



Journal of
**INTERNATIONAL
RELATIONS**

MADELEINE ALBRIGHT & STEPHEN HADLEY

A Conversation on a New Approach for the Middle East

FORMER SECRETARY OF STATE OF THE UNITED STATES OF AMERICA & FORMER NATIONAL SECURITY
ADVISOR OF THE UNITED STATES OF AMERICA

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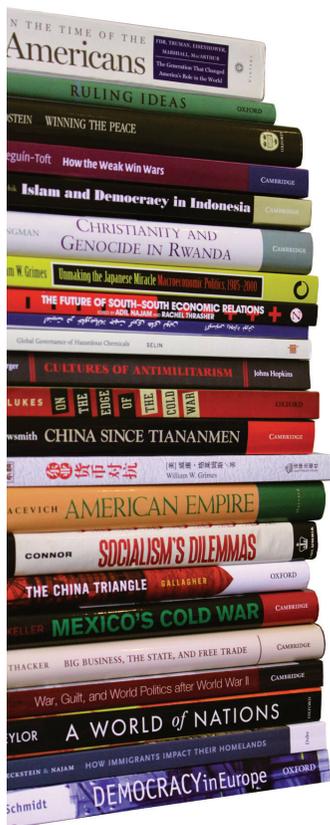
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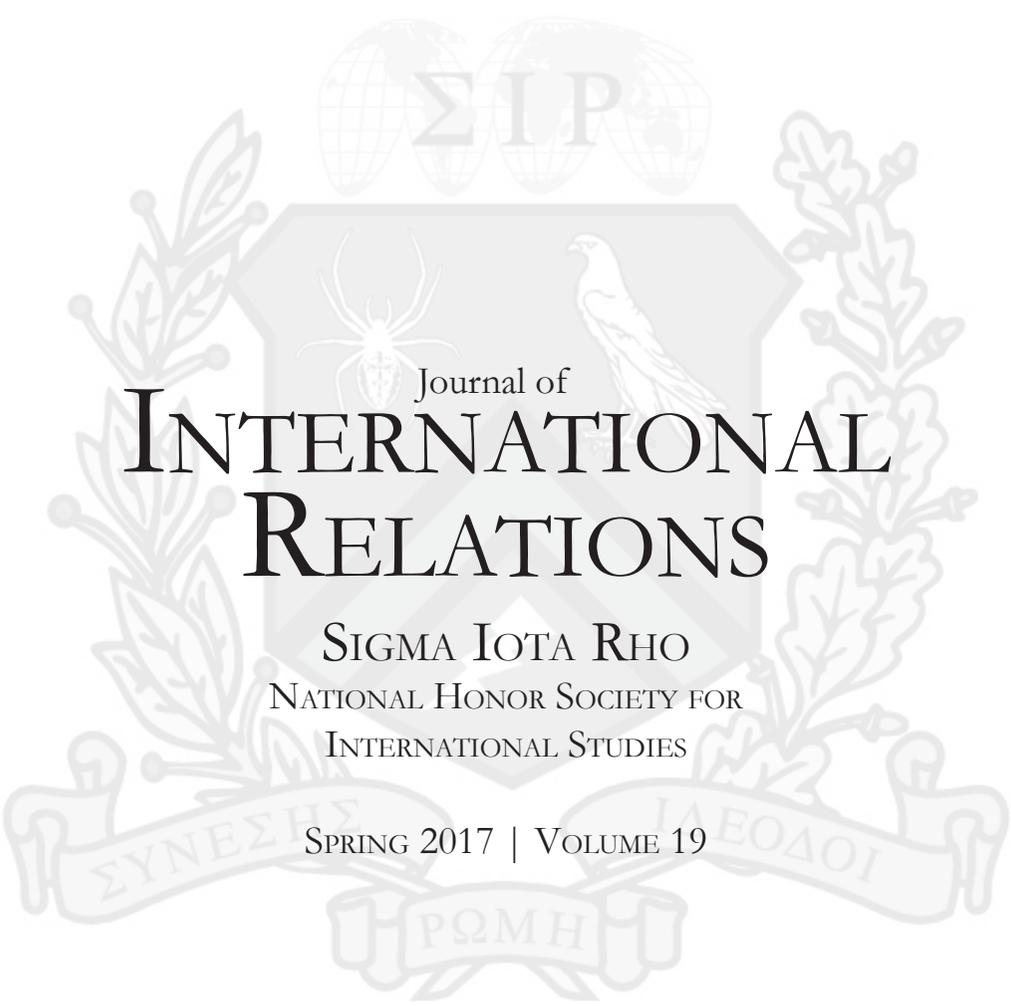
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SIGMA IOTA RHO
NATIONAL HONOR SOCIETY FOR
INTERNATIONAL STUDIES

SPRING 2017 | VOLUME 19

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LETTER FROM THE EDITOR

Dear Reader:

I am honored to present the nineteenth edition of the Sigma Iota Rho Journal of International Relations. The submission pool this year represents an diverse set of issues and perspectives within international relations. In fact, this year we received a record number of submissions from students in the United States and abroad, a testament to the Journal's status as a premier undergraduate research publication. This edition reflects the hard work of the Journal staff, the incredible quality of applicant essays, and the importance of international relations, a field that wrestles with pressing geopolitical challenges. Our standard for publishing insightful research extends to our online journal. I encourage you to visit SIRjournal.org, where you will find additional research articles, op-ed pieces, and blog posts on a wide variety of topics.

For the first time in the Journal's history, the publication features two acclaimed world leaders: Former Secretary of State Madeline Albright and Former National Security Advisor Stephen Hadley. In an interview I conducted alongside University of Pennsylvania Professor William Burke-White, Secretary Albright and Hadley discuss their new approach for the Middle East as Co-Chairs of the Atlantic Council Middle East Strategy Task Force. They offer bipartisan insights on the current crises in the Middle East and the role of the U.S. in aiding the region. I encourage you to read their formal brief, the Final Report of the Middle East Strategy Task Force. Beyond their work on the Atlantic Council, each individual has made astounding contributions to the field of international relations and post-Cold War U.S. foreign policy. In addition to becoming the first woman to serve as Secretary of State, Albright championed the notion of the "Right to Protect" while U.S. Ambassador to the United Nations. She also holds a doctorate in political science as well as a Presidential Medal of Freedom. Prior to serving as both Deputy National Security Advisor and National Security Advisor, Hadley was an officer in the U.S. Navy and holds a law degree from Yale University.

Following the interview transcript of Secretary Albright and Hadley, the Journal features nine student articles that encapsulate the diversity and pertinence of research in international relations. This edition highlights a wide array of topics, from cyber espionage between China and the United States to the political implications of AIRBNB in the West Bank. It also embodies the diversity of approaches in international relations scholarship, including traditional analysis of structural realism in European power distributions to a nuanced application of human rights norms and constructivism to the genocide in Guatemala.

I would like to recognize the important contributions of numerous individuals in ensuring the Journal maintained its high caliber in this edition. I wish to thank Dr. Frank Plantan, National President of SIR, Tomoharu Nishino, Journal Faculty Advisor, and Mark Castillo, SIR Senior Liaison Officer, for their guidance and support. Above all, I am incredibly thankful for my fellow Executive Board members and the entire Journal staff for their commitment and dedication. Congratulations to all.

Sincerely,



Sarah Winton
Editor-in-Chief, *Journal of International Relations*

The Urgency of Our Work: International Studies in Times of Uncertainty, Chaos and Distrust

Enough ink has been spilled in opinions, debates, protests, and analysis over extremism, polarization, xenophobic nationalism and the failures of civil society, political structures and the post-WWII international order, that adding my voice to this cacophony will impact little the hardened mindsets of most. There is the urgent need to prioritize the study of world affairs, not just for those of us drawn to the field intellectually, but for our entire society. It is, I'm sure, a naïve hope to think that if we only had a more educated populace (and with education more understanding and empathy), alt-news and its associated cynicism cultivated throughout social media, hardened by ambitious politicians and tempered by trained provocateurs and manipulators such as Russia's FSB and GRU would lose its effect. If we elevate our citizenry, do we not also elevate the collective debate?

Unfortunately, if you study the world long enough you realize that Santayana's aphorism, "those who ignore history are doomed to repeat it" has a corollary that those who learn history are also doomed to repeat it. Even if those forces that purposefully distort events, invent "alternative facts" and put personal profit and power above the common good eventually recede, or at the least never influence mass movements or political outcomes in the future, we must accept that they will never go away. We can only hope that it will become, like the National Enquirer in grocery store check-out lines, an amusement and distraction from the harsh reality of what really is. And if this is the best we can hope for, why prescribe more learning about the world or purposeful engagement with the political, economic and social forces that transcend national boundaries?

I believe that Sigma Iota Rho exists not only to recognize the academic achievements of our very best students at our member chapters, but also to combat the rise of global skepticism. This skepticism denies and denigrates globalization, or any of the dynamics that make up the daily intercourse of people, organizations, and states. We must have a better knowledge of the world and its dynamics that allow us to make better political and economic decisions in our personal lives; which in aggregate means better collective decisions. Those who learn from history may be doomed to repeat some of its mistakes, but they will be better equipped to exercise foresight, and hence, to mitigate or avoid a worse fate.

Let us renew our commitment to good work, provide our students the tools they will need to succeed in their life's work, and find time to broaden our reach, and in turn our impact, into the wider community. As members of the Sigma Iota Rho Honor Society we should take this silent oath, lest stand by and watch our institutions, our professional lives, our nation, and the planet we occupy devolve. For myself, I remain an optimist and will continue to champion the study of international affairs.

Best regards,

A handwritten signature in black ink, appearing to read "Frank Plantan". The signature is stylized and cursive, with a large initial "F" and "P".

Frank Plantan
President



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A Conversation on a New Approach for the Middle East

BY MADELEINE ALBRIGHT & STEPHEN HADLEY
FORMER SECRETARY OF STATE OF THE UNITED STATES OF AMERICA & FORMER NATIONAL
SECURITY ADVISOR OF THE UNITED STATES OF AMERICA

DR. WILLIAM BURKE-WHITE: Good afternoon. I'm William Burke-White, the director of Perry World House, the University of Pennsylvania's new hub for international affairs. Welcome to the Perry World House Podcast Series, covering policy and practice, emerging ideas and current challenges in global affairs. I'm delighted that this afternoon, we're joined by Secretary Madeleine Albright, as well as Steve Hadley, the former National Security Advisor. And with me is Sarah Winton, an IR major here at Penn, who is the editor of the IR journal. I want to start this afternoon by talking about the Atlantic Council's Middle East Strategy Task Force final report that Secretary Albright and Steve Hadley are the authors and chairs of. The report looks at some of the most pressing concerns in the Middle East, but notes that the region is not "condemned to debilitating instability and violence", and that there are opportunities for stable and prosperous development, focused particularly on human security issues. What do you believe are the most pressing challenges, and how does this human security dimension and human capital dimension of the report offer, perhaps, some new prospects for addressing those challenges? Secretary Albright, can I start with you?

MADELEINE ALBRIGHT: Well, first of all, we do know that they're challenges, but that they have to be looked at from an optimistic, positive point of view, with the idea that it's going to take a while. And so, obviously, what we've done in the report is, kind of, seen two prongs; one has to solve the political issues and the violence that's going on, but the second prong, which really takes a longer look, does look at what can be done in order to improve the life of the people in the region, that allows them to have an education, that allows them to live in safety, and that gives them hope that they will not be abandoned, and that it is an issue that has to be

dealt with regionally. But we recognize the complexity, but we also know why it's absolutely essential that we deal with the region, because it's in U.S. national interest.

BURKE-WHITE: Steve, anything to add on that, or, if not, let me ask you a little bit about the regional dimension that Secretary Albright just mentioned? One of the key findings of the report is looking to regional governments in the region to do more, both for their own security, and for their own people. And I'm wondering particularly, in light of the collapses of governments, the Arab Spring, and then the resurgence of some quite strong but maybe not democratic governments, how we can best encourage governments in the region to bear some of that responsibility, but do it with an eye toward their own people?

STEPHEN HADLEY: Well, one of the things we found in the report – and we spent a lot of time in the region, we talked to a lot of experts from the region, and political figures in the region – one of the things we found was that the region believes it is now ready to take more of a lead in defining the vision for its future, and taking more responsibility for achieving it. At the same time, they say that they do need external support, support from outsiders, particularly in helping to wind down the civil wars. So what we hear is a desire for the region to be more in front, to take responsibility for their own future. And we found two things that encouraged us: one is that there are, we believe that the future of the Middle East requires the countries of the Middle East to bet on their own people, to invest in their people, and make their people partners in defining their futures. And we're beginning to see countries in the region doing that. The United Arab Emirates is doing it, Tunisia's doing it, Saudi Arabia is moving in that direction. And we also found there's something to work with. There are, particularly women and young people, who are taking the initiative to address social problems in their communities, found entrepreneurial ventures that will put people to work, so there's something to work with. And at least some countries in the region are beginning to figure it out.

SARAH WINTON: In light of your second prong of your approach, I was just wondering, since we see a higher levels of stability and peace in the Gulf States, given our stronger economic ties, do you see the same peace-restoring potential for American economic relationships in other parts of the Middle East and North Africa, specifically with regard to international trade and economic development initiatives?

ALBRIGHT: Well, I do think that there are opportunities, and the need for it, frankly, but the issue is how you work with new countries, fragile governments, in order to create institutions that create the capacity to receive foreign investment and trade. And so the important part is how to get rule of law, because one of the issues is, you know, will they get some kind of commercial code so that outside investors feel comfortable with it; they are not charitable organizations. Tunisia is a very interesting example of a country that has a coalition government that is working on its legal system, that has had investment conferences in trying to do that, and then, of course, the negotiations on agreements. The part that I am nervous about, myself, at the moment, is, kind of, trade is not everybody's favorite... or in fact it's kind of the scapegoat for

everything that's gone wrong, which is a mistake, because Americans benefit from trade, and certainly the other countries, and it's one of the tools in the toolbox of how to get what you need for American foreign policy.

WINTON: Mr. Hadley, do you have anything to add?

HADLEY: I thought she gave a terrific answer.

BURKE-WHITE: So I want to pick up on this question about the U.S. role in the region. President Obama chose to step back from Syria, and that seems to be continuing under President Trump. I'm wondering how the U.S. regains leverage, as you put it earlier, Stephen, in the region, how we really should be structuring our relationship there, and particularly how we sell that to the American people after so many years where it feels like we've been investing a lot in the Middle East and things just keep getting worse.

HADLEY: So it's a great question. I think that one of the things that the Trump administration has going for it is that the leaders of our traditional friends and allies in the region, the Sunni Arab states, Israel, are desperate to have the United States taking a more active role and would welcome a more active role, both dealing with the Islamic State, or ISIS, and also dealing with Iran. Second of all, I think there is an opportunity for the administration to do that. They are looking at options, for example, to increase, the Defense Department owes the president here in a week or two options of increasing our involvement in going after the Islamic State, or ISIS, in Syria. And that, I think, is the way that President Trump can explain it to the American people, that this is about ISIS, that this is about a security threat to the American people. America will not be safe until we get rid of ISIS; that's something, I think, the American people will understand. I think the problem, the concern Madeleine and I have is that he thinks if he defeats ISIS militarily, he can just go home. And he will not make the investment of non-military resources, not overwhelming numbers, but it will take resources and time and U.S. involvement to stabilize these regions, particularly Iraq and ISIS, and Syria so that ISIS does not come back in an even more virulent form.

WINTON: Looking forward towards a more robust U.S. presence in the Middle East, we have to recognize Russia. So, given Russia's historic role and current involvement in the Middle East, what are the preconditions for Russia to be an ally or partner for the U.S. in pursuit of our interests in the region?

ALBRIGHT: I think that it is a moving target, frankly, literally. I mean, what has happened is the Russians were helpful in dealing with the chemical weapons issue, or that agreement with Bashar Assad. And, I think we welcomed that partnership. I think, also, they have said that they wanted to help, in terms of looking at a political transition in Syria. The problem is that there is some incompatibility, in terms of how weapons are used – do the Syrian rebels have any rights at all? And also that the Russians are, kind of, feeling their oats in the Middle East, and it goes a little bit back to the point that Steve just made, in terms of what is America's role. If we

abandon the place and decide, we have created a vacuum that does put the Russians in charge, and their relationships in the region and how they see things, and I think the difficulty is trying to find what we have in common there, which is fighting ISIS, and what we disagree on, which is support for what Assad is doing to his own people, and various other relationships. So, it's complicated, and what has happened is Putin is playing a weak hand very well in the Middle East.

BURKE-WHITE: So, I want to broaden out a bit, to the fact that we're recording this at a time when U.S. diplomacy and foreign affairs budgets are under perhaps the greatest threat to significant reductions that we've seen in decades. You both have spent a lot of time on the Hill and talking to the American people about the need to preserve our foreign affairs budgets. And I guess I want to ask you to make the case, whether you're talking to the U.S. Senate or the average American citizen, why is this so important? Steve?

