competition since World War I. Some initiatives, such as the UN, survived, while others, such as the League of Nations, failed. These historical lessons effectively demonstrate the expanding role of supra-state institutions and global norms. Accordingly, progressive international norms emerged with these new global institutions as modern governments actively contributed to humanitarian causes (for example, the disaster relief efforts towards the Indian Ocean Tsunami in 2004, the China and Haiti earthquakes of 2008 and 2010, and the Pakistan floods of 2011). Countries have similarly stood by the ICC as a matter of principle. For instance, a significant number of states have refused to grant the United States immunity via non-surrender agreements because it "valued the rule of law," or were compelled by a sense of commitment and obligation as parties to the Statute.¹⁴ At the same time, governments have overlooked humanitarian crises of equal or greater magnitude. The West refused to intervene in the genocide in Rwanda of 1994, sending only 1,000 soldiers to rescue foreign nationals, generally leaving the local populations to fend for themselves.¹⁵ Again, just several years after the "giant step forward in the march towards universal human rights and the rule of law," which marked the completion of the ICC statute, the international community exhibited strong reluctance to defend such ideals in Darfur.¹⁶

Based on this seemingly contradictory behavior, dedication to accountability,

12 Weller, "Undoing the Global Constitution," 693-712.

13 Stephen D. Krasner, "Abiding Sovereignty," *International Political Science Review* 22, no. 3 (July 2001): 229-251; and Stephen M. Walt, "Alliances in a Unipolar World," *World Politics* 61, no. 1 (January 2009): 86-120.

14 Ibid.

15 Alison L. Des Forges and Alan J. Kuperman, "Alas, We Knew," *Foreign Affairs* 79, no. 3 (May/June 2000).

16 Kofi Annan, Secretary-General of the United Nations, "Statement at the Ceremony Celebrating the Adoption of the Statute of the International Criminal Court," July 18, 1998; and Alex J. Bellamy, "Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq," *Ethics and International Affairs* 19, no. 2 (September 2005): 32.

justice, and other global norms is neither extensive nor constant. While modern-day governments are relatively more altruistic than their 17th-century counterparts, their newfound morality is often negated by immediate self-interest. Overall, generosity and cooperation often are accompanied by various costs. States increasingly seek to protect human rights and the rule of law, but may be stymied by concerns of foreign entanglement or resource use. Specifically, for many powerful states, the legal framework of the ICC puts an unacceptable price on the pursuit of world justice, namely the dilution of state sovereignty.

ON SELF-INTEREST: US SOVEREIGNTY

Within the global community, the United States remains the world's foremost power and its opposition is therefore the most influential on the role of the Court. Additionally, the United States has engaged in the most forceful and conspicuous opposition to the ICC, such that its criticisms are more transparent and likely encompass those typical of a powerful state. While it has demonstrated a firm overall adherence to the rule of law and accountability both domestically and abroad, its criticism of the ICC serves as a benchmark for a legitimate and viable global institution.

American officials find serious tangible and practical concerns in giving the Court jurisdiction over its overseas citizens. Specifically, ICC prohibitions against "severe deprivation of physical liberty" or "seizing the enemy's property unless...imperatively demanded by the necessities of war" are ultimately a matter of interpretation—legal ambiguities that the United States is not willing to strictly adhere to during military campaigns.¹⁷ Even more striking are the overt clashes between the ICC and American constitutional law.¹⁸ David J. Scheffer, who served as the first United States Ambassador-at-Large for War Crimes issues, grimly affirmed that "one of the great weaknesses we still have with respect to this Court" is the "gaps between crimes recognized by the [US] Code and those set forth in the Rome Statute."¹⁹ Thus, these "gaps" would directly impact the hundreds of thousands of US troops across the globe vulnerable to prosecution in signatory states.

Additionally, any unprecedented and untested institution naturally raises certain fears. Americans especially suspect the expansion of Court powers over time—a fear that strengthens with the frequent publication of increasingly generous interpretations of the Statute. Specifically, in an informal expert paper prepared for the prosecutor

17 United Nations, Rome Statute of the International Criminal Court, Document A/CONF.183/9, 2002.

18 Take for instance the issue of immunity for elected officials or procedural safeguards such as the right to a jury or protections against unreasonable search and seizure. For a thorough analysis, see Diane Marie Amann, "The United States of America and the International Criminal Court," *The American Journal of Comparative Law* 50, (Autumn 2002): 381-404.