HADLEY: I'm going to let Madeleine take the case, because she does it beautifully, but I want to dispute a little bit, the question. It is true that there is a proposal out there, which Madeleine and I think makes no sense, to cut the Foreign Affairs budget and USAID by 37%. But, you know, already, literally within moments, you had 120 retired three-star and four-star military come out and say that would be a dumb thing, it would hurt our security, and it would hurt our military and their ability to perform their mission. And you had key figures on the hill, Senator McConnell, Senator Graham, and others saying it's dead on arrival. So let's not get too hysterical, as I say, Madeleine's going to make the case and I'll agree with every word she says, but this is not a ship that's sailed, and we're going to have a lot of these things that are going to come up, and then the American political system is going to work its will.

ALBRIGHT: I think that it is a great sense of patriotism to praise our military, which is remarkable and to always say that they don't have enough, which they could have more and certainly sequestration has been a mistake in limiting things. But I think the American people don't understand the discrepancy between how much we spend on our military and how much we spend on our diplomacy, and so the military budget, even right now before all this, is somewhere around 600 billion dollars. The budget for the whole state department, USAID, and our contributions to international organizations is about 50 billion dollars. So if you cut that, that really doesn't leave enough to even have a diplomat in a building somewhere. The interesting part is that, when we talk about our Middle East report and the two prongs, the second prong is dependent on having diplomacy and assistance to people in education. And otherwise, we're not going to be able to create an environment in which people can live properly. It'll become a petri dish for more terrorists and then require more military. So it is counterproductive to decide to cut the assistance part of this. I think people have a misunderstanding about the whole assistance programs. They think it's 25 percent of the whole federal budget and then you ask them "well, what do you think would be the right amount?" and they'd say "well, somewhere between five and ten percent." It's less than one percent! Because people don't understand the importance of it for our national security. And there's nothing clearer than this particular moment, in which we are praising our military – we

don't have a hollow military, we have a strong military – but they need to be supported by a strong diplomatic and assistance programs.

BURKE-WHITE: Case well made. Sarah?

WINTON: Speaking of humanitarian issues, as a champion of the concept “the Responsibility to Protect,” how would you grade our global institutions and the major powers of the world’s performance during this current global refugee crisis?

ALBRIGHT: D. And let me say, I really feel this way very strongly. First of all, the international system has not been good at this. It’s very sad, in terms of not enough money in terms of the UN refugee situation. Even the aspect of how the refugees are transported – they’re open to smugglers – and the receiving centers; you would think we were living in some other era. I’ve been to a lot of meetings about this and there aren’t enough people to process the people. Then, there was no plan that even existed about who should take whom. And Angela Merkel stepped forward but other countries did not. And then the United States – we had a relatively reasonable number in terms of refugees but not really great, given the size of this country. And we can’t tell people what to do if we, ourselves, are limiting the number of refugees that we take in. So I think it has been a failure. And the question is how to get it on the right track. And, how to understand that most people want to live in the country where they were born. For them to pick up and leave, from the safety of their families, is a tragedy. And we haven’t had this many refugees since the end of World War II. And I think that it is really one of the great tragedies and disasters and it’s only getting worse. So, I think the U.S. we have to get our act together. Now I’m a refugee. I don’t have a terrible story but I’m such a grateful American. And I think people really want to have a decent normal life, which goes back to the previous question, we have to figure out how to let them live where they were born and where they have family. And if they can’t do that, then we at least have to figure out a system where we have a way of making it at least safe and allow people to have their dignity.

WINTON: Mr. Hadley, would you like to add anything?

HADLEY: Yes, I want to pick up on something. I agree with everything that Madeleine said. I want to pick up on one thing; she said most people want to stay in their homes. They don’t want to leave and be driven from their homes. So, I think a companion to whatever we do and need to do for refugees, we need to address the underlying conflicts that are forcing them to leave. It is not a humanitarian fallacy to deal with people forced out of their homelands without taking the initiative to bring down the violence so that they can stay home. And therefore, you really need to address both issues.

BURKE-WHITE: So I want to end things with a particular question for each of you. Steve, I think it’s fair to say that, while you’re a Republican, you have not been a sort of insider in the Trump Administration. But I’m wondering if, despite some bumps along the way, you see areas of opportunity that come from the shake up of a new administration and one that

particularly isn't wedded to past American foreign policy, particularly in the Middle East. Are there things that maybe Trump and the new administration could achieve that might not have been possible under ordinary dynamics?

HADLEY: I think there are. Look, I'm not part of this administration. I've tried to be available to them and to help them from the outside and I will do so. Secondly, you know, as I've said many times, this was a political insurgency that captured the White House. He's going to shake things up. And you know, a lot of things need to be shaken up. People, even establishment figures who've supported and continue to support global trade, are recognizing that, you know, it did not provide enough support and benefit to all Americans, and that needs to be addressed. And I think that the point about allies – that allies should be doing more – well, that's a right point. American leaders have been saying that for two decades. And there's some evidence that the allies maybe will be responding to that. So I think that there are opportunities, as we discussed earlier. I think we may have a more robust policy in Syria, which offers the prospect of winding down the civil wars and stopping this hemorrhage of refugees and forcing people to leave their homes. We'll have to see; it's early days for this administration. They don't have their people in place, they don't have their process in place, they don't have their policies in place. We'll have to see. I'm sure there are going to be some things that work and some things that are not going to work. But I think the goal here ought to be to take advantage of the opportunity, to support President Trump when he does things that make sense, and where he does things that people disagree we need to make those disagreements clear and see if we can find a more constructive way forward.

BURKE-WHITE: Secretary Albright, you have been one of the greatest champions of women's rights and women's human rights in America and particularly in foreign policy. I'm wondering, first with respect to the Middle East, where women's rights fits in your news solutions and new approaches. But secondly, how the United States can continue to be a champion of women's rights and human rights generally at a moment when there are some threats and challenges to American human rights in new ways here.

ALBRIGHT: Well, I think that we do have to remember our values and our respect for individual rights and for people to be able to live a life that they choose. I have been somewhat troubled by lack of discussion about what our value system is because it is the essence of democracy for this country and for what we represent throughout the world. I am obviously a feminist but what happened when I became secretary, I decided to put women's issues central to American foreign policy, not just for that reason but because we know that societies are more stable when women are politically and economically empowered. Secretary Clinton took it to a whole other level and really did make it something that became a part of everyday policy. And, I think it's something that has to be stressed. It has to be stressed in this country, frankly; the cabinet doesn't exactly look like America. I think that what is important is to understand that – and you were asking about the Middle East specifically – is we can't mirror image everything to think that every woman that lives in Saudi Arabia wants to drive. I think that what we have to do is help them to help themselves. We had many meetings with women when Steve and I went to the region and I think that they are becoming more a part of the system. We need

to support that and we need to keep reiterating our values generally in terms of respect for the individual. And I am troubled by some of the things that have been said. I think that American values are international values, are a part of what the human rights agenda that has been there since the end of World War II. When you ask about “Responsibility to Protect” that is something that evolved out of the United Nations and peacekeeping and caring about whether people are killed for who they are, not for anything they ever did. And so I think that we have to keep stressing the importance of that, and America does need to be the shining city on the hill. We are the beacon. The Statue of the Liberty doesn’t have any fine print about whom we wouldn’t take. And so I think that we have to remember who we are.

BURKE-WHITE: Thank you, Secretary Albright. Thank you, Steve Hadley, the Former National Security Advisor. Thank you for joining us today but also thank you for your bipartisan commitment to dealing with the Middle East. And your approach of working together has allowed us really to get to the issues, not just the politics of the issues. Thank you Sarah for joining us. This concludes this episode of the Perry World House podcast series. Stay tuned and please join us next time. And join us in person here at Perry World House, the University of Pennsylvania’s international affairs institute. Take care.

A Farewell to Arms: Explaining Ukraine's Decision to Forgo Nuclear Weapons

BY SAMUEL E. WEITZMAN
TUFTS UNIVERSITY

ABSTRACT

This paper seeks to explain Ukraine's decision to transfer the nuclear weapons in its possession to the Russian Federation during its first years of existence as a sovereign state. Between December 1991 and June 1996, Ukraine relinquished control of the roughly 4,000 nuclear weapons left within its borders following the collapse of the Union of Soviet Socialist Republics. This defiance of conventional realist expectations about relative gains cannot be explained by a single factor or variable. Rather, the preponderance of qualitative evidence indicates that a combination of economic and security incentives provided by the United States and the Russian Federation convinced Kiev to abandon the bomb. In turn, the events in Ukraine provide important lessons for future attempts to prevent nuclear proliferation.

STUCK IN THE MIDDLE WITH NUKES

When the Union of Soviet Socialist Republics officially dissolved on December 26, 1991, four successor states – the Russian Federation, Ukraine, the Republic of Belarus, and the Republic of Kazakhstan – inherited its nuclear arsenal.¹ Of the approximately 27,000 armaments spread across the former Soviet Union, Ukraine contained roughly fifteen percent, including 1,944 strategic nuclear warheads and over 2,600 tactical nuclear weapons.² Also bequeathed

1 Serge Schmemmann, “END OF THE SOVIET UNION; The Soviet State, Born of a Dream, Dies,” *The New York Times*, December 26, 1991, accessed April 14, 2016, <<http://www.nytimes.com/1991/12/26/world/end-of-the-soviet-union-the-soviet-state-born-of-a-dream-dies.html>>; Joseph Cirincione, Jon B. Wolfsthal, and Miriam Rajkumar, *Deadly Arsenals: Nuclear, Biological, and Chemical Threats*, 2nd ed. (Washington, D.C.: Carnegie Endowment for International Peace, 2005), 365.

2 Robert S. Norris, “The Soviet Nuclear Archipelago,” *Arms Control Today* 22, no. 1 (January/February 1992): 24; William J. Long and Suzette R. Grillot, “Ideas, Beliefs, and Nuclear Policies: The Cases

to the government in Kiev were 176 intercontinental ballistic missiles, 44 strategic bombers, and several hundred air-launched cruise missiles.³ All told, the politically independent state of Ukraine came into existence as the world's third largest nuclear power.⁴ This status, however, proved short-lived: less than five years later, Ukraine transferred the last of its weapons to Russia and became nuclear-free.⁵

At first, this relatively peaceful outcome would seem at odds with the orthodox realist prediction that states will seek to maximize their power, which itself depends largely on the material resources that states possess.⁶ If Ukraine had humanity's greatest destructive weapon at its command, why would it forfeit it voluntarily to a regional adversary? This narrow line of reasoning, however, neglects to consider the potentially beneficial ramifications of a state's decision to give up their nuclear arsenal. In this paper, I argue that a combination of positive economic incentives and security assurances induced Kiev to abandon its nuclear ambitions. Although neither form of support can explain entirely the disarmament phenomenon on its own, and while entrenched anti-nuclear sentiments help justify the initial decision to transfer the weapons to Russia, economic and security inducements were jointly sufficient causes of Ukrainian denuclearization. These answers, drawn from an examination of scholarly analyses and contemporary news sources, provide insight for future nonproliferation efforts.

TWO THEORIES OF NUCLEAR DISARMAMENT

Both hypotheses presented in this paper posit that the desire to protect material interests motivates state behavior. According to this conception, actors within the anarchic international system design their strategies from a position of economic and military self-help.⁷ As such, decisions relating to issues such as nuclear acquisition and forbearance result from policymakers' calculations of benefits and costs.⁸ When it comes to weapons of mass destruction, it would appear at first glance that their unmatched destructive and deterrent capabilities would embolden all states to acquire them if they are able. This presumption, however, ignores two important factors that would discourage prudential governments from continuing along the nuclear path.

of South Africa and Ukraine," *The Nonproliferation Review* 7, no. 1 (Spring 2000): 24; Lesya Gak, "Denuclearization and Ukraine: Lessons for the Future," *The Nonproliferation Review* 11, no. 1 (April 2004): 108-110; Mariana Budjeryn, "The Power of the NPT: International Norms and Ukraine's Nuclear Disarmament," *The Nonproliferation Review* 22, no. 2 (2015): 204.

3 David S. Yost, "The Budapest Memorandum and Russia's intervention in Ukraine," *International Affairs* 91, no. 3 (May 2015): 514.

4 Mykola Riabchuk, "Ukraine's Nuclear Nostalgia," *World Policy Journal* 26, no. 4 (January 2009): 95.

5 Steven Pifer, *The Trilateral Process: The United States, Ukraine, Russia and Nuclear Weapons* (Washington, D.C.: Brookings Institution, May 2011), 2.

6 Juliet Kaarbo and James Lee Ray, *Global Politics*, 10th ed. (Boston: Wadsworth, 2011), 4-7.

7 Tami Davis Biddle, *Strategy and Grand Strategy: What Students and Practitioners Need to Know* (Carlisle, PA: U.S. Army War College, December 2015), 9-10.

8 T.V. Paul, *Power versus Prudence: Why Nations Forgo Nuclear Weapons* (Montreal: McGill-Queen's University Press, 2000), 6-7.

First, states may respond to positive incentives that shift the strategic calculus regarding the costs and benefits of nuclear arms. If external actors intent upon preventing proliferation offer certain measures to help target states redress their weaknesses or assuage their concerns, the latter party may be more willing to accede to the former's demands.⁹ One such means of inducement is offering economic assistance, either through aid packages, debt relief, financial support of disarmament programs, or technical assistance.¹⁰ Another type of positive incentive is the provision of security assurances.¹¹ In both cases, the external actor's goal is to create advantages of compliance that outweigh the benefits derived from the targeted state's objectionable policies.¹²

Second, states may avoid courses of action that pressure rivals into adopting escalatory measures. This theory, labeled by T.V. Paul as "prudential realism," posits that in certain situations, governments will "forgo military capabilities that other states see as threatening."¹³ Apprehensive about alienating prospective allies and aggravating potential adversaries, actors will find that their geostrategic cost-benefit calculations favor a policy of forbearance, particularly with respect to nuclear weapons.¹⁴ In this way, disarmament may be conceived of as a form of military reassurance that states employ to signal to other actors about their desire to avoid entering a security dilemma.¹⁵

In the case of Ukraine, external actors – most notably the United States and Russia – adopted several different approaches to convincing Kiev to forfeit its nuclear weapons.¹⁶ Of the

9 Thomas Bernauer and Dieter Ruloff, "Introduction and Analytical Framework," in Thomas Bernauer and Dieter Ruloff, eds., *The Politics of Positive Incentives in Arms Control* (Columbia, SC: University of South Carolina Press, 1999), 2.

10 *Ibid.*, 2, 6; Michael A. Levi and Michael E. O'Hanlon, *The Future of Arms Control* (Washington, D.C.: Brookings Institution, 2005), 72; Ariel E. Levite, "Never Say Never Again: Nuclear Reversal Revisited," *International Security* 27, no. 3 (Winter 2002/03): 78-79.

11 Jeffrey W. Knopf, "Introduction," in Jeffrey W. Knopf, ed., *Security Assurances and Nuclear Nonproliferation* (Stanford, CA: Stanford University Press, 2012), 1-2.

12 Miroslav Nincic, "Getting What You Want: Positive Inducements in Arms Control," *International Security* 35, no. 1 (Summer 2010): 139-142.

13 Paul, *Power versus Prudence*, 5.

14 *Ibid.*, 15-17; Jeffrey W. Taliaferro, "Seeking Security under Anarchy: Defensive Realism Revisited," *International Security* 25, no. 3 (Winter 2000/01): 129.

15 Evan Braden Montgomery, "Breaking Out of the Security Dilemma: Realism, Reassurance, and the Problem of Uncertainty," *International Security* 31, no. 2 (Fall 2006): 152-153.

16 While this paper is not concerned with determining the United States' motivations for pursuing Ukrainian denuclearization, several features of the tripartite negotiation process – including the extension of the "nuclear umbrella" to a nonessential ally (Ukraine) and the cooperation with an ostensible rival (Russia) – suggest that the U.S. was pursuing a strategy of inhibition centered upon assurance policies. For more on American opposition to the spread of nuclear weapons, both generally and with respect to Ukraine, see: Francis J. Gavin, "Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation," *International Security* 40, no. 1 (Summer 2015): 16-25, 29-34; Levite, "Never Say Never Again," 75-87; Pifer, *The Trilateral Process*, 4-5; Ruth Deyermond, *Security and Sovereign-*

various methods, two stand out as particularly influential: positive economic incentives and security assurances.¹⁷ This paper seeks to determine which of the two strategies better explains Ukraine's decision to disarm. In turn, I arrive at:

Hypothesis 1: Positive economic incentives from the United States and Russia compelled Ukraine to forgo the nuclear weapons on its soil.

The dependent variable is Ukraine's transfer of tactical and strategic nuclear weapons to Russia. The independent variable is Ukraine's economic power, both actual and perceived, at specific moments of time when its leaders made political decisions. The causal mechanism is the negotiation process between Ukraine, the United States, and Russia over issues of disarmament and financial reimbursement.

If Hypothesis 1 were confirmed, I would expect to find the following:

- (a) Evidence that Ukraine's economy was struggling before and/or during negotiations;
- (b) Evidence that possession of nuclear weapons harmed Ukraine's economy; and
- (c) Evidence that Ukrainian leaders either threatened or acted to cease denuclearization on the condition of financial recompense above and beyond the level necessary to ensure the weapons' removal.

If Hypothesis 1 were disconfirmed, I would expect to find the following:

- (a) Evidence that Ukraine transferred part of or its entire arsenal to Russia without the hope, promise, and/or actuality of receiving economic assistance.

Pivoting from economic to security-centric arguments, I formulate:

Hypothesis 2: Security assurances from the United States and Russia induced Ukraine to relinquish its nuclear weapons.

The dependent variable is Ukraine's transfer of tactical and strategic nuclear weapons to Russia. The independent variable is Ukraine's level of vulnerability, both actual and perceived, at specific moments of time when its leaders made political decisions. The causal mechanism is the negotiation process between Ukraine, the United States, and Russia over issues of

ty in the Former Soviet Union (Boulder, CO: Lynne Rienner Publishers, 2008), 63; Gak, "Denuclearization and Ukraine," 108-110; and Thomas Bernauer, Stefan Brem, and Roy Suter, "The Denuclearization of Ukraine," in *The Politics of Positive Incentives in Arms Control*, ed. Thomas Bernauer and Dieter Ruloff (Columbia, SC: University of South Carolina Press, 1999), 114-115.

17 Sherman W. Garnett, "The 'Model' of Ukrainian Denuclearization," in Jeffrey W. Knopf, ed., *Security Assurances and Nuclear Nonproliferation* (Stanford, CA: Stanford University Press, 2012), 254-255, 266; David Cortright and Raimo Väyrynen, *Towards Nuclear Zero* (London: Routledge, 2010), 66.

disarmament and security assurances.

If Hypothesis 2 were confirmed, I would expect to find the following:

- (a) Evidence that Ukraine existed in a state of relative insecurity before and/or during negotiations;
- (b) Evidence that possession of nuclear weapons exacerbated Ukraine's level of insecurity; and
- (c) Evidence that Ukrainian leaders either threatened or acted to cease denuclearization on the condition of receiving security assurances.

If Hypothesis 2 were disconfirmed, I would expect to find the following:

- (a) Evidence that Ukraine transferred part of or its entire arsenal to Russia without the hope, promise, and/or actuality of receiving security assurances.

Given that the evidence needed to disconfirm Hypotheses 1 and 2 is identical, I will treat their respective indicators of disconfirmation together.

FACING THE FACTS

Indicators of Hypothesis 1 Confirmation

Evidence that Ukraine's economy was struggling before and/or during negotiations

The available empirical data indicates that Ukraine's economy suffered drastically after achieving independence from the Soviet Union. The new regime's fiscal and monetary failures constituted "the gravest internal threat to Ukraine's security."¹⁸ Granted, the government – led by President Leonid Kravchuk – was not dealt a particularly favorable hand.¹⁹ Even before 1991, the inadequacies inherent to economic central planning had inflicted deep scars in Ukraine's economy, evidenced by its inefficient and rapidly deteriorating industrial base.²⁰

18 Mitchell Reiss, *Bridled Ambition: Why Countries Constrain Their Nuclear Capabilities* (Washington, D.C.: Woodrow Wilson Center Press, 1995), 102; Roman Solchanyk, *Ukraine and Russia: The Post-Soviet Transition* (Lanham, MD: Rowman & Littlefield Publishers, 2001), 80.

19 Serge Schmemmann, "Man in the News: Leonid Makarovich Kravchuk; Leader-Come-Lately," *The New York Times*, December 3, 1991, accessed April 3, 2016, <<http://www.nytimes.com/1991/12/03/world/man-in-the-news-leonid-makarovich-kravchuk-leader-come-lately.html>>.

20 Volodymyr Lanoviy, "Macro- and Microeconomic Crisis in Ukraine: The Social and Political Stakes," *Economic Policy* 9, no. 19 (December 1994): 191; William H. Kincade and Cynthia M. Nolan, "Troubled Triangle: Russia, Ukraine and the United States," *Journal of Strategic Studies* 24, no. 1 (March 2001): 114; Leonid I. Polyakov, *U.S.-Ukraine Military Relations and the Value of Interoperability* (Carlisle, PA: U.S. Army War College, December 2004), 6.

Nevertheless, Kravchuk and other Ukrainian policymakers deserve their share of the blame for exacerbating existing weaknesses. The new president failed to enact meaningful structural reforms such as privatization and price liberalization.²¹ Additionally, the calamitous decision in June 1992 to double the money supply resulted in severe hyperinflation; when combined with widespread shortages and rampant corruption, the disastrous fiscal policies decisions of the nascent government destabilized the nation's economy.²² In the first three months of 1993 alone, prices of goods rose by four hundred percent.²³ In total, between 1990 and 1994, Ukraine's GDP decreased by nearly fifty percent, while average real income diminished by roughly forty-five percent.²⁴ When Ukraine became unable to pay for its energy, Russia and other former Soviet republics either threatened or acted to cut off the supply of oil and gas, thereby making a bad situation worse.²⁵ As such, the available evidence confirms that Ukraine's economy was in a devastating downward spiral from which it desperately needed foreign financial assistance to escape.²⁶

Evidence that ownership of nuclear weapons harmed Ukraine's economy

The possession of nuclear armaments undermined Ukraine's attempts at financial recovery in three ways. First, the costs required to support the arsenal placed significant strains on the government purse. Even if one assumes that Ukraine could have eventually obtained operational control of the weapons in its territory (a question that will be examined below), the expenses associated with doing so would have been untenably high, especially for a state suffering from a crippling recession.²⁷ Moreover, the weapons themselves were near the end of their lifespans and therefore required significant expenditures for their maintenance.²⁸ Without constant upkeep (which had been provided by Russian-born Soviet military officers until 1991), many of the missiles would have decayed to the point of inoperability in less than eight years.²⁹ These necessary outlays – estimated to be between ten and thirty billion dollars

21 Oleh Havrylyshyn, Marcus Miller, and William Perraudin, "Deficits, Inflation and the Political Economy of Ukraine," *Economic Policy* 9, no. 19 (October 1994): 355-356; F. Stephen Larrabee, "Ukraine: Europe's Next Crisis?," *Arms Control Today* 24, no. 6 (July/August 1994): 15.

22 Anders Åslund, "Ukraine's Resurrection," *American Foreign Policy Interests* 17, no. 3 (June 1995): 13.

23 Celestine Bohlen, "Economic Trouble and Nuclear Dispute Deepen Ukraine's Sense of Insecurity," *The New York Times*, June 12, 1993, accessed February 24, 2016, <<http://www.nytimes.com/1993/06/12/world/economic-trouble-and-nuclear-dispute-deepen-ukraine-s-sense-of-insecurity.html>>.

24 Pekka Sutela, *The Underachiever: Ukraine's Economy Since 1991* (Washington, D.C.: Carnegie Endowment for International Peace, March 2012), 3-4; Lanoviy, "Macro- and Microeconomic Crisis in Ukraine," 193; Polyakov, *U.S.-Ukraine Military Relations and the Value of Interoperability*, 7-8.

25 Larrabee, "Ukraine: Europe's Next Crisis?," 15; Thomas C. Reed and Danny B. Stillman, *The Nuclear Express: A Political History of the Bomb and Its Proliferation* (Minneapolis: Zenith Press, 2010), 211-212.

26 Paul, *Power versus Prudence*, 119.

27 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 138.

28 *Ibid.*, 122-123.

29 Riabchuk, "Ukraine's Nuclear Nostalgia," 96.

at the very least – surpassed the amount available to Ukrainian policymakers.³⁰

Second, attempts to assert ownership of the weapons risked Russian economic retaliation, including punitive sanctions and the cessation of energy transfers. Energy dependency fueled the Kremlin's willingness to manipulate energy sales in order to coerce the security choices of the various states reliant on Russian energy, especially Ukraine.³¹ Moscow possessed significant financial leverage over Kiev, as Russia provided Ukraine with half of its oil and ninety percent of its natural gas.³² This asymmetrical relationship allowed Russia – which considered itself to be the rightful inheritor state of the Soviet Union and its assets – to demand Ukraine's "unconditional surrender of nuclear arms."³³ Furthermore, the Kremlin reinforced its combative rhetoric with coercive action. In the two years following Ukraine's independence, "Russia raised oil and gas prices 170 times... and threatened to cut off fuel supplies over half a dozen times."³⁴ Moscow tied these increases in pressure to Kiev's refusal to cooperate on disarmament.³⁵ Evidently, Russia would not allow Ukraine's economy to survive unless the latter country agreed to forfeit its nuclear weapons.

Third, the Verkhovna Rada (Ukraine's unicameral legislature) understood that maintaining its nuclear status precluded inclusion into the Western economic system.³⁶ Multiple prominent Western leaders – including the British prime minister and the American secretary of state – avowed publicly that political recognition of Ukraine's independence (and, in turn, its candidacy for foreign aid) depended upon the resolution of the nuclear issue.³⁷ Washington insisted that all nuclear weapons located in former Soviet republics should be restored to Russia before initiating diplomatic and economic relations with Kiev.³⁸ In this way, American and European leaders "linked economic aid to Ukrainian nuclear disarmament."³⁹ Thus, Ukrainian efforts to retain its nuclear status carried severe direct and indirect economic costs.

Evidence that Ukrainian leaders either threatened or acted to cease denuclearization on the condition of financial recompense above and beyond the level necessary to ensure the weapons' removal

30 William C. Martel, "Why Ukraine Gave Up Nuclear Weapons: Nonproliferation Incentives and Disincentives," in Barry R. Schneider and William L. Dowdy, eds., *Pulling Back from the Nuclear Brink: Reducing and Countering Nuclear Threats* (London: Frank Cass, 1998), 97; James E. Doyle and Peter Engstrom, "The Utility of Nuclear Weapons: Tradeoffs and Opportunity Costs," in Barry R. Schneider and William L. Dowdy, eds., *Pulling Back from the Nuclear Brink: Reducing and Countering Nuclear Threats* (London: Frank Cass, 1998), 48.

31 Doyle and Engstrom, "The Utility of Nuclear Weapons," 49. No pun intended.

32 Reiss, *Bridled Ambition*, 94.

33 Deborah Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era* (New York: Palgrave, 2001), 25; Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 115.

34 Reiss, *Bridled Ambition*, 101.

35 Martel, "Why Ukraine Gave Up Nuclear Weapons," 95.

36 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 115.

37 Budjeryn, "The Power of the NPT," 212.

38 Yost, "The Budapest Memorandum and Russia's intervention in Ukraine," 506-507.

39 Martel, "Why Ukraine Gave Up Nuclear Weapons," 96.

The observable evidence supports the notion that Ukrainian leaders tied receiving foreign economic assistance to their decision to denuclearize. Originally intent upon achieving acceptance into the Western economic community, Ukraine focused more on getting rid of its armaments rather than receiving any additional compensation for its compliance.⁴⁰ However, by the time that the last tactical weapons were removed from Ukraine on May 6, 1992, the intentions of politicians in Kiev with respect to the weapons had shifted drastically for two reasons: one, the domestic economy was sinking swiftly; and two, policymakers finally began to comprehend the financial value of the assets in their hands.⁴¹

This guns-to-butter connection became even clearer in September 1992, when Russia agreed to sell the highly enriched uranium (HEU) that it had extracted from dismantled warheads – including those recently transferred from Ukraine – to the U.S. for five billion dollars.⁴² As news of the Russo-American deal surfaced, numerous government officials and members of the Rada vocalized their concerns that Ukraine was receiving an unfair deal.⁴³ In their public rhetoric, both Kravchuk and Prime Minister Leonid Kuchma predicated further arms reductions on the condition of reimbursement for the arms' removal and the subsequent HEU sales.⁴⁴ Additionally, politicians in the Rada sought to demonstrate their commitment to restitution for denuclearization, including an assertion by the deputy prime minister that Ukraine might auction its weapons “to the highest bidder” and the adoption of a July 1993 foreign policy doctrine that “staked an unambiguous claim to all remaining nuclear weapons in Ukraine.”⁴⁵ As such, Ukraine's attempts to halt the strategic nuclear weapons disarmament process occurred at the same time that policymakers in Kiev began to realize that their weapons had economic value as bargaining chips.⁴⁶

Throughout the negotiation process, Ukrainian leaders remained committed to their goal of financial reimbursement. On 22 November 1992, Kravchuk rejected the U.S.' offer of \$175 million worth of disarmament assistance on the basis that the proposal was at least ten times lower than the amount demanded by Ukraine. The sizable and apparently irreconcilable disparity in cost assessments stemmed from the differences between Washington's narrower focus on elimination expenses and Kiev's broader view of related financial issues. While

40 Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 119.

41 *Ibid.*, 118; Reiss, *Bridled Ambition*, 102-103.

42 Budjeryn, “The Power of the NPT,” 217.

43 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 74.

44 *Ibid.*, 74-75; Serge Schmemann, “Ukraine Asks Aid for Its Arms Curb,” *The New York Times*, November 13, 1992, accessed February 24, 2016, <<http://www.nytimes.com/1992/11/13/world/ukraine-asks-aid-for-its-arms-curb.html>>.

45 Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 119; Roman Wolczuk, “The Evolution of Ukrainian Foreign and Security Policy, 1990-1994,” *Journal of Slavic Military Studies* 12, no. 3 (September 1999): 31.

46 Sherman W. Garnett, “Ukraine's Decision to Join the NPT,” *Arms Control Today* 25, no. 1 (January/February 1995): 7-9; Jason Ellis, “The ‘Ukrainian Dilemma’ and US Foreign Policy,” *European Security* 3, no. 2 (Summer 1994): 253.

the former only agreed to underwrite the transfer of weapons to Russia, the latter sought supplementary support for its failing economy.⁴⁷ In 1993, newly elected President Bill Clinton altered the American approach to negotiations with Ukraine.⁴⁸ Having found the use of negative pressures to be ineffective (if not counterproductive), Clinton promoted the use of positive financial incentives and promises of cooperation to persuade Ukraine to comply with disarmament demands.⁴⁹ As talks progressed, the U.S. began to incorporate elements of Ukraine's economic demands – including the sharing of proceeds from the HEU sales and the provision of economic assistance greater than the amount needed to remove the nuclear armaments – into their compensatory offers, thereby linking foreign aid to compliance with disarmament.⁵⁰

Eventually, bilateral conversations expanded to include the Kremlin. In December 1993, both Russia and Ukraine agreed to the United States' request that the three countries meet together in Kiev in pursuit of a workable deal.⁵¹ The subsequent talks culminated on January 14, 1994, when the leaders of the respective governments met in Moscow to sign the Trilateral Agreement.⁵² As per the terms of the settlement, the U.S. would provide Ukraine with disarmament financial assistance, HEU compensation, increased economic aid, and reduced tariffs in exchange for Ukraine's removal of strategic nuclear weapons from its territory.⁵³ The overall economic package totaled \$900 million dollars, thereby constituting the U.S.' fourth largest foreign aid commitment at the time.⁵⁴ Additionally, Russia agreed to forgive more than

47 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 119; David T. Twining, "The US-Russian-Ukrainian Nuclear Agreement: What Lies Ahead?," *Defense Analysis* 10, no. 2 (1994): 145.

48 Reiss, *Bridled Ambition*, 106; Garnett, "The 'Model' of Ukrainian Denuclearization," 258-259.

49 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 120; Steven J. Zaloga, *The Kremlin's Nuclear Sword: The Rise and Fall of Russia's Strategic Nuclear Forces, 1945-2000* (Washington, D.C.: Smithsonian Institution Press, 2002), 218.

50 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 87-88; Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 120; Michael G. Gordon, "With Aid, U.S. Seeks to Sway Ukraine on A-Arms," *The New York Times*, June 4, 1993, accessed February 24, 2016, <<http://www.nytimes.com/1993/06/04/world/with-aid-us-seeks-to-sway-ukraine-on-a-arms.html>>.

51 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 122-123; Elaine Sciolino, "U.S. Offering to Mediate Russian-Ukrainian Disputes on Security," *The New York Times*, December 4, 1993, accessed April 10, 2016, <<http://www.nytimes.com/1993/12/04/world/us-offering-to-mediate-russian-ukrainian-disputes-on-security.html>>.

52 Zaloga, *The Kremlin's Nuclear Sword*, 213.

53 Pifer, *The Trilateral Process*, 22; Jack Nelson, "Ukraine Agrees to Give Up Its Nuclear Arsenal, Clinton Says : Summit: President hails the accord as a breakthrough, but it faces parliamentary opposition. NATO endorses the U.S. 'Partnership for Peace' plan to broaden alliance," *Los Angeles Times*, January 11, 1994, accessed February 24, 2016, <http://articles.latimes.com/1994-01-11/news/mn-10675_1_nuclear-arsenal>; Art Pine, "Clinton Shows Confidence in Ukraine's Arms Efforts : Weapons: President uses the carrot approach to prod the former Soviet republic into giving up its nuclear missiles," *Los Angeles Times*, March 5, 1994, accessed February 24, 2016, <http://articles.latimes.com/1994-03-05/news/mn-30144_1_nuclear-weapons>.

54 Steven Greenhouse, "Clinton Thanks Ukraine With \$200 Million," *The New York Times*, November 23, 1994, accessed February 29, 2016, <<http://www.nytimes.com/1994/11/23/world/clinton>>.