19 "Advancing U.S. Interests with the International Criminal Court: Address by his Excellency Ambassador David J. Scheffer, Vanderbilt University Law School, March 27, 2003," *Vanderbilt Journal of Transnational Law* 36, no. 1 (January 2003): 1573.

a year after ratification, “a group of distinguished jurists” claimed to have found a “hidden” third contingency in the two explicitly stated contingencies (unwillingness and inability), adding a new category of scenarios in which the Court may intervene.²⁰ Such adjustments may seem negligible, but the apparent potential for selective interpretation may signify additional legal intrusions in the long term.

The crux of American opposition is that the jurisdiction of the ICC—regardless of how often it will be exercised—inherently infringes on the principle of sovereign decision-making. As the executive summary of the 2005 National Defense Strategy declared: “The United States...[has] a strong interest in protecting the sovereignty of nation-states. In the secure international order that we seek, states must be able to effectively govern themselves and order their affairs as their citizens see fit.”²¹ The United States is a staunch defender of world security, but it cannot contravene its primary foreign policy view of a “secure international order” in which states are governed first and foremost by the will of their own citizens. The US government finds the Rome Statute particularly objectionable in this regard, not simply because the Court would regulate its freedom of action abroad but because the United States provides the bulk of humanitarian aid and bears the burden of maintaining international peace. As former Legal Adviser to the Secretary of State John B. Bellinger III explained, the United States is forced to act as the “world’s policeman,” deploying military peacekeeping forces at the request of various foreign countries. Thus, he continues, the US military does not want its forces tried before the Hague on the pretext of human rights abuses, even in unaccounted events.²² To ask the United States to continue contributing extensively to humanitarian causes, and also to surrender its responsibility to the soldiers and civil service officers working towards these causes throughout the world, appears highly unfair.

United States citizens have held a fierce pride in their democratic institutions, and in the inviolable sanctity of the Constitution as the backbone of the law and state. Essentially, American patriotism is distinguished by a protectiveness of its political system and its ostensibly superlative success. In maintaining loyalty to the tested and enduring traditions of US government, the American public distrusts restructurings of the global order as temporary, abstract, and dangerously utopian. Overall, they become defensive against any potential intrusion on American sovereignty, a threat made all the more repugnant in the guise of a supposedly noble cause.²³ This national-

20 Mahnouch H. Arsanjani and W. Michael Reisman, “The Law-In-Action of the International Criminal Court,” *The American Journal of International Law* 99, no. 2 (April 2005): 390.

21 John R. Crook, ed., “2005 U.S. National Defense Strategy Emphasizes Role of State System, Need for International Cooperation and Agreements, and Possibility of Preemption, but Describes International Law and International Organizations as a U.S. ‘Vulnerability,’” *The American Journal of International Law* 99, no. 3 (July 2005): 693.

22 John B. Bellinger III, Lecture, Georgetown University, Edmund Walsh School of Foreign Service, Washington, D.C., December 2, 2010.

23 Harold Hongju Koh, “On American Exceptionalism,” *Stanford Law Review* 55, no. 5 (May 2003):

sovereignty protectionism is not shared by all powerful and sovereign states; European nations are comparatively eager to sponsor the experiments America spurns. However, at the same time, Russia and China exhibit keen nationalistic tendencies and view their right to territory and independent governance as inviolate. Thus, what might appear to be disingenuous fear-mongering is often sincere concern stemming from historical identity and national interest.

ON POWER: LAWS WITHOUT TEETH

Many of those who criticize the United States for withholding aid from the ICC nonetheless affirm its relevance independent of American involvement. In defense of the Court’s shortcomings, academics claim that the full legitimization of the ICC is merely a lengthy process.²⁴ Without the formal membership of the United States, argues Antonio Cassese, former president of the International Criminal Tribunal for Yugoslavia (ICTY), ICC Prosecutor Moreno-Ocampo must use his moral and legal authority to shame the international community into aiding Court cases.²⁵ This is representative of a broad scholarly tendency to label recent Court setbacks as temporary, rather than intrinsic and overarching.²⁶ In lacking enforcement powers, the Court ultimately depends on the active support of other states. In fact, Moreno-Ocampo once lamented, “I have 100 states under my jurisdiction and zero policemen.”²⁷ Yet when later asked how he would enforce arrests in Sudan, he responded with certainty, “[With] the same weapons that the court has in this country: legitimacy. People learn to respect that.”²⁸ The key test of ICC durability concerns whether the weight of its role in defending global norms is sufficiently potent to compensate for its lack of a binding enforcement mechanism.

The ICC’s historical record has quelled many optimistic hopes that originally surrounded the Rome Statute. Moderate gains have been limited to the cases of the Democratic Republic of the Congo and the Central African Republic—both requested by the states themselves. Yet despite the arrest of several suspects, the ICC has yet to complete a trial. The performance of the Court has proved especially disappointing in those countries ruled by uncooperative governments, namely Uganda and Sudan. In both cases, Moreno-Ocampo was equipped with few resources and minimal political leverage. His approach over the years has been described as a shift from deference in

1479-1527.

24 M. Cherif Bassiouni, “Where is the ICC Heading?” *Journal of International Criminal Justice* 4 (2006): 1-7.

25 Antonio Cassese, “Is the ICC Still Having Teething Problems?” *Journal of International Criminal Justice* 4 (2006): 439.

26 Pablo Castillo, “Rethinking Deterrence: The International Criminal Court in Sudan,” *UNISCI Discussion Papers*, no. 3 (January 2007).

27 Elizabeth Rubin, “If Not Peace, Then Justice,” *The New York Times*, April 2, 2006.

28 Arlene Getz and Jonathan Tepperman, “The Global Lawman,” *Newsweek*, December 17, 2007.

his attempts to gain the support and trust of the local government.²⁹

Uganda was initially welcoming since the state had voluntarily requested ICC investigations into the Lord's Resistance Army, a local insurgent group responsible for mass crimes against humanity. The prosecutor began investigations with deference to the Ugandan government, hoping to make the most of their goodwill.³⁰ But even with the aid of the Ugandan government, the ICC was unable to apprehend the named suspects, and the government turned its focus instead to offers of peace talks and amnesty. Defending this decision, Ugandan President Yoweri Museveni said the international community had no moral authority to demand the trial of LRA leader Joseph Kony after failing to arrest him for nine months, during which time Kony had killed UN troops as well. "I am sending my people to talk to Kony because I have no partners [on arresting him]," Museveni asserted, "The UN don't [sic] have the capacity to hunt for Kony; they don't allow us to hunt for him."³¹

Tensions rose as ICC operations soon began to conflict with the instigation of peace talks between the Ugandan government and the LRA. Without the ability to actually arrest the indicted suspects, Moreno-Ocampo's insistence on indictments was seen as an obstacle to the path of reconciliation. Sensing the abandonment of Ugandan state support, he reaffirmed his determination to bring LRA suspects to trial, steadfastly refusing to abandon the five arrest warrants of rebel leaders while rejecting the proposal of amnesty endorsed by the Ugandan government.³² The inability to enforce Court decisions has thus stalled both the peace process and the legal process. None of the individuals charged have yet been arrested (though two are believed dead), while Kony, the LRA mastermind of innumerable heinous crimes, remains free.

The Court's struggle in Uganda is dwarfed by the difficulty it experienced in its most prominent investigation in the Darfur region of Sudan. Moreno-Ocampo proceeded carefully, even adopting what many legal academics critiqued as an overly cautious attitude.³³ The day after Moreno-Ocampo announced that he was opening investigations, Khartoum, Sudan's capital, announced the newly-established Darfur Special Criminal Court in a desperate bid to prove its capacity to prosecute the guilty. The city appointed one of the first two officials to be charged with crimes against humanity to hear human rights complaints from what, in all likelihood, would be the official's own victims.³⁴ Nevertheless, Moreno-Ocampo thoroughly evaluated the court before stating that the ICC was authorized to investigate Darfur. Until Moreno-Ocampo summoned the indicted officials, the prosecutor continued to proceed quietly, hoping

29 Victor Peskin, "Caution and Confrontation in the International Criminal Court's Pursuit of Accountability in Uganda and Sudan," *Human Rights Quarterly* 31, no. 3 (August 2009).