\$2 billion of Ukraine's oil and gas debt and compensate Ukraine for its forfeiture of HEU by providing it with one hundred tons of low-enriched uranium (LEU) for its domestic energy production.⁵⁵ Both states also promised to abstain from future uses of economic coercion.⁵⁶ In turn, the Trilateral Agreement encouraged Ukraine, beginning in March 1994, to resume its removal of strategic nuclear weapons from its territory.⁵⁷ Meanwhile, Ukrainian politicians acted to comply with Washington and Moscow's demands that they conform to the requirements of international regimes. Specifically, the Rada was weighing the possibility of conceding to American and Russian pressure to ratify unconditionally the Lisbon Protocol to the Strategic Arms Reduction Treaty (START I). The Protocol itself had two components: first, the four nuclear Soviet successor states (Russia, Ukraine, Belarus, and Kazakhstan) had to "[commit] to carry out the Soviet START I obligations"; and second, the latter three countries had to become non-nuclear adherents to the Nuclear Non-Proliferation Treaty (NPT) "as soon as possible."⁵⁸ On February 3, 1994, seeing that the Trilateral Agreement addressed many of its previously articulated concerns, the Rada voted to remove the conditions that it had attached to its ratification of the Lisbon Protocol.⁵⁹ The following November, the legislature "approved the accession of Ukraine to the NPT [Nuclear Non-Proliferation Treaty]," and on December 5, 1994, START I entered into force.⁶⁰ Less than two years later, on June 1, 1996, Kuchma – now president of Ukraine – announced that Ukraine had "finished the process of transferring [its] strategic nuclear weapons."⁶¹ As such, the relevant facts substantiate the claim that Ukraine's demands during the negotiation process stemmed from economic motivations.

Indicators of Hypothesis 2 Confirmation

Evidence that Ukraine existed in a state of relative insecurity before and/or during negotiations

Even before taking account of its nuclear posture, Ukraine had at least three reasons to consider itself militarily vulnerable with respect to Russia. First, as a nascent state separating itself from a union of constituent entities, Ukraine lacked its own army and domestic military bureaucracy.⁶² When it was a member of the U.S.S.R., Ukraine had contributed men and resources to the Soviet Armed Forces.⁶³ When the Soviet Union fell, Ukraine inherited "about

thanks-ukraine-with-200-million.html>.

55 Cortright and Väyrynen, *Towards Nuclear Zero*, 67; Reiss, *Bridled Ambition*, 116-117; Pifer, *The Trilateral Process*, 22; Garnett, "The 'Model' of Ukrainian Denuclearization," 260.

56 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 123.

57 *Ibid.*, 124; Pifer, *The Trilateral Process*, 25.

58 Pifer, *The Trilateral Process*, 10.

59 *Ibid.*, 22; Twining, "The US-Russian-Ukrainian Nuclear Agreement," 149.

60 Pifer, *The Trilateral Process*, 26; Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 125.

61 "Ukraine Transfers Its Last Nuclear Warhead to Russia," *Los Angeles Times*, June 2, 1996, accessed February 24, 2016, <http://articles.latimes.com/1996-06-02/news/mn-11113_1_nuclear-weapons>.

62 Deyermond, *Security and Sovereignty in the Former Soviet Union*, 4.

63 Christopher Donnelly, "Evolutionary problems in the former Soviet armed forces," *Survival* 34,

40 percent of the former Soviet Union's armed forces personnel and equipment; and huge stocks of Soviet strategic reserves of arms, supplies, and ammunition."⁶⁴ However, much of the officer corps was Russian rather than Ukrainian, the soldiers were "formally under oath to Moscow," and those troops that were loyal to Ukraine were in a "sad state."⁶⁵ Therefore, one of Kiev's top priorities was the establishment of its own national armed forces in order to ensure its security.⁶⁶

Second, Russia's historical and ethno-linguistic ties to Ukraine threatened the latter's ability to ensure its security. The region that is now Ukraine was subject to one form or another of Russian control from the seventeenth century until the fall of the Soviet Union.⁶⁷ As a result of this long historical association, twenty percent of Ukraine's population at the time of its independence was ethnically Russian.⁶⁸ Accordingly, many native-born Russians openly viewed Ukraine as "the Little Russian province."⁶⁹ The most contentious claims were those attached to the Crimean Peninsula, which until 1954 had been part of Russia (and remained so in the eyes of policymakers in Moscow).⁷⁰ This peculiar historical legacy resulted in a Crimean population under Ukrainian control despite seventy percent of the people being ethnically and linguistically Russian.⁷¹ Accordingly, even after Ukraine's overwhelming passage of a national referendum supporting the break away from Soviet control on December 1, 1991,⁷² policymakers in Moscow struggled to conceive of and regard Ukraine as an independent entity.⁷³ By contrast, many Ukrainians "resent[ed] what [were] seen as Russia's historical crimes" and feared that Russia would attempt to reassert its control over Crimea, if not all of

no. 3 (Autumn 1992): 31, 33.

64 Polyakov, *U.S.-Ukraine Military Relations and the Value of Interoperability*, 6-7.

65 Walter Parchomenko, "The State of Ukraine's Armed Forces and Military Reform," *The Journal of Slavic Military Studies* 13, no. 3 (September 2000): 64; Budjeryn, "The Power of the NPT," 213; Garnett, "Ukraine's Decision to Join the NPT," 8.

66 Gak, "Denuclearization and Ukraine," 108-110, 130. Indeed, many Ukrainian military officials argued that the money used to maintain the nuclear arsenal could be better spent on conventional forces: Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 58-59; Paul, *Power versus Prudence*, 119; Cortright and Väyrynen, *Towards Nuclear Zero*, 66.

67 Reiss, *Bridled Ambition*, 91; Polyakov, *U.S.-Ukraine Military Relations and the Value of Interoperability*, 5.

68 Larrabee, "Ukraine: Europe's Next Crisis?," 16.

69 Solchanyk, *Ukraine and Russia*, 13-15.

70 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 117; Deyermond, *Security and Sovereignty in the Former Soviet Union*, 9.

71 Larrabee, "Ukraine: Europe's Next Crisis?," 16; Deyermond, *Security and Sovereignty in the Former Soviet Union*, 8.

72 John-Thor Dahlburg, "Ukraine Votes to Quit Soviet Union: Independence: More than 90% of voters approve historic break with Kremlin. The president-elect calls for collective command of the country's nuclear arsenal," *Los Angeles Times*, December 3, 1991, accessed February 18, 2016, <http://articles.latimes.com/1991-12-03/news/mn-504_1_soviet-union>.

73 Reiss, *Bridled Ambition*, 100; Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 41-42; Gak, "Denuclearization and Ukraine," 110; Donnelly, "Evolutionary problems in the former Soviet armed forces," 38-39.

Ukraine, in the years subsequent to the fall of the Soviet Union.⁷⁴

Third, Russia's conceptualization of sovereignty – rooted in the Soviet intellectual and political tradition – undermined Ukraine's political independence. "Sovereignty" is a term whose use far outstrips consensus over its exact meaning, and this definitional inexactitude exacerbates rifts between contesting states.⁷⁵ Although the Western (i.e., Western European and North American) model has evolved and changed in meaningful ways from its Westphalian roots, several of its underlying assumptions remain central.⁷⁶ One, "sovereignty is... a property of the state."⁷⁷ Two, all states are preeminent over their respective territories; implicit in this principle is the notion that states are sovereigns equal to one another. While the debate about if and how the sovereign might be limited in exercising its authority remains unsettled, the general idea persists mostly intact: Western states are defined by their status as independent entities immune from others' claims of control.⁷⁸

The Soviet model, on the other hand, posited that sovereignty is characterized not by the presence of independent entities but rather by the prevalence of class conflict. Forged from "the attempts by Soviet political and legal theorists to reconcile the basic principles of Marxist-Leninist thought... with the pragmatic demands of twentieth-century international relations," this alternative approach empowered socialist states' sovereignty claims over those made by their capitalist counterparts.⁷⁹ Moreover, the gradation of sovereignty claims was not limited to conflicts with Western capitalist governments. Even among socialist states existed a hierarchy, wherein "the sovereignty [and protection] of the Soviet center... [was] the highest good."⁸⁰ In contrast to the Western model's recognition of all states as equally independent entities, the Soviet conception of sovereignty enabled the "center" (i.e., the government in Moscow) to dominate and control the periphery (which included the Ukrainian Soviet Socialist Republic). Accordingly, the tiered political structure of the U.S.S.R. both exemplified and reinforced the supremacy of the Soviet government over the various union, center, and autonomous republics. Although technically granted a certain degree of self-determination, in practice the interests of constituent entities were subordinated to those of the central Soviet government.⁸¹

74 Steven E. Miller, "Fateful Choices: Nuclear Weapons, Ukrainian Security, and International Stability," in *Civil-Military Relations and Nuclear Weapons*, ed. Scott D. Sagan (Stanford, CA: Center for International Security and Arms Control, June 1994), 142; Larrabee, "Ukraine: Europe's Next Crisis?," 16. In retrospect, of course, these fears seem to have been well founded.

75 Deyermond, *Security and Sovereignty in the Former Soviet Union*, 19; Reiss, *Bridled Ambitions*, 100-101.

76 Admittedly, this sentence oversimplifies the history involved, not least because the Peace of Westphalia did not explicitly or implicitly endorse the notion of sovereignty, let alone invent it. Nevertheless, the two treaties signed in 1648 provide a solid benchmark to begin our discussion of the Western model. See: Derek Croxton, "The Peace of Westphalia of 1648 and the Origins of Sovereignty," *The International History Review* 21, no. 3 (September 1999): 569-591.

77 Deyermond, *Security and Sovereignty in the Former Soviet Union*, 21.

78 *Ibid.*, 21-25.

79 *Ibid.*, 27-28.

80 *Ibid.*, 28.

81 *Ibid.*, 26, 29-34; Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of*

When the U.S.S.R. fell in 1991, Russia assumed that the Soviet model would live on in practice if not in name, with Moscow remaining at the top of the hierarchy. Ukrainian leaders, by contrast, grounded their conception of sovereignty in notions of political independence that came from the Western intellectual tradition.⁸² This Soviet model of sovereignty, when combined with the aforementioned ethno-linguistic ties, helps explain why “most Russians... [found] it hard to think of Ukraine as a foreign state.”⁸³ In turn, the implication that Kiev would not be permitted to subvert Moscow’s policies in pursuit of its own interests demonstrates the existential gravity of the security threat that Russia posed to Ukraine.

Evidence that possession of nuclear weapons exacerbated Ukraine’s level of insecurity

Contrary to the conventional military logic that “more is more,” the evidence available indicates that attempts to avoid disarmament would have undermined Ukraine’s security in two ways. First, at no point did Ukraine possess total control of – and, therefore, reap the maximum benefits from – the nuclear weapons on its soil.⁸⁴ In fact, the armaments in Ukraine were not theirs to begin with; rather, they constituted a part of the Soviet Union’s enormous nuclear arsenal.⁸⁵ When the U.S.S.R. fell in 1991, Russia inherited jurisdiction over all of its military assets, including those located in other former republics.⁸⁶ When Russo-Ukrainian relationships started to deteriorate in the spring of 1992, Kiev began efforts to obtain control over the weapons within its territory. Such measures included requiring troops at nuclear bases to swear oaths of loyalty to Ukraine and attempting to breach Russian command and control systems.⁸⁷ Eventually, Ukraine established “administrative” (or “negative”) control over the nuclear armaments within its borders: while Kiev could not launch the weapons without Moscow’s consent (i.e., have “operational” or “positive” control), it was able to prevent Russia from employing strategic weapons based in Ukraine.⁸⁸ Nevertheless, its “inability to circumvent Russian permissive action links (PALs)” thwarted Ukraine in its attempts to arrest operational control from Moscow.⁸⁹ Beyond that, Ukraine’s previous reliance on the Soviet support apparatus meant that it now lacked the technical expertise and financial resources

Conflicting Rights, rev. ed. (Philadelphia: University of Pennsylvania Press, 1990), 367-369.

82 Deyermond, *Security and Sovereignty in the Former Soviet Union*, 36-39.

83 Larrabee, “Ukraine: Europe’s Next Crisis?,” 16.

84 Cirincione, Wolfsthal, and Rajkumar, *Deadly Arsenals*, 366, 373-374.

85 Reed and Stillman, *The Nuclear Express*, 205-207; Riabchuk, “Ukraine’s Nuclear Nostalgia,” 95; Norris, “The Soviet Nuclear Archipelago,” 24-25.

86 Deyermond, *Security and Sovereignty in the Former Soviet Union*, 81-82.

87 *Ibid.*, 82; Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 70-71; Zaloga, *The Kremlin’s Nuclear Sword*, 218; Reed and Stillman, *The Nuclear Express*, 211.

88 Yost, “The Budapest Memorandum and Russia’s intervention in Ukraine,” 511-512; Alexander A. Pikayev, “Post-Soviet Russia and Ukraine: Who Can Push the Button?,” *The Nonproliferation Review* 1, no. 3 (Spring/Summer 1994): 44-45; Reiss, *Bridled Ambition*, 104-105.

89 Martel, “Why Ukraine Gave Up Nuclear Weapons,” 89-90; Riabchuk, “Ukraine’s Nuclear Nostalgia,” 95-96.

required for sustaining an independent nuclear weapons program.⁹⁰ Thus, debates regarding the utility of the armaments to Ukraine must be understood in the context of Kiev's limited ability to control them.

Second, possessing nuclear weapons would have made Ukraine more susceptible to instances of Russian aggression. Although (as argued above) Ukraine never had the full ability to deploy the armaments within its territory, some scholars suggest that it may have been possible eventually for Kiev to secure operational control of the weapons.⁹¹ This assumption was prevalent at the time: in June 1993, American intelligence agencies estimated that "Ukraine could acquire operational control of the weapons in 12 to 18 months," while their Russian counterparts believed that just half of that time was necessary.⁹² Even if it might have eventually been possible to secure operational control of the weapons on its soil, Ukraine would have been less secure as a result. The resulting uncertainty over each side's capabilities and intentions would engender a security dilemma in which fears of relative gains would inhibit Russo-Ukrainian cooperation.⁹³ In turn, any disagreement between the two countries could easily escalate to a Russian preemptive attack and subsequent military confrontation in which Ukraine would be overmatched and overwhelmed.⁹⁴ Therefore, rather than serving as a credible deterrent, retaining nuclear weapons would render Ukraine less secure by providing a warrant for further Russian aggression.⁹⁵

Evidence that Ukrainian leaders either threatened or acted to cease denuclearization on the condition of receiving security assurances

As was true with its economic demands, Ukrainian policymakers did not demand security assurances from the beginning. Rather, escalating fears of Russian aggression led members of the Rada to condition the forfeiture of armaments on receiving such promises.⁹⁶ On March 12, 1991, in response to growing domestic criticisms of his handling of the nuclear issue and fears of Moscow's expansionist intentions, Kravchuk announced "the suspension of further withdrawals" of tactical nuclear weapons on the basis of concerns that Russia was not dismantling the weapons as it had initially agreed.⁹⁷ While international pressure and the

90 Maria Rost Rublee, "Fantasy Counterfactual: A Nuclear-Armed Ukraine," *Survival* 57, no. 2 (April/May 2015): 146-147.

91 Paul, *Power versus Prudence*, 118.

92 Gordon, "With Aid, U.S. Seeks to Sway Ukraine on A-Arms"; Reiss, *Bridled Ambition*, 105; Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 120.

93 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 62-63.

94 Martel, "Why Ukraine Gave Up Nuclear Weapons," 93; Gak, "Denuclearization and Ukraine," 110; Robert Einhorn, "Ukraine, Security Assurances, and Nonproliferation," *The Washington Quarterly* 38, no. 1 (Spring 2015): 50.

95 Ellis, "The 'Ukrainian Dilemma' and US Foreign Policy," 260; Doyle and Engstrom, "The Utility of Nuclear Weapons," 49-50; Reiss, *Bridled Ambition*, 126.

96 Larrabee, "Ukraine: Europe's Next Crisis?," 18.

97 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 30-46; Reiss, *Bridled Ambition*, 94-95; Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 115-116.

creation of additional layers of compliance confirmation eventually led Kiev to complete the tactical weapons transfer, the security concerns endured in the form of the Rada's reluctance to cede control over Ukraine's strategic nuclear armaments.⁹⁸ Unable to assert the country's sovereignty with respect to Russia, Ukraine's leaders sought recognition and protection from abroad.⁹⁹ As such, concerns within Kiev that Moscow would treat the new Commonwealth of Independent States (CIS) as nothing more than a renamed Soviet Union led Kravchuk in late April 1992 to first ask for security guarantees from the United States in exchange for their nuclear weapons.¹⁰⁰ In turn, the U.S.'s lowball offer of nothing beyond the military assurances provided by the NPT was rejected by politicians in Kiev as an insufficient recompense for denuclearization and spurred demands for further promises of protection.¹⁰¹

Security fears also explain why Ukraine delayed ratification of major international agreements regarding nuclear nonproliferation. Relations between Kiev and Moscow continued to deteriorate in May 1992 when the Russian Parliament passed a resolution declaring that the 1954 transfer of Crimea to Ukraine had been "illegal."¹⁰² On May 23, 1992, Kravchuk agreed to the Lisbon Protocol to the START I treaty, promising that Ukraine would adhere to START I and the NPT in the "shortest possible time."¹⁰³ Domestic politicians, however, were unconvinced by their president's actions. The Rada refused to ratify the Protocol on security grounds, and their obstinacy increased as relations with Moscow worsened.¹⁰⁴ Internal Russian political developments – including their parliament's passage in July 1993 of a resolution bestowing Russian federal status upon the Crimean city of Sevastopol and the success of the ultranationalist and openly expansionist Vladimir Zhirinovskiy in the December 1993 elections – only served to exacerbate tensions.¹⁰⁵ In response to the perceived increases in Russian hostility, Kiev took two measures to assert its security claims. First, as detailed above, Ukraine began to assert administrative control over the strategic nuclear weapons in its

98 Reiss, *Bridled Ambition*, 95-97; Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 46-50; Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 116.