30 *Ibid.*, 658.

31 "Uganda; Museveni Offers Kony Amnesty," *The Monitor*, July 5, 2006.

32 "Ugandan army 'broke truce' – Kony," *BBC News*, August 31, 2006.

33 "Sudan: Divesting the ICC of Jurisdiction," *Institute of War and Peace Reporting*, December 1, 2006.

34 "Mocking the Powerless and the Powerful," *The New York Times*, September 21, 2007.

to assuage the antagonism of the Sudanese government by publicly crediting it for its cooperation.³⁵ Yet, as Richard Dicker, director of the international justice program at Human Rights Watch, said at the time, "The secretary general has erred in placing so much reliance on quiet diplomacy with a government that is hellbent on obstructing justice and peacekeeping."³⁶

As Moreno-Ocampo realized that Khartoum would do everything in its power to prolong its legacy of impunity, he changed his approach. Once considered a polite diplomat, he employed the full range of moral and legal influence he held to shame Sudan into compliance. He called on the Security Council to send "a strong and unanimous message" to Khartoum to arrest the named suspects and urged world leaders to "break their silence" towards the UN.³⁷ Additionally, he attempted to forcibly arrest one suspect by arranging (unsuccessfully) to divert his plane to Saudi Arabia.³⁸ In a strikingly audacious move, he also indicted the Sudanese head of state himself, charging President Omar Hassan al-Bashir with genocide, crimes against humanity, and war crimes.

While Moreno-Ocampo's combined efforts were noteworthy, he failed to elicit a genuine, active response from the international community. In fact, the Security Council was reluctant to partake in the one case it had itself referred. Despite the prosecutor's impassioned appeal for help in 2007, Chinese and Russian oil ties to Khartoum prevented even a weak show of action. It took another year for the Council to issue a lukewarm statement rebuking Sudan, much less to take punitive measures against the regime.³⁹ Additionally, the European Union, one of the staunchest advocates of the ICC, remained silent for three years after the opening of investigations before finally issuing a statement on the matter.⁴⁰

Although the chances of cooperation were unlikely from the outset, the Sudanese government grew bolder as the stalled ICC case highlighted the ostensible apathy of the international community. Prior to this point, officials had limited their opposition to aggressive noncompliance. Specifically, Interior Minister Al-Zubayr Bashir Taha threatened to slaughter any international official who tried to arrest a Sudanese official.⁴¹ Yet after the Bashir arrest warrant was released, Khartoum expelled thirteen international and three domestic organizations that had provided critical humanitarian aid to over four million people.⁴² In the following two months,

35 Peskin, "Caution and Confrontation," 657.

36 Warren Hoge, "Official Urges Arrest of 2 Darfur Suspects," *The New York Times*, December 6, 2007.

37 "Prosecutor tough on war criminals; Sudan," *The Birmingham Post*, September 22, 2007, 8.

38 Peskin, "Caution and Confrontation," 658.

39 Neil MacFarquhar, "Sudan: Security Council Rebuke," *The New York Times*, June 17, 2008, a0.

40 "Africa: EU Makes New Commitments, in Words," *Africa News*, November 14, 2007.

41 al-Nur Ahmad al-Nur, "Khartoum Threatens to 'Slaughter' Those Who Try to Extradite Suspects to ICC," *Al-Hayat*, March 1, 2007, 5.

42 Peskin, "Caution and Confrontation," 676-7.

President al-Bashir appealed to his various Arab and African allies for their diplomatic endorsement.⁴³ Domestically, the state waged a campaign broadcasting high-profile attacks on the ICC by not only Sudanese officials but also African and Arab allies.⁴⁴

President al-Bashir's public reception of the arrest warrant was the most telling response to the ICC's efforts. *BBC News* reported: "Speaking on Tuesday ahead of the announcement, Mr. Bashir said the Hague tribunal could 'eat' the arrest warrant. He said it would 'not be worth the ink it is written on' and then danced for thousands of cheering supporters who burned an effigy of the ICC chief prosecutor."⁴⁵ The indictment of al-Bashir had served as a last attempt at a striking demonstration of ICC authority. Khartoum did not defend itself this time nor condemn the decision as expected—rather, it waved it aside as a harmless joke. In that moment, the very puerility of the Sudanese government had succeeded in humiliating the Court, reducing the dramatic intervention of the Court to a farce. To date, President al-Bashir has not been arrested and remains the leader of Sudan.