99 Einhorn, "Ukraine, Security Assurances, and Nonproliferation," 48.

100 Donnelly, "Evolutionary problems in the former Soviet armed forces," 36; Garnett, "The 'Model' of Ukrainian Denuclearization," 255; Larrabee, "Ukraine: Europe's Next Crisis?," 16-17; Solchanyk, *Ukraine and Russia*, 65-70; Michael Parks, "Ukraine Concedes Its Fear of Russia : Security: President wants international protection in exchange for relinquishing nuclear arms," *Los Angeles Times*, April 29, 1992, accessed February 24, 2016, <http://articles.latimes.com/1992-04-29/news/mn-902_1_tactical-nuclear-weapons>.

101 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 117-118; Garnett, "The 'Model' of Ukrainian Denuclearization," 255; Larrabee, "Ukraine: Europe's Next Crisis?," 18.

102 Einhorn, "Ukraine, Security Assurances, and Nonproliferation," 48.

103 Bernauer, Brem, and Suter, "The Denuclearization of Ukraine," 116; Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 61.

104 Deyermond, *Security and Sovereignty in the Former Soviet Union*, 73; Riabchuk, "Ukraine's Nuclear Nostalgia," 99; Twining, "The US-Russian-Ukrainian Nuclear Agreement," 145.

105 Deyermond, *Security and Sovereignty in the Former Soviet Union*, 73; Reiss, *Bridled Ambition*, 115; Solchanyk, *Ukraine and Russia*, 72.

territory.¹⁰⁶ Second, in October 1993 the Rada adopted a Ukrainian military doctrine that made the eventual elimination of its armaments “conditional on Western security assurances.”¹⁰⁷ Both actions suggest that the fear of Russia among Ukrainian politicians guided their nuclear policy choices.¹⁰⁸

In turn, it was only when Ukraine received offers of foreign assistance on security issues that the Rada began to relent from its hardline stance. As also described in the earlier discussion regarding positive economic incentives, the November 1992 election of Bill Clinton brought about a sea change in U.S.-Ukrainian relations. Specifically, American officials – led by Secretary of Defense Lee Aspin and CIS Ambassador Strobe Talbot – shifted their approach from inflicting negative pressure to offering positive incentives to Ukrainian leaders.¹⁰⁹ Included in the offers to Kiev were promises of American mediation of Russo-Ukrainian security disputes and bilateral military cooperation between the U.S. and Ukraine, both of which were well received by Kravchuk even though they did not constitute the hard guarantees he had asked for.¹¹⁰ Russia, too, welcomed American involvement in the negotiation process as a facilitator of cooperation amidst an atmosphere of distrust.¹¹¹

Although the Rada welcomed the American overtures less warmly than did the executive, its immediate response nevertheless reflected a gradual shift towards conciliation. The Ukrainian parliament eventually ratified the Lisbon Protocol in November 1993, albeit while placing thirteen treaty reservations on its formal accession.¹¹² Two of these inserted conditions were especially notable. First, the Rada asserted that Ukraine was not bound by the Protocol’s Article 5 requirement that it must join the NPT as a non-nuclear state “in the shortest possible time.”¹¹³ This act of defiance by the Ukrainian legislature served as a signal to foreign powers that the Rada was deeply concerned about current and future instances of Russian belligerence.¹¹⁴ Second, the Rada claimed that START I required that Ukraine only eliminate 42% of its nuclear warheads, “and only after receiving security assurances from the United States and Russia.”¹¹⁵ This qualification made it clear that while Ukraine was open to the

106 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 70-71; Deyermond, *Security and Sovereignty in the Former Soviet Union*, 82-83

107 Zaloga, *The Kremlin’s Nuclear Sword*, 218.

108 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 77-78.

109 Reiss, *Bridled Ambition*, 106-107; Solchanyk, *Ukraine and Russia*, 90-91; Garnett, “The ‘Model’ of Ukrainian Denuclearization,” 258-259.

110 Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 120-121; Garnett, “The ‘Model’ of Ukrainian Denuclearization,” 259.

111 Pifer, *The Trilateral Process*, 2; Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 82-83, 86-87.

112 Larrabee, “Ukraine: Europe’s Next Crisis?,” 18. For more on the nature and content of treaty reservations, see: Sean D. Murphy, *Principles of International Law*, 2nd ed. (St. Paul: West, 2012), 83-89.

113 Garnett, “The ‘Model’ of Ukrainian Denuclearization,” 257.

114 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 76.

115 Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 112; Cortright and Väyrynen, *Towards Nuclear Zero*, 66.

eventual possibility of absolute denuclearization, its decision to do so hinged on external guarantees of its security and sovereignty.¹¹⁶ While Washington and Moscow hostilely greeted the actions of the Ukrainian legislature, the move was also seen as the Rada's first formal support of eventual and complete disarmament and the groundwork for future compromise.¹¹⁷

In turn, the Rada's significantly qualified ratification of the Lisbon Protocol (along with the farcical yet fruitful failure that was the negotiations in Massandra, wherein negotiations over a agreement between Ukraine and Russia regarding issues of dismantlement, maintenance, and compensation collapsed due to a petty public dispute over ex post facto handwritten changes to a Ukrainian copy of the agreement) – provided a framework for the eventually fruitful dealings between Ukraine, Russia, and the United States.¹¹⁸ On January 14, 1994, after nearly a month of three-way negotiations in Kiev, the leaders of the three countries met in Moscow to sign the Trilateral Agreement.¹¹⁹ Along with the abovementioned positive economic incentives, Ukraine received a series of promises and security assurances (crucially, however, not guarantees) in exchange for its complete denuclearization.¹²⁰ According to the settlement, the United States, Great Britain, and Russia pledged to: a) respect and recognize Ukraine's sovereignty and territorial integrity; b) “refrain from the threat of use or force” against Ukraine; and c) assist Ukraine in case of a nuclear attack against it.¹²¹

These security assurances helped convince Ukrainian parliamentarians to support denuclearization, and on November 16, 1994, the Rada voted to accede to the NPT (having already removed the START I and Lisbon Protocol conditions the previous February).¹²² On December 5, 1994, Ukraine “deposited its instrument of ratification” with the Commission on Security and Cooperation in Europe (CSCE) at a meeting in Hungary's capital. In return, the CSCE provided Ukraine with a document (subsequently termed the “Budapest Memorandum”), which formalized the security assurances promised by the United States, Great Britain, and Russia in the text of the Trilateral Agreement.¹²³ By June 1, 1996, Ukraine

116 Garnett, “The ‘Model’ of Ukrainian Denuclearization,” 257-258.

117 *Ibid.*, 258; Reiss, *Bridled Ambition*, 112-113; Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 121-123.

118 Deyermond, *Security and Sovereignty in the Former Soviet Union*, 73; Reiss, *Bridled Ambition*, 107-110; Pifer, *The Trilateral Process*, 16.

119 Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 123.

120 Solchanyk, *Ukraine and Russia*, 91-92; Pifer, *The Trilateral Process*, 23. For more on the difference between security assurances and security guarantees, see: Jeffrey W. Knopf, “Security Assurances: Initial Hypotheses,” in Jeffrey W. Knopf, ed., *Security Assurances and Nuclear Nonproliferation* (Stanford, CA: Stanford University Press, 2012), 17.

121 Garnett, “The ‘Model’ of Ukrainian Denuclearization,” 262-263; Ellis, “The ‘Ukrainian Dilemma’ and US Foreign Policy,” 263-264; Cortright and Väyrynen, *Towards Nuclear Zero*, 67-68.

122 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 82, 88, 90-92; Pifer, *The Trilateral Process*, 25-26.

123 Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 124; Pifer, *The Trilateral Process*, 28; Solchanyk, *Ukraine and Russia*, 91; Einhorn, “Ukraine, Security Assurances, and Nonproliferation,” 48-49.

had transferred the remainder of its strategic nuclear weapons to Russia, thereby upholding its end of the covenant.¹²⁴ Thus, the empirical research suggests that security assurances served to assuage Ukrainian fears about Russian aggression and encouraged domestic politicians to support nuclear disarmament.

Indicators of Hypotheses 1 and 2 Disconfirmation

Evidence that Ukraine transferred part or all of its arsenal to Russia without the hope, promise, and/or actuality of receiving economic assistance; and

Evidence that Ukraine transferred part of or its entire arsenal to Russia without the hope, promise, and/or actuality of receiving security assurances.

Both Hypothesis 1 and Hypothesis 2 suggest that Ukraine would not have changed its mind about the desirability of nuclear weapons without offers of strategic calculus-altering inducements. Thus, the fact that Ukraine's expressed desire to denuclearize predated the presence of economic and security incentives to disarm is the strongest evidence in favor of disconfirming both hypotheses. In fact, Ukrainian distaste for nuclear weapons predated its existence as an independent political entity. The April 26, 1986 disaster at the Chernobyl power plant inspired large and vocal domestic opposition to nuclear technology of all forms, including as a weapon of mass destruction.¹²⁵ The Declaration of State Sovereignty, adopted by the Rada on July 16, 1990 – while Ukraine was still a member of the Soviet Union – codified these sentiments and committed the country to not “accept, produce, or acquire nuclear weapons.”¹²⁶ Likewise, in his first remarks after his election to the presidency in December 1991, Kravchuk repeated Ukraine's desire to “liquidate” its stockpile.¹²⁷ Less than a week later, at the first meeting of the CIS, Ukraine agreed to remove all of its tactical nuclear weapons by June 1, 1992, with the strategic warheads due at the end of 1994.¹²⁸ In other words, Ukraine willingly relinquished their most powerful bargaining chips without any concrete promises of economic assistance or security assurances as compensation.¹²⁹

There are two possible explanations for this apparent discrepancy. First, Ukrainian policymakers may not have realized initially that the weapons on their hands had any transactional worth. As detailed above, the emergence of reports about the U.S.-Russia HEU sale agreement first catalyzed Ukraine's demands for some form of restitution for its sacrifice.¹³⁰ Once the

124 Pifer, *The Trilateral Process*, 2, 28.

125 *Ibid.*, 7; Budjeryn, “The Power of the NPT,” 207-209; Riabchuk, “Ukraine's Nuclear Nostalgia,” 98; Larrabee, “Ukraine: Europe's Next Crisis?,” 18; Garnett, “Ukraine's Decision to Join the NPT,” 8.

126 Sanders, *Security Cooperation Between Russia and Ukraine in the Post-Soviet Era*, 27-29, 57; Ellis, “The ‘Ukrainian Dilemma’ and US Foreign Policy,” 253; Gak, “Denuclearization and Ukraine,” 107.

127 Dahlburg, “Ukraine Votes to Quit Soviet Union.”

128 Long and Grillot, “Ideas, Beliefs, and Nuclear Policies,” 33.

129 Paul, *Power versus Prudence*, 118; Deyermond, *Security and Sovereignty in the Former Soviet Union*, 70-71.

130 Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 116, 138; Wolczuk, “The Evo-

possibility for value extraction became apparent, policymakers in Kiev sought economic and security compensation. Second, the anti-nuclear sentiment that characterized Ukrainian popular opinion at the time of independence may have dissipated as newly pressing financial and military worries appeared on the horizon. Although anger toward the Soviet handling of Chernobyl remained, public opinion eventually succumbed to considerations of cost-benefit calculations.¹³¹ The fact that Ukraine not only decided to retain its nuclear energy power plants but also received LEU rods as part of the Trilateral Agreement further supports the claim that ideology eventually gave way to the national interest.¹³²

In conjunction, these two explanations qualify – yet fail to disconfirm – the hypotheses under examination. As evidenced by the actions of its political executives and parliamentarians, Ukraine most likely never intended to retain their massively destructive armaments for both prudential and ideological reasons. However, when economic failures and fears of Russia overwhelmed the natural national distaste for nuclear technology, economic and security incentives were necessary for Ukraine to complete its disarmament.

THERE AND BACK AGAIN

The hypotheses have been confirmed in part: while neither factor may be said to have conclusively caused the phenomenon under observation, both positive economic and security incentives were necessary conditions for Ukraine's forfeiture of its armaments. Both factors may be said to have been essential because on separate occasions, Ukrainian leaders rejected proposed agreements due to either insufficient economic assistance or insufficient security assurances. Ultimately, the Trilateral Agreement of 1994 – which contained both forms of positive incentives – managed to sway policymakers in Kiev into vacating their Soviet nuclear legacy. Several scholars have suggested that Ukraine's unique circumstances (having been “born nuclear” yet never possessing complete command and control over its arsenal) render futile any attempts to extract general lessons about disarmament.¹³³ However, I argue that at least two principles may be derived from Ukraine's experiences.

First, members of the international nonproliferation regime should take note of distinctions between different entities within a single country. Modern states are not monolithic, and as the disagreements between the Ukrainian executive branch and the Rada illustrate clearly, various groups within a government may have their own perceptions, abilities, and interests.

lution of Ukrainian Foreign and Security Policy, 1990-1994,” 29-30.

131 Riabchuk, “Ukraine's Nuclear Nostalgia,” 99; Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 137.

132 Bernauer, Brem, and Suter, “The Denuclearization of Ukraine,” 125.

133 For example, see: Nuno P. Monteiro and Alexandre Debs, “The Strategic Logic of Nuclear Proliferation,” *International Security* 39, no. 2 (Fall 2014): 12n15; Vipin Narang, *Nuclear Strategy in the Modern Era: Regional Powers and International Conflict* (Princeton: Princeton University Press, 2014), 4n3; and William C. Martel, “Is Ukraine a Universal Example of Non-proliferation?,” *Defense Analysis* 14, no. 3 (1998): 318-319.

Accordingly, policymakers seeking to encourage other states to abandon nuclear weapons should ensure that their proposals are tailored to address and satisfy as many of the relevant actors, both state and sub-state, as possible.

Second, a government's decision to possess massively destructive weapons is often rooted in more deeply held feelings of insecurity. Even if a country has compelling historical reasons to abhor nuclear weapons, fear of external aggression can compel it to "go nuclear." In order to convince the state to retreat from its aggressive stance, other actors must offer a substitute means of ensuring its security, whether through arms agreements, security assurances, or alliance inclusion.¹³⁴ This is not to say that value of nuclear armaments is constructed in its entirety. As one scholar explained, "weapons cannot be stripped of their military value by changes in how we think about or act in relation to them."¹³⁵ However, nuclear weapons are simply one of many means of achieving the ultimate end of ensuring security amidst a world of chaos. If countries can be persuaded that the nuclear option is far from the best way forward, they may thus decide to bid a farewell to arms.

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135 *Ibid.*, 176.

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An Analysis of the Relationship Between Terrorist Organizations and the Internet

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ABSTRACT

The Internet facilitates communication in a way that is intrinsically void of quality control and circumvents traditional media gatekeepers. It is a medium that is difficult to regulate and has permeated the daily lives of people around the world, altogether making it an opportune realm for terrorist communication and recruitment. The Internet is arguably the most effective force multiplier for contemporary terrorist organizations because material can be shared on social networks, stored on multiple platforms, and downloaded to individual devices. It acts as a virtual storage unit for information and propaganda and provides unprecedented contexts for direct communication with international audiences. The relationship between terrorist organizations and the Internet has allowed these organizations to cultivate supporters around the world, but has also accelerated the evolution of terrorist groups into leaderless networks.

INTRODUCTION

“Terrorism, in all its manifestations, affects us all. The use of the Internet to further terrorist purposes disregards national borders, amplifying the potential impact on victims.” -Yury Fedotov, Executive Director of United Nations Office on Drugs and Crime¹

Globally instantaneous and synchronous online communication is merely a fact of modern communication practices. The nature of the Internet is to connect people in all corners of the globe equally; it is an impartial tool that does not recognize the intentions of its users or regulate their actions. In today’s Internet-saturated world, Islamist terrorist groups have found success in harnessing the borderless nature of the medium to carry out their similarly acclaimed borderless struggle. In tandem with its international reach, the user driven makeup of Internet content also provides terrorist organizations with direct access to global audiences

1 United Nations Office on Drugs and Crime, “The use of the Internet for terrorist purposes,” (Vienna: United Nations Office, 2012): 7.

whose attention they may have otherwise struggled to hold. Social networking sites, extremist web pages, video sharing sites, and other online forums provide unprecedented access to both written and audio-visual propaganda and informational material on militant Islamism.² Additional platforms such as email, blogs, and online chat rooms provide direct communication channels, which can act as virtual meeting spaces for members of small terrorist cells or can link lone actors to established extremist groups.³ Altogether, these platforms compose a virtual landscape that lacks a set of overarching norms and conventions, making it an attractive realm for the propagation of the violent ideologies and agendas of extremist groups.