The cases of Uganda and Sudan clearly illustrate the impotence of the Court where it is in fact needed most. Whether he was conciliatory or aggressive, Prosecutor Moreno-Ocampo was unable to fulfill his role as an investigator—his legal and moral authority convinced neither illegitimate states to cooperate nor the international community to pressure them into doing so. To attempt to advocate and investigate international crimes without attaining an actual arrest may be called a form of charity, journalism, or diplomacy, but it is far from the firm justice envisaged by the Rome Statute.

EMPOWERING THE ICC

Scholars on both sides of the debate regarding the ICC have argued that making the Court amenable to sovereign states inherently conflicts with its goal of strengthening accountability. Yet, this is an overly simplistic perspective of a nuanced and evolving political world. On the contrary, the principles of interest and power present valuable guidance on how to strengthen international legal norms. As discussed in Part I, powerful states, most particularly the United States, cannot accept a framework of human rights protections that violates their conceptions of state sovereignty. As demonstrated in Part II, even those states that accept Court jurisdiction as parties to the Statute are frequently reluctant to support its actual functions. Therefore, if the ICC is to enforce its arrests, it must first accept the jurisdictional limitations demanded by certain sovereign states. Second, in addition to the legitimacy acquired through the backing of the United States and its allies, the ICC should strengthen its institutional ties to the UN.

43 Ibid.

44 Ibid.

45 "Warrant issued for Sudan's leader," *BBC News*, March 4, 2009.

Reform ICC Jurisdiction

The back-story of the UN is a valuable allegory for the design of global institutions. It was not created in a single moment. Rather, it represents the carefully revised second draft of the League of Nations (LON), an elegant idea that was incompatible with the actual needs and characteristics of the world system at the time. Though the UN was not as revolutionary as the LON, it understood how to address the core interests of its sponsors in a way that its predecessor did not. This enabled it to become a viable and prominent institution. Similarly, we should not regard reform of the ICC as a moral defeat but as a measured step towards progress. The inclusion of crimes committed by non-party nationals abroad is a self-imposed impediment that has cut the Court off from crucial state support. In order to attain state support for its own operations, it must demonstrate a reciprocal respect for sovereign interests. While there is no strict set of terms delineating the US position, the Court should be ready to restrict its territorial jurisdiction. One likely initial reform would be granting some form of veto power to permanent members of the Security Council, which was proposed by the United States during initial negotiations over the Rome Statute.

Demonization of the United States in its opposition to the ICC overlooks the extraordinary legacy of US support for global stability and international norms. The United States has played a pivotal role in the development of such historic institutions as the World Trade Organization, the International Monetary Fund, and not least of all the UN, which arranged the convention of the Rome Statute. Additionally, the United States has been central to the advancement of progressive and universal values such as free trade and global security. Most importantly, it has given enormous support to the recognition and defense of human rights, the criminalization and punishment of atrocities such as genocide, and the general promotion of accountability, transparency, and the rule of law. Of 192 UN member states, nine hold up 75% of the entire budget; of those nine, the United States has provided the largest portion. The same is true of US support for the separate peacekeeping budget.

Moreover, the United States has recently made a greater effort to aid the ICC without eroding its understanding of sovereignty. Explaining its abstention in referring the ICC to the Darfur crisis, the United States encouraged "practical and constructive ways to cooperate in advancing our common values and our shared commitment to international justice."⁴⁶ Bellinger later offered the possibility of aid to the ICC case in Sudan, emphasizing that the US decision not to join the ICC was due to issues of jurisdiction and national sovereignty but was "in no way...a vote for impunity."⁴⁷ The United States has signaled its firm desire to aid international justice, but also its belief

46 "United States Eases Opposition to International Criminal Court, Opposes Efforts to Thwart ICC Proceedings Involving Darfur," *The American Journal of International Law* 103, no. 1 (January 2009): 152.

47 Nora Boustany, "Official Floats Possibility of Assistance to Hague Court," *The Washington Post*, June 12, 2007.

that it cannot be fully realized under the current structure of the Court.