The Internet is teeming with material that promotes the ideology and activities of terrorist organizations, and has been since its popularization in the 1990's. Online promotion of violent jihad is not a new phenomenon but has evolved dramatically over the last twenty years, moving from the maintenance of simple Surface Web-sites to the slick and interactive online public relations practices of ISIS that we see today.⁴ The Deep Web, which makes up 96 percent of the Internet, is difficult to track due to peer-to-peer networking and other encryption techniques and offers anonymity, making it the perfect platform for terrorist communications.⁵ The deepest levels of the Deep Web are known as the Dark Web, which requires special browsers such as The Onion Router (TOR) or Invisible Internet Project (I2P) to access, and is home to a significant amount of illegal activity other than terrorist communications, such as pornography, drug trafficking, and counterfeit currency.⁶ Surface web sites and accounts are increasingly monitored and shut down by counter terrorism agencies, making the untraceable and decentralized Dark Web an attractive safe haven for "anonymity-seeking terrorists."⁷

There is one notable quality that the Surface Web, Deep Web, and Dark Web all have in common: ubiquity. The invention of writing forever altered the course of communication by facilitating the systematic diffusion of ideas; the Internet has further accelerated the diffusion of content to the point of instant and universal availability.⁸ According to West Point's Terrorism Center there were already as many as 100 English-language websites offering militant Islamist views by the end of 2007.⁹ The growing number of extremist websites, particularly English language sites, demonstrates the ability and desire of Islamist terrorist groups to take advantage of the breadth of the Internet to reach international audiences. This paper will discuss the difficulties in developing legislation for Internet security that also adheres to the standards of the Rule of Law. Furthermore, it will analyze how the Internet

2 Barbara Mantel, "Terrorism and the Internet," *CQ Global Researcher* 3, no. 11 (2009): 286-287.

3 Clare Ellis, et. al., "Analysing the Processes of Lone-Actor Terrorism; Research Findings," *Perspectives on Terrorism* 10, no. 2 (2016): 36-37.

4 Brynjar Lia, "Jihadi Web Media Production: Characteristics, trends, and future implications" (presentation, 'Check the Web' Conference on 'Monitoring, Research, and Analysis of Jihadist Activities on the Internet—Ways to deal with the issue,' February 26-27, 2007).

5 Zach Epstein, "How to find the Invisible Internet," *BGR*, last modified January 20, 2014, <http://bgr.com/2014/01/20/how-to-access-tor-silk-road-deep-web/>.

6 Gabriel Weimann, "Terrorist Migration to the Dark Web," *Perspectives on Terrorism* 10, no. 3 (2016): 40.

7 *Ibid.*, 41.

8 Walter Ong and John Hartley, *Orality and Literacy* (London: Routledge, 2012), 127-129.

9 George Michael, "Adam Gadahn and Al-Qaeda's Internet Strategy," *Middle East Policy* 16, no. 3 (2009): 143.

shapes and is shaped by Islamist terrorist groups, how it has become an effective watershed for promotional material of Islamist terrorist groups, and how it provides an entirely new context for terrorist communication via social media channels.

RULE OF LAW AND THE DIGITAL FRONTIER

The speed at which the Internet has evolved and integrated itself into daily life on an international scale has allowed it to become a virtual world stage for the violent rejection of the Rule of Law by Islamist terrorist organizations.¹⁰ The Rule of Law, as stated in a 2004 report by the UN Secretary General, refers at a minimum to full and equal accountability under the law for individuals, institutions, and states, equality in law enforcement, and an adherence to international norms and standards of human rights.¹¹ In other words, the Rule of Law is not itself legislation, but rather dictates how legislation should be written and employed in order to safeguard human rights and provide security for all people equally. Internet law, however, is still in its infancy and especially in the case of democratic societies, there are legal hindrances plaguing its proliferation that are particularly relevant given the nature of the Islamist terrorist threat of today.

The most pressing of these legal impediments is the need to strike a balance between preservation of freedoms and security in a world experiencing a threat equally as vicious as it is religious (or so its fighters claim it to be). If the Internet and the activities that transpire on it are treated as extensions of real life, then governments, especially those of free societies, are obligated to apply freedom of religion and belief, freedom of expression, and freedom of association or assembly to the online environment in order to remain in accordance with the Rule of Law.¹² It must be noted that the efforts of counter-terrorism agencies to remove extremist content are legal measures, combatting “advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence.”¹³ The advocacy of hatred to incite violence is deemed illegal by the United Nations’ International Covenant on Civil and Political Rights. The efforts of counter-terrorism agencies are not in vain but are certainly diminished by the openness of the Internet and its plurality of platforms that allow for content redundancy and essentially permanent availability.¹⁴ Total censorship of any and all Internet use by Islamist terrorist organizations to recruit, radicalize, finance, plan, or attack would result in collateral censorship of lawful websites, once again challenging the prioritization of liberty and security.¹⁵

10 Michael Rustad and Diane D’Angelo, “The Path of Internet Law: An Annotated Guide to Legal Landmarks,” *Duke Law and Technology Review* 12 (2011): 17.

11 Secretary General of the UN, “The rule of law and transitional justice in conflict and post-conflict societies: Report of the Secretary General,” (Report S/2004/616, 2004), p. 4, para. 6.

12 Council of Europe Commissioner for Human Rights and Douwe Korff, “The rule of law on the Internet and in the wider digital world,” (Issue Paper, Council of Europe, 2014), 28.

13 United Nations General Assembly, “International Covenant on Civil and Political Rights,” (Vol. 999, no. 14668, 1966), 178.

14 Ali Fisher, “Swarmcast: How Jihadist Networks Maintain a Persistent Online Presence,” *Perspectives on Terrorism* 9, no. 3 (2015): 11.

15 Council of Europe Commissioner for Human Rights and Douwe Korff, *op. cit.*, 13.

The story of Omar Mateen, the gunman who attacked Pulse nightclub in Orlando, Florida, provides a concrete example of the tension between liberty and security in the American system. Mateen had been investigated by the FBI prior to his attack on Pulse as a result of his boasting to coworkers about radical beliefs and connections to al Qaeda, but upon investigation there was no evidence of his involvement in criminal activity nor of any real connection to a terrorist network.¹⁶ In the aftermath of the attack, however, President Obama released a statement saying, “It appears that the shooter was inspired by various extremist information that was disseminated over the Internet.”¹⁷ The juxtaposition of Mateen’s online self-radicalization and the discontinuation of his investigation by the FBI¹⁸ highlights a stymieing clash between the militant Islamist commitment to the proliferation of ideology based in hatred and manifested in violence, and the American commitment to the freedoms of religion and access to information.¹⁹

THE INTERNET AS AN INFORMATION-SHARING REALM

The Internet acts as a virtual warehouse for the storage of material generated by Islamist terrorist organizations, providing these groups with free global publicity, support for international recruitment including the process of self-radicalization, and the ability to share technical manuals.²⁰ The Internet, as an information sharing realm, is so effective because it is logistically difficult to regulate, ubiquitous, and lacking an overarching set of rules and norms able to impose quality control on users and content. There are two primary issues regarding Internet regulation. The first deals with the inability of Western agencies to definitively shut down extremist websites and/or remove content, and the second deals with whether the practice of censorship by governments-if it is possible-is ethical.

To understand the struggle to permanently shut down extremist websites, it is necessary to first state the nature of Web 2.0, which is interactive and characterized by user generated, spreadable content.²¹ The implication of such a dynamic online environment is that terrorist groups are able to bypass traditional media outlets such as news services²² and instead instantaneously and directly convey their messages unadulterated to consumers worldwide. Although Western agencies strive to remove content immediately after it is posted, their efforts are inevitably

16 Glenn Greenwald, “The FBI was right not to arrest Omar Mateen before the shooting,” *The Washington Post*, June 17, 2016, https://www.washingtonpost.com/posteverything/wp/2016/06/17/the-fbi-was-right-not-to-arrest-omar-mateen-before-the-shooting/?utm_term=.3e6de2723f4b.

17 Marisa Schultz, “Obama: Orlando shooter self-radicalized over the internet,” *NY Post*, June 13, 2016, <http://nypost.com/2016/06/13/obama-orlando-shooter-self-radicalized-over-the-internet/>.

18 Glenn Greenwald, *op. cit.*

19 Hoyt Gimlin, “First Amendment and Mass Media.” *CQ Researcher Editorial Research Reports* 1970 1, (1970): 41-60.

20 Raffaello Pantucci, “A Typology of Lone Wolves: Preliminary Analysis of Lone Islamist Terrorists,” *The International Centre for the Study of Radicalisation and Political Violence*, (2011): 34.

21 Henry Jenkins, et. al., “Where Web 2.0 Went Wrong,” In *Spreadable Media: Creating Value and Meaning in a Networked Culture* (New York: NYU Press, 2013), 49.

22 United Nations Office on Drugs and Crime, *op. cit.*, 4.

diminished by the number of platforms being used, and by the speed at which the material can be saved and shared between peers.²³ To understand this in concrete terms, we can look at the rapid diffusion that followed the release of a video on Saturday March 17th, 2014 by one of ISIS' media arms, al-I'tisaam. The video was released on al-I'tisaam's Twitter account as well as on a few top-tier jihadist web forums, and within the first 24 hours of the video being posted on YouTube it was viewed 56,998 times.²⁴ Furthermore, between the time of upload to the time of take down by counter terrorism agencies, 32,313 tweets were observed containing the Arabic name of the video by 6,428 Twitter users, and embedded within these tweets were links to a multitude of platforms where the video could be found and downloaded, ensuring its permanent availability on personal devices around the world.²⁵ This example highlights the challenges of effective regulation and the Internet's utility for extremists looking to extend their influence on an international scale. The second question that seeks to unpack what it means to regulate the Internet deals with the ethical parameters confining a democratic government in its attempt to engage in regulation. The nature of a true democratic state is such that liberty trumps state sponsored security. This fundamental marker also leaves the citizens of the state particularly vulnerable to terror tactics since these tactics' intended victims are, by definition, civilians or noncombatants²⁶. Ultimately, the price of freedom in the form of access to information online is an open society's greatest susceptibility to penetration via the Internet by militant Islamist propaganda and ideology.

A second explanation for why the Internet is an effective space for the dissemination of extremist material is its open and ubiquitous nature. As Marshall McLuhan famously remarked, "the medium is the message,"²⁷ and today there is a unique but unmistakable parallel between the anatomy of the medium, the Internet, and the evolving anatomy of Islamist terrorist organizations and the messages driving their cause. Just as the Internet does not recognize geographical borders, neither do religious terrorists, and an analysis of the present stage in the evolution of al Qaeda will clearly demonstrate how the global reach of the Internet has allowed the group to expand in kind. Marc Sageman employs the term "leaderless jihad" to describe the organization's transition to a "loose-knit, informal network" after the breakdown of al Qaeda Central.²⁸ The transition saw a significant shift towards self-radicalization, a process that the Internet expedited and simplified by carrying material such as al Qaeda's former English-language, radical e-magazine, Inspire, to consumers around the world. By taking advantage of the ubiquity and synchronicity of the Internet across geographical space, al Qaeda learned to further build on the concept of leaderless jihad and moved into the realm of what is referred to as "cloud jihad."²⁹ Cloud jihad references al Qaeda's conscious use of

23 Ali Fisher, *op. cit.*, 4.

24 *Ibid.*, 12.

25 *Ibid.*

26 Igor Primoratz, *The Stanford Encyclopedia of Philosophy*, Spring 2015 ed., s.v. "terrorism."

27 Marshall McLuhan. *Understanding Media: The Extensions of Man*, reprint ed., (Cambridge: MIT Press, 1994), 1.

28 Christopher Boucek, "Leaderless jihad: Terror networks in the twenty-first century," *Middle East Policy* 15, no. 3 (2008): 155-156.

29 John Sawicki, "The New Nature of al Qaeda," (lecture, Duquesne University, Pittsburgh, PA, September 14, 2016).

the Internet as a virtual, global bulletin board for propaganda ranging from gruesome videos, e-zines articulating goals and beliefs, and manuals illustrating and defining technical processes such as bomb making.³⁰ Arguably, the culmination of the group's increasing compatibility with the Internet occurred when self-radicalized individuals in Western nations actualize their commitment to the cause by committing an act of violence in their immediate communities in the name of al Qaeda.

The phenomenon of self-radicalized attackers is fascinating because it indicates a willingness on the part of terrorist organizations to contradict their typical "in-group love, out-group hate" mentality in order to take advantage of the openness of the Internet and conduct global recruitment.³¹ The medium has turned al Qaeda the organization into al Qaeda the movement, which allows alienated or socially liminal individuals anywhere in the world to superimpose the violent, anti-establishment ideology upon any number of personal grievances.³² These attackers can be labeled as lone wolves, lone wolf packs, or lone attackers depending on the conditions that brought them to a point of action,³³ but the seemingly random outburst of fatal violence reminds victim communities that wherever the Internet current flows, it carries with it warped movements inspired by groups like al Qaeda.

Due to user-autonomy promoted by Web 2.0, the Internet lacks an apparatus with the agency and responsibility to facilitate and impose quality control on content posted to the web. Given the absence of a vetting process for online material, the veracity of what often seems like an infinite amount of searchable information is thus indeterminable. Without universal benchmarks to measure veracity, Internet users are then left to generate their own standards and methods for determining the credibility of online material. Furthermore, these informal standards are generated without guidance from overarching Internet law and custom, which means that presentation and aesthetics may be overvalued. ISIS exploits the over-emphasis on presentation by producing high definition videos with sophisticated graphics and calculated framing of messages, demonstrating the group's competence and disparage of its enemies.³⁴ Overall, the subjectivity of credibility that characterizes the Internet has resulted in an exaggerated if not false correlation between quality and credibility of content, pushing HD videos and glossy e-magazines to the forefront of recruitment by Islamist terrorist organizations.

SOCIAL MEDIA PLATFORMS AS NEW CONTEXTS FOR COMMUNICATION

Social media platforms have increasingly become an inextricable part of the online communication landscape, and each channel has developed a unique way of engaging with audiences. Additionally, as the makeup of terrorist organizations has shifted from hierarchical

30 Ibid.

31 John Sawicki, "Understanding the Relationship Between Terrorism, Political Violence, and Religion," (lecture, Duquesne University, Pittsburgh, PA, September 7, 2016).

32 Raffaello Pantucci, *op. cit.*, 3.

33 Ibid., 8-10.

34 Aaron Zelin, "Picture Or It Didn't Happen: A Snapshot of the Islamic State's Official Media Output," *Perspectives on Terrorism* 9, no. 4 (2015): 85.

to networked, groups have increasingly embraced social media as an effective platform for communication and dissemination of content. Although Twitter, Facebook, and YouTube are the household names of social media, they are only part of a large web of platforms that facilitate online social networking. Social media is an umbrella term to describe peer-to-peer communication platforms that operate outside the bounds of the editorial gatekeepers of traditional media including, but not limited to, email, chat rooms, and first person video games.

Social media arguably plays a prominent role in information sharing and radicalization processes because it is characterized by shareable content and tends to exist on the Surface Web, which means greater visibility and participation. Twitter made a chilling debut as the social media platform of choice for terrorist information sharing in the 2013 Nairobi mall attack in Kenya. To the horror of the rest of the world, the men carrying out the attack tweeted live updates of the carnage, an action capable of simultaneously strengthening the resolve of the group's supporters and spreading shock and fear to helpless spectators around the world.³⁵

Additionally, the radicalization and recruitment of young people is particularly effective on social media for a couple of reasons. First, young people tend to consider their peer-to-peer networks credible sources of information; they view shared content as vetted by the person(s) who shared it.³⁶ This of course presents a problem; if violent Islamist propaganda is circulated in social networks among peers it may draw interest and spark active consumption of more material. Second, youth tend to turn to the Internet for entertainment which often involves video and photo sharing on a variety of platforms.³⁷ ISIS has been particularly effective at creating visual entertainment based promotional material; the group's propaganda arm al-Hayat produces high quality music videos with lyric translations, as well as videos with English speaking jihadists and action scenes reminiscent of Hollywood movies.³⁸ These videos project an image of terrorists as heroes who make up the true vanguard of Islam. Albeit an extremely fundamental version of Islam, ISIS's promise of excitement and a sense of significance and purpose often resonates with young people, especially those who feel marginalized by conventional society.³⁹ Furthermore, the increasing spread of visual material over written material on social media gives way to the growing concept of visual literacy, which posits that images and videos can hold varying levels of meaning for people with different levels of familiarity with the militant Islamist cause and ideology.⁴⁰ With regard to literacy, visual content transcends the constraints of traditional literacy and language barriers; a gruesome video of a beheadings has universal shock value and can spread fear or inspiration to all

35 Lisa Blaker, *op. cit.*, 2.

36 Homeland Security Institute, "The Internet as a Terrorist Tool for Recruitment & Radicalization of Youth," (White Paper prepared for: U.S. Department of Homeland Security, Science and Technology Directorate, Arlington, VA, 2009), 4.