If the Statute is amended accordingly, the backing of the United States would enable the Court to obtain compliance from uncooperative regimes where it was formerly impossible. Apart from direct material aid towards investigations and peacekeeping, the United States would be a compelling advocate for the Court in international forums. When Moreno-Ocampo's moral appeals fell flat, for instance, Washington could have negotiated with China and Russia in the clear language of their political interests, possibly enough to weaken their interests in Sudan. American patronage combined with the Court's acknowledgement for state sovereignty is also likely to provoke renewed consideration of membership from US allies such as Israel or India, particularly given that the majority of non-party states will then be countries where the rule of law, transparency, and accountability are notoriously weak.⁴⁸

Limiting the *de jure* authority of the Court by demonstrating respect for sovereignty in this sense maximizes its *de facto* strength. It renounces jurisdiction over cases that are unlikely to come to the Court in the first place, as the majority of crimes prosecuted internationally are and have been executed by governments within their own country. At the same time, the ICC would improve its ability to prosecute and conclude trials across the board.

Establish Strong Institutional Ties with the UN

While the advantages from the membership of the United States and other assorted countries may be considerable, certain non-party states, particularly China or Russia, would not necessarily follow the US lead in signing the Rome Statute. Additionally, as discussed earlier, even party states to the ICC have been slow to offer concrete aid when it comes to the enforcement of arrests. Thus, once the Court has acquired a wider range of signatories, the next step is to strengthen its institutional authority as the embodiment of international legal principles, specifically with the UN. The fact that the ICC is wholly separate from the UN has been debilitating. The large rift between the purposes of the two organizations has been disastrous for the ICC, which must now struggle even harder to build legitimacy as well as a semblance of leverage. Moreover, the apathy of the UN has also served as a definitive 'green light' for other states to disregard it as well. Therefore, the ICC should steadily fortify its structural and operational ties with the UN.

In the UN, membership endows definitive credibility and legitimacy, both of which serve as crucial factors to a state's political strength; explicit recognition or endorsement through a UN resolution similarly empowers individual state decisions. Even Sudan, which responded to Moreno-Ocampo's investigations so viciously, frequently

⁴⁸ Examples include Iran, Sudan, Syria, Zimbabwe, Egypt, Russia, China, and Pakistan.

demonstrated caution and respect before the UN, protesting the case in rational terms of fairness or morality. While it is unlikely that the diplomatic involvement of the UN alone would have forced compliance, it would certainly have put Sudan in the difficult position of resisting the demands of the combined international community.

Overall, the ICC is too permanent and controversial to be quickly incorporated into the UN through a Security Council mandate. Given that several permanent members of the Security Council oppose the ICC, integration would thus require an intermediary step. Specifically, a plan of gradually expanded coordination could reinforce Court legitimacy over time. As a first step, greater communication with regional UN operations could establish a stable working relationship where none currently exists. The Human Rights Council and Peacebuilding Commission of the General Assembly, or the various functional commissions of the Economic and Social Council, would likely be active or at least familiar with the post-conflict areas where the Court operates. If successful, reform might establish a new subsidiary committee to the Security Council to regularly report on the work of the Office of the Prosecutor and consequently, evaluate the status of Court cases. Moreover, this might also serve as a forum to issue formal requests for diplomatic or material aid.

In the future, when the ICC has earned global respect for its work, it should then aim for formal adoption into the United Nations organization. It could function as a specialized agency such as the World Bank, which executes important functions in promoting global norms while enjoying a level of acclaim and prominence. The structure of the International Court of Justice (ICJ), which adjudicates interstate disputes, provides a valuable model. As one measure of preserving objectivity, its administrative organ, the registry, remains accountable only to the ICJ. Further areas of redundancy unique to the ICC can also be streamlined through UN integration, for instance by transferring the independent "Permanent Secretariat of the Assembly of States Parties" of the ICC to an administrative office of the "International Justice Bodies" division of the UN Secretariat.