37 *Ibid.*, 3-4.

38 Lisa Blaker, "The Islamic State's Use of Online Social Media," *The Journal of the Military Cyber Professionals Association* 1, no. 1 (2015): 3.

39 Marc Sageman, "The Next Generation of TERROR," *Foreign Policy*, no. 165 (2008): 40.

40 Nico Prucha and Ali Fisher, "Tweeting for the Caliphate: Twitter as the New Frontier for Jihadist Propaganda," *Combating Terrorism Center at West Point*, June 25, 2013, <https://www.ctc.usma.edu/posts/tweeting-for-the-caliphate-twitter-as-the-new-frontier-for-jihadist-propaganda>.

viewers equally.

Social media platforms, most notably chat rooms, facilitate connections between newly radicalized individuals and radical propagandists. Young people galvanized by the slick media productions of terrorist organizations do not typically undertake the radicalization process alone, but rather in a close knit group, otherwise known as the “bunch of guys” approach posited by Marc Sageman.⁴¹ Online chat rooms can provide the desired group setting as well as access to propagandists like Younis Tsouli, a former “global organizer of online terrorist networks” who became “one of the world’s most influential propagandists in jihadi chatrooms.”⁴² Social media spaces sometimes serve as replacement social environments for users, which in light of the “bunch of guys” theory, points to increased susceptibility to radicalization.

Another implication of social media as a new context for terrorist communications, is the birth of a concept called “Netwar.” Similar to leaderless jihad, a RAND study defines “netwar” as, “...an emerging mode of conflict (and crime) at societal levels, involving measures short of war, in which the protagonists use—indeed, depend on using—network forms of organization, doctrine, strategy, and communication. These protagonists generally consist of dispersed, often small groups who agree to communicate, coordinate, and act in an internetted manner, often without a precise central leadership or headquarters. Decisionmaking may be deliberately decentralized and dispersed.”⁴³

At the crux of social media is its capacity for instantaneous and synchronous global communication. In light of the above definition, social media perfectly suits the communication needs of decentralized contemporary terrorist organizations. At the core of the netwar effort are individuals and groups that maintain high levels of social media output for given terrorist organizations, such as al Qaeda’s “media mujahedeen”⁴⁴ and ISIS “group[s] of highly organized activists who post tweets at a much faster pace than normal users.”⁴⁵ In a conceptual concentric circle with three rings, these dedicated activists would comprise the innermost ring and would be mostly responsible for disseminating the messages of their respective groups. The second ring would represent supporters of the cause who actively consume content by following affiliated social media accounts and perhaps retweet or share content on occasion but do not create or contribute new material. The outermost ring would consist of the people whose motives perplex counterterrorism professionals; these are liminal or marginalized individuals who are not affiliated with militant Islamism in any way, but may or may not adopt and relate to extremist ideology if exposed to it.

41 Christopher Boucek, *op. cit.*, 155-156.

42 Marc Sageman, *op. cit.*, 37.

43 John Arquilla and David Ronfeldt, *The Advent of Netwar*, Santa Monica, CA: RAND Corporation, 1996. http://www.rand.org/pubs/monograph_reports/MR789.html.

44 Ali Fisher, *op. cit.*, 6.

45 J.M. Berger, “The ISIS Twitter census: Making sense of ISIS’s use of Twitter,” Brookings Institute, March 6, 2015, <https://www.brookings.edu/blog/order-from-chaos/2015/03/06/the-isis-twitter-census-making-sense-of-isis-use-of-twitter/>.

Finally, social media provides a means of redundancy for organizations fighting global jihad vis-à-vis netwar methodology. The term “redundancy” in the context of propaganda produced by terrorist organizations has two meanings. First, it implies a way of ensuring that material is continuously accessible in the face of counterterrorism efforts to shut down or hack terrorist websites.⁴⁶ Second, redundancy refers to a group’s ability to recreate the social media accounts responsible for disseminating content. Twitter appears to have become the preferred network for repeatedly providing access to new and duplicate content because activists can continuously tweet links guiding users to a range of content hosted on a variety of different platforms.⁴⁷ ISIS has demonstrated an understanding of and an ability to exploit the platform’s versatility. Upon the group’s release of several videos showcasing the murders of international journalists, humanitarian aid workers, and a pilot, Twitter rushed to take down the official accounts responsible.⁴⁸ ISIS’ primary media distribution unit, al-I’tisaam, reacted by creating tens of new variations on handles, or usernames, thus demonstrating its ability to remain online despite Twitter’s best preventative efforts.⁴⁹ The removal of websites and affiliated social media accounts has come to resemble a modern version of “whack-a-mole;” deactivated accounts are never permanently removed, they simply reappear under different names.

With regard to content redundancy, terrorist organizations must be able to quickly upload to a range of different platforms to ensure a high level of visibility. The goal of platform diversity is to ensure that in the time it takes Western adversaries to remove content, consumers will have had sufficient time to download the material and repost it elsewhere.⁵⁰ For example, a trailer of the ISIS video *Flames of War* was easily accessible on YouTube where “A single posting of the trailer was watched over 750,000 times” and within a day of its release the film had been downloaded to thousands of devices worldwide.⁵¹ The ultimate implication is that if a user cannot find a particular piece of content, he/she only has to put out a request for a link on any number of social media platforms and someone around the world will be able to produce one.

CONCLUSION

An analysis of the purposes for which extremist Islamist groups interact with and use the Internet demonstrates the versatility of the medium. The web acts as a global warehouse for propaganda, and provides new and rapidly changing contexts for peer-to-peer communication. Furthermore, the Internet serves as a global landscape void of a nucleus and of agreed upon practices, qualities that allow it to be molded by its users. Al Qaeda provides us with an example of the reverse but not mutually exclusive assertion that the web molds its users.

46 Gabriel Weimann, *op. cit.*, 41.

47 Nico Prucha and Ali Fisher, *op. cit.*

48 Aaron Zelin, *op. cit.*, 86.

49 *Ibid.*

50 Ali Fisher, *op. cit.*, 14.

51 *Ibid.*

Following the “golden age” of Al Qaeda (1996-2001), the group dispersed and its structure fundamentally evolved to mimic the decentralized, networked structure of the Internet.⁵² Ultimately, the success with which networked Islamist terrorist organizations have been able to confront traditional societies with unstable and characteristically violent ideologies perhaps supports the assertion that the Internet as a medium hinders the development of stable and ethical web-borne communities.

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52 Marc Sageman, *op. cit.*, 37-38.

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Political Violence and Genocide in Guatemala, 1982: Language and the Construction of Indigenous Identity and Political Ideology

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ABSTRACT

The 36-year Guatemalan Civil War and the 1981-1983 genocide witnessed some of the most brutal atrocities of the twentieth century as military squadrons, ordered by the government, systematically massacred scores of indigenous people and burned large swathes of the countryside to the ground. Although the subject of many anthropological works, the Guatemalan Genocide remains widely understudied from the perspective of international relations. Furthermore, although nearly every study of Guatemala assumes that language played a role in framing innocent people as guerrilla sympathizers, none specifically employs discourse analysis to understand the linguistic identity construction involved in Guatemalan military and government policy discourses from the time. This paper employs discourse analysis to analyze 12 texts between July 22nd and 26th, 1982—the beginning of the state-sponsored scorched earth policy, Operación Sofía—in terms of the agency allocated by the documents' noun usage and verb-subject-object structures. This paper claims that documents anonymize indigenous people and political ideology, diminish the Guatemalan state's agency, and dehumanize the victims of genocide. In effect, these policy discourses legitimized genocide both by isolating military actions from their impact on indigenous ethnicity and leftist political ideology and by decoupling the capacity and responsibility for action from the Guatemalan state.

INTRODUCTION

In the spring of 2013, 13 indigenous survivors of the Guatemalan Genocide (12 women and one man) travelled from their homes in the rural Ixil province to testify in the trial of Efraín Ríos Montt and José Mauricio Rodríguez Sánchez.¹ In what subsequently produced over 10,000 hours of testimony, witnesses described how military forces, ordered by the government, systematically raped, beat, and tortured them, their friends, and family between 1981 and

1 Shawn Roberts, "Witnesses Testify to Rape in Ríos Montt Genocide Trial; Defense Also Objects to Documents," *International Justice Monitor* 2013.

1983.² That same period of time saw approximately 81% of all violations of international human rights and humanitarian law reported during the country's civil war, which lasted from 1960 until 1996.³ One survivor even testified that soldiers cut open the stomachs of pregnant women, removed their unborn children, and then drowned the unborn children in nearby rivers and streams.⁴

It is surely impossible to deny the gruesome nature of the Guatemalan Genocide. Indeed, several significant anthropological and forensic works document the lived experiences of those who endured *la violencia*, as it has come to be referred to in Guatemalan popular discourse, and the fate of those who did not survive.⁵ Meanwhile, social scientific and historical studies of genocide have shown generally that the use of language to Other, victimize, and remove the agency of victims can serve to rationalize behavior that is otherwise morally unacceptable.⁶ Few studies, however, have applied this theory of language to the Guatemalan Genocide, and no studies have specifically employed discourse analysis as a lens through which to understand how perpetrators of genocide in Guatemala used language in order to constitute genocide as a legitimate policy choice.⁷ This paper, in attempting to address this gap in the theoretical literature on language and genocide and the empirical literature on the Guatemalan Genocide, proceeds in the following sections.

Section 1 synthesizes the existing anthropological, historical, and social scientific literature on the Guatemalan Genocide and clarifies this paper's purpose. Section 2 presents this paper's methodological choices and argues discourse analysis as the most appropriate method of studying the data within this paper's dataset. Section 3 analyzes military and government communications between July 22nd and July 26th, 1982—the beginning of the Guatemalan military government's scorched earth campaign, Operación Sofía. Documents are assessed in terms of the agency that their noun usage and verb-subject-object structures allocate to different actors within the discourse. Crucially, this paper does not attempt an analysis of discursive Othering practices. However, this choice does not imply the inexistence of such practices—they are simply the subject of another study. Section 4 concludes by summarizing the main argument and reflecting on the role of language in genocide. Ultimately, this paper

2 Open Society Justice Initiative, "Judging a Dictator: The Trial of Guatemala's Ríos Montt," (Washington: Open Society Justice Initiative, 2013).

3 Ibid., 1; Historical Clarification Commission, "Guatemala Memory of Silence," (Guatemala City: United Nations, 1999).

4 Open Society Justice Initiative, "Judging a Dictator," 42.

5 Beatriz Manz, *Refugees of a Hidden War: The Aftermath of Counterinsurgency in Guatemala* (Albany: State University of New York Press, 1988); The Economist, "Stories in Bones; Clyde Snow," *The Economist* 2014; Maggie Jones, "The Secrets in Guatemala's Bones," *The New York Times Magazine* 2014; T. C. Boles, C. C. Snow, and E. Stover, "Forensic DNA Testing on Skeletal Remains from Mass Graves: A Pilot Project in Guatemala," *Journal of Forensic Sciences* 40, no. 3 (1995).

6 Jared Diamond, *The Third Chimpanzee: The Evolution and Future of the Human Animal* (New York: Harper Collins, 1992).

7 Roddy Brett, *The Origins and Dynamics of Genocide: Political Violence in Guatemala* (London: Palgrave Macmillan, 2016).

argues that military and government communications anonymized indigenous people and leftist guerrillas, and allocated agency primarily to the two latter groups. The effect of these strategies was to obfuscate the distinction between civilians and combatants and diminish state responsibility for genocide, such that both indigenous people and guerrillas constituted an “internal enemy” whose members deserved to die for their actions.

GUATEMALA 1981-83: A REVIEW OF THE ANTHROPOLOGICAL, HISTORICAL, AND SOCIAL SCIENTIFIC LITERATURE

No scholarly debate exists as to whether or not the Guatemalan government perpetrated genocide between 1981 and 1983 although significant debate does exist as to “why and in which conditions elites may [have opted] for genocide over and above other forms of violence.”⁸ The Guatemalan Genocide has been studied extensively and is the subject of an impressive amount of anthropological research.⁹ Comparatively, however, few historical studies have attempted to address the Guatemalan Genocide.¹⁰ Still fewer studies approach the subject from the perspective of international relations, political science, or sociology; and none of these latter studies employ discourse analysis to deconstruct the discursive practices involved in the Guatemalan government’s construction of indigenous identity and political ideology between 1981 and 1983.¹¹ I seek to address this gap in the literature to understand the syntactical and grammatical linguistic structures employed to (1) conflate indigenous identity with political subversion in Guatemala, and (2) allocate indigenous people’s agency, such that committing genocide against them arose as a legitimately defensible policy choice in the eyes of government officials.

8 Ibid., 17.

9 Victoria Sanford, *Buried Secrets: Truth and Human Rights in Guatemala* (London: Palgrave Macmillan, 2005); Eglá Martínez Salazar, *Global Coloniality of Power in Guatemala: Racism, Genocide, Citizenship* (Plymouth: Lexington Books, 2012); Beatriz Manz, *Paradise in Ashes: A Guatemalan Journey of Courage, Terror, and Hope* (Los Angeles: University of California Press, 2005); Timothy J. Smith, “Reflecting Upon the Historical Impact of the Coup,” in *After the Coup: An Ethnographic Reframing of Guatemala 1954*, ed. Timothy J. Smith and Abigail E. Adams (Chicago: University of Illinois Press, 2011); Angela Stuesse, “‘Sí Hubo Genocidio: Anthropologists and the Genocide Trial of Guatemala’s Ríos Montt,’” *American Anthropologist* 115, no. 4 (2013); Jennifer Ann Bell, “‘Genocidal Priming’: Using Anthropology to Explain the Methodological Progression toward Large Scale Murder as Seen in the Guatemalan Genocide” (MA Thesis, George Mason University, 2010); Alexander Laban Hinton and Kevin Lewis O’Neill, eds., *Genocide: Truth, Memory, and Representation* (Durham: Duke University Press, 2009); Alexander Laban Hinton, ed. *Annihilating Difference: The Anthropology of Genocide* (Berkeley: University of California Press, 2002); Robert M. Carmack, *Harvest of Violence: The Maya Indians and the Guatemalan Crisis* (Norman: University of Oklahoma Press, 1988).

10 Greg Grandin, “Politics by Other Means: Guatemala’s Quiet Genocide,” in *Quiet Genocide: Guatemala 1981-1983*, ed. Etelle Higonnet (New Brunswick: Transaction Publisher, 2009); Smith, “Reflecting Upon the Historical Impact of the Coup”; Betsy Konefal, *For Every Indio Who Falls: A History of Maya Activism in Guatemala, 1960-1990* (Albuquerque: University of New Mexico Press, 2010).

11 Brett, *The Origins and Dynamics of Genocide*; Christopher Powell, *Barbaric Civilization: A Critical Sociology of Genocide* (Montreal: McGill-Queen’s University Press, 2011).

Anthropological research into the Guatemalan Genocide focuses mainly on the lived experiences of indigenous people before, during, and after 1981-83. Anthropology lends “analytical clarity and empirical rigor” to the process of memory construction, truth, representation, and justice for communities affected by genocide.¹² The anthropological work done on the Guatemalan Genocide focuses on describing the actualities, or “lived experience,” of genocide.¹³ Anthropologists argue that the genocide “represents more than an event or a historical marker of a discrete period of extreme state violence,” but rather also the “silencing [of] the Maya,” and the “experience of violence and its effects.”¹⁴ Scholars like Beatriz Manz, for example, describe the disparate effect of the genocide on displacement, observing how some families in rural villages like Santa María Tzejá had to flee their homes “only two years after the founding of the village.”¹⁵ Additionally, anthropological scholarship from the Guatemalan perspective recounts the tragedy of witnessing the murder of family and friends, and argues that the effect of the genocide extends far beyond the surface of the violence, engendering trauma, disempowerment, and further suffering long after genocide has ceased.¹⁶ Ultimately, and beyond its localization of state-sponsored atrocity, anthropological studies of the Guatemalan Genocide serve to identify its meaning both “socially and culturally for the country’s [indigenous people],” and argue that the lived experience of genocide holds significance for our understanding of it.¹⁷

Histories of the Guatemalan Genocide argue that critical events preceding the country’s civil war, as well as historically rooted ethnic tensions, led the state to pursue genocide over other extreme forms of political violence. Primarily, deeply rooted perceptions of indigenous Maya people as backwards savages excluded them from Guatemalan nationalism and assumed that they “can somehow be, and indeed should be, transformed into something other than who they are.”¹⁸ In addition to their exclusion from historical conceptions of Guatemalan national identity, the law also criminalized indigenous systems of collective land ownership such as the ejido, causing indigenous people to struggle with land tenure issues to this day.¹⁹ Beyond these deep-seated and exclusionary ideological conceptions of ethnicity and land tenure, historians

12 Kevin Lewis O’Neill, “Anthropology and Genocide,” in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 182.

13 Sanford, *Buried Secrets*, 15.

14 Ibid.

15 Manz, *Paradise in Ashes: A Guatemalan Journey of Courage, Terror, and Hope*, 91.

16 Martínez Salazar, *Global Coloniality of Power in Guatemala*, 3.

17 Carmack, *Harvest of Violence*, 11; Carlota McAllister and Diane M. Nelson, eds., *War by Other Means: Aftermath in Post-Genocide Guatemala* (Durham: Duke University Press, 2013).