At this level of coordination, the strongest weapon of UN affiliation would be the hard political support which legitimacy begets. For instance, the ICTY garners the support of virtually all members of the UN due to its creation through the Security Council mandate. Tribunal officials still struggled with obstructionist local officials who had been complicit in the atrocities, but government noncooperation was inevitably overcome. All things considered, the hard power of the West—whether it was the American threat to block Serbian access to a half-billion dollars in aid or the prospect of EU accession for the Croatian government—decisively brought the suspects, most prominently President Slobodan Milosevic, to trial.⁴⁹ In fact, Kenneth Rodman notes that the ICTY "was only able to play a meaningful role after Western powers took

⁴⁹ Goldsmith, "The Self-Defeating International Criminal Court," 6; and "Efforts to Obtain Immunity from ICC for U.S. Peacekeepers," *The American Journal of International Law* 96, no. 3 (July 2002): 729-730.

coercive actions to end the war.”⁵⁰

Similarly, most Court cases are situated in conflict or post-conflict areas. In Uganda, the LRA continued to commit mass atrocities while Moreno-Ocampo announced his findings. The government soon felt no other choice but to resort to offers of amnesty for the guilty in exchange for negotiations; yet when the Court continued to press for justice, the public vilified it for endangering their only chance of peace. Two years after the opening of investigations in Sudan, an African news source reported a futile situation: “Since the ICC has started its investigation, Khartoum not only continued its campaign of atrocities, but escalated it.”⁵¹ It is hard to imagine anything more damaging to the credibility of a judicial body than to have its carefully issued decrees flagrantly flouted throughout the legal process. Thus, the military and peacekeeping forces of the UN must be emphasized as a complement to the legal proceedings of the ICC, perhaps with its subsidiary committee to the Security Council working with the Department of Peacekeeping Operations. As the accepted executive authority of the international system, the Security Council should exercise, when necessary, its widely recognized right to humanitarian intervention as stated in Chapter VII of the UN Charter.⁵² This right was invoked throughout the 1990s to protect civilians, maintain the rule of law, and provide aid in Bosnia, Somalia, and Haiti; it should again be invoked to complement the presence of the ICC in comparable areas today.⁵³

CONCLUSION

The International Criminal Court is an institution in serious need of reform. As illustrated by its performance in Uganda, Sudan, and Kenya, its efforts to punish the guilty have been consistently frustrated in the most egregious cases of regional injustice. The consistent and overarching problems before the Court originate from a fundamental misjudgment of international politics based on an overreliance on legitimacy as well as a distorted view of power relations. Consequently, without the threat of hard power, the ICC has been helpless to enforce its decisions. Its authority is titular; not simply because it is ignored by obstructionist authorities but because even its own signatories refuse to come to its aid.

To function effectively, the ICC must recognize the evolving roles of interest and power in the world. First, in regards to interest, the dominant actors on the international stage, most notably the US government, have demonstrated substantial support for humanitarian goals in the past, indicating that there exists some level of global interest. Because such altruism is stifled by a legal framework that violates the core self-interest of state sovereignty, the ICC must limit its jurisdiction in return for its

50 Kenneth A. Rodman, “Darfur and the Limits of Legal Deterrence,” *Human Rights Quarterly* 30, no. 3 (August 2008): 530.

51 “Sudan; the ICC: A Question of Accountability,” *All Africa*, January 31, 2007.

52 “UN Charter,” *Conference of NGOs in Consultative Relationship with the United Nations*.

53 Bellamy, “Responsibility to Protect or Trojan Horse?” 34.

members’ active support. Second, in regards to power, the poor performance of the Court illustrates not only its obvious weakness in hard political power, but more subtly, its shortage of credibility. It must seek integration into the UN, which embodies the legitimacy, as well as the military and economic strength the ICC desperately needs.

After thorough reevaluation of the principles on which it was created, the ICC can function as an effectual international judicial body. The perpetuation of injustice and impunity, not only in the unstable and war-torn regions throughout the world but also in the unknown humanitarian crises of the future, demands an institution which can act accordingly in a concrete manner. The Court has been a promising first step in the development of international law, albeit one with great room for improvement. Thus, with calculated optimism and a keen understanding of the status quo, the ICC can continue to develop as a legal system for the world.

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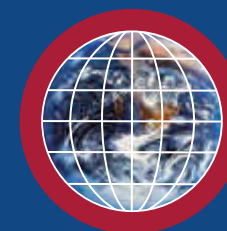
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