18 Greg Grandin, *The Blood of Guatemala: A History of Race and Nation* (Durham: Duke University Press, 2000); Marc Drouin, “Understanding the 1982 Guatemalan Genocide,” in *State Violence and Genocide in Latin America: The Cold War Years*, ed. Marcia Esparza, Henry R. Huttenbach, and Daniel Feierstein (Abingdon: Routledge, 2010), 81.

19 Grandin, *The Blood of Guatemala: A History of Race and Nation*, 113; William Kakenmaster, “Autonomy of the People: Discourses on Indigenous Identity, Land Tenure, and Human Rights in San Miguel Ixtahuacán, Guatemala,” *Ilios* 1, no. 1 (2016).

argue that specific events and contexts like the U.S. intervention in 1954, the U.S. backing of a right-wing military government, and the country's civil war enabled the military to commit genocide.²⁰ In other words, state ideology that was “fundamentally aimed at the excluded, the poor, and the Maya,” formed the constitutive causal factor of the Guatemalan Genocide while state violence supported by the U.S. in a Cold War context embodied the specific reasons for the government's perpetration of genocide.²¹

Social scientific scholarship on political violence in Guatemala between 1981 and 1983 generally argues that (1) genocide occurred due to discursive Othering of indigenous people and weak rule of law, and (2) the genocide served to consolidate the state's monopoly on the use of force. During the genocide, and indeed beforehand during the Guatemalan Civil War, political identities became violently polarized and ethnicized, such that those not fervently supportive of the Ríos Montt government were considered guerrilla sympathizers, while “threat from subversion was merged with an historic threat constructed through ethnic difference.”²² Roddy Brett calls this the “indian-subversive” complex, and Christopher Powell argues that the Guatemalan Genocide both drew on and extended distinctions “between dominant and subordinated subjects—between, one might say, sovereign subjects and shameful, abject Others.”²³ For both Brett and Powell, the institutionalization of this Self-Other dichotomy in official state ideology necessitated that the government eliminate the particular ethnic group constructed as an insurgent, leftist guerrilla threat.²⁴ Meanwhile, the weak rule of law meant that Guatemala was becoming a “failed state,” whose judicial system “was at the service of the national security state during the armed conflict.”²⁵ For Brett, “state-led political violence sought to [purify Guatemala] of political subversion,” while for Powell, such purification served to extend and consolidate “the state's sovereign monopoly on military force.”²⁶

Significantly, any study of the Guatemalan Genocide from any discipline seems to adopt the assumption that the conflation between indigenous ethnicity and political subversion partially enabled both the fact and specific form of state-led political violence between 1981 and 1983. However, while seemingly ubiquitously accepted, no analysis of the Guatemalan state's policy discourse exists to prove this assumption. Moreover, excluding anthropology, a dismal number of social scientific studies of the Guatemalan Genocide exist. These two gaps in the

20 Richard N. Adams, “Democracy Delayed: The Evolution of Ethnicity in Guatemala Society 1944-96,” in *After the Coup: An Ethnographic Reframing of Guatemala 1954*, ed. Timothy J. Smith and Abigail E. Adams (Chicago: University of Illinois Press, 2011), 134; Grandin, *The Blood of Guatemala: A History of Race and Nation*, 221; Stephen Schlesinger and Stephen Kinzer, *Bitter Fruit: The Story of the American Coup in Guatemala* (Cambridge: Harvard University Press, 2005), 251-53.

21 Grandin, *The Blood of Guatemala*, 2.

22 Brett, *The Origins and Dynamics of Genocide*, 17.

23 Powell, *Barbaric Civilization*, 165; Brett, *The Origins and Dynamics of Genocide*.

24 Ibid.

25 Raúl Molina Mejía, “Bringing Justice to Guatemala: The Need to Confront Genocide and Other Crimes against Humanity,” in *State Violence and Genocide in Latin America: The Cold War Years*, ed. Marcia Esparza, Henry R. Huttenbach, and Daniel Feierstein (Abingdon: Routledge, 2010), 211.

26 Brett, *The Origins and Dynamics of Genocide*, 17; Powell, *Barbaric Civilization*, 165.

literature warrant this study's adoption of discourse analysis as one of the most appropriate methods of studying the Guatemalan Genocide and its purpose to lend empirical support to the assumption that the Guatemalan state enabled genocide as a legitimate policy choice through the discursive construction of the "indian-subversive."²⁷

CRITICAL DISCOURSE ANALYSIS: METHODOLOGICAL CONSIDERATIONS, CONTEXTUALITY, AND HISTORICITY

This paper adopts interpretive critical discourse analysis as the most appropriate methodology in attempting to understand the Guatemalan government's discursive constructions of indigenous people during the 1981-83 genocide. Fundamentally, critical discourse analysis "aims to show the non-obvious ways in which language influences social relations of power and domination, and in ideology."²⁸ Interpretive discourse research—and critical discourse analysis by extension—concerns itself with the meaning-making processes in which different discursive actors engage and which inevitably structure both their conscious and unconscious understandings of the world around them. To that end, interpretive research of all stripes deals with "constitutive causality," or one form of causality that assumes that the structure of the world depends equally on the language humans use to constitute the world around them.²⁹ When taken together, the sum of humans' linguistic interactions end up "constituting the social world, which [in turn makes] possible or impossible the interactions they pursue."³⁰ Interpretive critical discourse analysis therefore seems the most appropriate methodological tool for this paper's purpose of understanding the identity construction processes involved in the Guatemalan military government's treatment of indigenous people in its scorched earth policy discourse.

More specifically, this paper analyzes the allocation of agency within the grammatical structure of Operación Sofía, as well as its coded references to indigenous people. For the purposes of this paper, agency refers to the capacity to act which is observed in grammatical structures that treat nouns as subjects rather than objects. Post-structural linguists like Michel Foucault assert that, at the outset of a given discourse, the treatment of other human beings as subjects by the discursive agents themselves is not given. Rather, human beings are created as subjects through language, such that their identities depend on how they are treated across a variety of discourses.³¹ Thus, whenever Operación Sofía alludes to indigenous people as objects, it implies that some other agent must be acting on them and, vice versa, when Operación Sofía alludes to indigenous people as subjects, it implies that they must be acting on some other object.

27 Brett, *The Origins and Dynamics of Genocide*, 17.

28 Norman Fairclough, "The Discourse of New Labour: Critical Discourse Analysis," in *Discourse as Data: A Guide for Analysis*, ed. Margaret Wetherell, Stephanie Taylor, and Simeon J. Yates (London: Sage, 2001), 229.

29 Peregrine Schwartz-Shea and Dvora Yanow, *Interpretive Research Design: Concepts and Processes* (New York: Routledge, 2012), 52.

30 Ibid.

31 Michel Foucault, "The Subject and Power," *Critical Inquiry* 8, no. 4 (1982).

Because of this paper's definition of agency as the capacity to act, grammatical subjectivation creates agency while grammatical objectivation destroys agency. Finally, this paper studies every military field communication that refers to other actors besides those associated with the military or government in July, 1982. 12 texts fit those two criteria, ranging from July 22nd to July 26th. Texts come from the Guatemala Project at George Washington University's National Security Archive, compiled by Kate Doyle.³² This time period reflects the beginning of the military government's scorched earth campaign and is therefore especially relevant for understanding how indigenous people were constructed within the policy discourse in order to legitimize genocide over other forms of political violence. I further adopt some of the discursive visualization tools employed by Celia Lohr—namely the noun usage tabulation and tabulation of verb-subject-object structures.³³

CONTEXTUALITY

Interpretive social scientific research, including critical discourse analysis, presumes that the language, symbols, discourses, and knowledge it studies exist because of the political, economic, and social contexts in which they are produced. One cannot understand the particularly acute impact of the Guatemalan military's scorched earth campaign on indigenous people, for instance, without understanding the conceptualization of land—and collective land ownership—as an essential facet of indigenous cultural identity.³⁴ Even today, land tenure rights remain tremendously important in Guatemala. According to one Maya Mam resident of San Miguel Ixtahuacán who faced pressure to sell her land to a Canadian gold mining corporation, "This land is a part of me. It's where I was born. And it's where I'll die."³⁵ Thus, the destruction of the natural environment in Guatemala's countryside contributed to the military government's cultural erasure in addition to its more simplistic purpose of eliminating cover used by guerrillas. This paper principally interrogates the meaning of indigenous identity and political subversion within the context of the 1981-83 Guatemalan Genocide and scorched earth campaign.

HISTORICITY

The concept of historicity holds similar magnitude for interpretivist scholars because of the ways in which historically constructed narratives and structures give way to the specific elements of a discourse. Land tenure issues have pervaded ethnic relations in Guatemala throughout history both in the sense that who owns what land and in what capacity they own the land are points of contention. Before the latter half of the 19th century, Guatemala's land tenure system legally accommodated both individualized forms of land ownership that typically fell

32 Kate Doyle, "Operación Sofía," (Washington: The National Security Archive, 2009).

33 Celia Lohr, "'Solidarity of 'the Colonized'": A Critical Discourse Analysis of Sinn Féin's Connection to Palestine," *Clocks and Clouds: Journal of National and Global Affairs* 7, no. 1 (2016): 152-55. Cf. Norman Fairclough, *Language and Power* (New York: Longman, Inc, 1989), 121.

34 David Mercer, "Gold Mine Drives Wedge in Guatemala Community," *Al Jazeera* 2012.

35 Ibid.

under the province of ethnically non-indigenous ladinos as well as the ejido, an indigenous method of collective land ownership.³⁶ However, the 1870s saw Guatemala's "so-called Liberal agrarian reform," which (1) seized church-owned lands, (2) abolished a form of leasing called the censo enfiteútico principally used in collectively renting land, and (3) sold public lands to coffee-growers and other cash crop producers, thus reducing the relative market power of small-scale and subsistence coffee-growers, who were primarily of indigenous ethnicity.³⁷

These reforms, which blatantly favored elite and ladino interests, lasted until around 1952, when then-President Jacobo Árbenz implemented his own vision of national agrarian reform. Árbenz—who historians typically consider the second democratically elected president of Guatemala—issued his Decree 900, which expropriated large, fallow landholdings and sold them to indigenous peasant farmers for prices below market rate.³⁸ This set of reforms, however, did not last either. In 1954, the United States sponsored a paramilitary coup d'état that deposed Árbenz in order to protect the interests of one of the U.S.'s largest agricultural corporations at the time, United Fruit Company.³⁹ Indeed, high-ranking members of the U.S. Departments of State and Defense—including John Foster and Allen Dulles—held stock in United Fruit and frequently met with United Fruit CEO Samuel Zemurray prior to the intervention.⁴⁰ The right-wing military junta the United States installed afterwards quickly devolved into an authoritarian dictatorship that would last throughout the country's civil war, during which time the military pursued a scorched earth campaign and the outright slaughter of hundreds of thousands of indigenous people and leftist guerrillas.

Without these details, the Guatemalan Genocide could, to some observers, seem like an isolated historical event. However, quite the opposite is true. The historical tensions between ethnically indigenous people and ladinos, the competition between fundamentally different systems of land tenure, and the concentration and use of political power to achieve the narrowly tailored objectives of myriad interest groups all bear upon the strategic linguistic constructions of indigenous people in Operación Sofía.

IDENTITY, GRAMMAR, AND AGENCY IN THE GUATEMALAN MILITARY GOVERNMENT'S OPERACIÓN SOFÍA

Three dominant themes emerge from Operación Sofía that bear significantly upon the military government's discursive construction of indigenous people. First, references to either indigenous ethnicity and political ideology—and indeed any distinction between them—are minimal or non-existent. Second, the grammatical structure of the texts treats indigenous people primarily as subjects, thus allocating agency to them and removing it from

36 Leslie Bethell, *The Cambridge History of Latin America* (Cambridge: Cambridge University Press, 1986), 202.

37 Ibid.

38 Piero Gleijeses, *Shattered Hope: The Guatemalan Revolution and the United States, 1944-1954* (Princeton: Princeton University Press, 1992), 149-64.

39 Schlesinger and Kinzer, *Bitter Fruit*.

40 Ibid., 70-73.

the Guatemalan state. Third, non-personal acronyms dehumanize the victims of genocide, thereby distancing the agents of genocide from their victims.

ETHNIC AND POLITICAL ANONYMITY IN OPERACIÓN SOFÍA'S IDENTITY CONSTRUCTION

The texts selected seldom refer specifically to indigenous people or leftist guerrillas in terms of their specific ethnic or political identities, choosing instead a level of anonymity, the effect of which conflates the two former identities. Table 1 outlines all nouns used to refer to actors other than those within the military or government, excluding repetitions.

Table 1: Nouns used to refer to non-military and non-government actors

Non-combatant	Combatant	Date
Old people	The enemy	July 22, 1982
Children	N/A	
18 old people	N/A	
12 children	N/A	
N/A	3 enemy machine gunners	July 24, 1982
10 families	N/A	
5 men	N/A	
10 women	N/A	
17 girls	N/A	
15 boys	N/A	
A newborn girl	N/A	July 25, 1982
8 men	N/A	
12 women	N/A	
17 children	N/A	
1 newborn boy	N/A	July 26, 1982
20 men	N/A	
27 women	N/A	
6 boys	N/A	
25 girls	N/A	
A newborn girl	N/A	

The lack of specific references to indigenous ethnicity and leftist political ideology served to alleviate the need to distinguish between non-combatant civilians affected by the civil war and the leftist guerrillas who counted as the formal belligerents in the conflict. In fact, the “Periodic Report of Operations No. S3-001/82,” summarizing the operations between July 16th and July 31st nearly perfectly captures the expansive perception of the enemy that included both

rural indigenous civilians and leftist guerrillas. According to the report,

For over 10 years, the subversive groups who have operated in the Ixil Triangle [consisting of the Nebaj, Chajul, and Cotzal provinces] have managed to achieve a complete ideological awareness in the entire population, having received one hundred percent support; that's the reason that gives a different nuance to the fight of our army's units, since winning does not only require weapons, but rather other forms of necessary aid from the Government, translated into physical works and principally ideological work so that the people understand how wronged and cheated they are [by the aforementioned subversive groups] and so that they accept the alternative of peace and freedom that is proposed to them [by the government].⁴¹

Thus, enemy combatants and “collaborators and sympathizers” functioned interchangeably in terms of their relation to the military's ultimate goal of victory.⁴² No one could stand in the way of the objective, whether they were enemy combatants or civilian non-combatants. This sense of ethnic and political anonymity present within Operación Sofía—whether a conscious or unconscious choice—ignores the disproportionate effect of scorched earth tactics on the indigenous residents of the Ixil Triangle. The Guatemalan census estimated that by the end of 1981, over 82,000 people inhabited the Ixil Triangle, and between 45,000 and 50,000 people inhabited the same region by the end of 1984.⁴³ Furthermore, an estimated 70-90% of villages were razed in the Ixil Triangle, and an estimated 83% of victims were of Maya ethnicity.⁴⁴ Essentially, because eliminating the guerrillas' base of support required the elimination of local indigenous people residing near combat zones, both groups became legitimate targets for the military.

Moreover, when this distinction was made outside of Operación Sofía, it directly translated into intentionally genocidal violence. Hugo Ramiro Leonardo Reyes served in various installations as a mechanic in the Guatemalan army's engineering brigade in Ixil.⁴⁵ Reyes served under former Guatemalan President Otto Pérez Molina and testified at the trial of Efraín Ríos Montt that Pérez Molina ordered his troops to target people specifically along ethnic lines, or as he put it, the orders were “Indian seen, Indian dead.”⁴⁶ Even still, the specific actions described in Operación Sofía include both encounters with “the enemy” and the capture of non-descript persons, such as elderly people and children, with no effort made to determine their level of

41 Doyle, “Operación Sofía,” 122-23.

42 Doyle, “Operation Sofía: Documenting Genocide in Guatemala,” (Washington: The National Security Archive, 2009), 2.

43 David Stoll, *Between Two Armies in the Ixil Towns of Guatemala* (New York: Columbia University Press, 1993), 49.

44 Historical Clarification Commission, *Guatemala: Memory of Silence*, 40, 85.

45 Shawn Roberts, “Day 10: Witness Implicates President Perez Molina in Massacres,” *International Justice Monitor* 2013.

46 Ibid.

participation in the conflict.⁴⁷ Refraining from referring specifically to either leftist guerrillas or indigenous people as such serves to draw both under the purview of a legitimately targetable enemy in the minds of Guatemalan policymakers and military commanders at the time.

GRAMMAR AND THE ALLOCATION OF AGENCY

Discourses allocate agency—or the capacity to act—according to their lexical verb-subject-object structures. In the case of Operación Sofía, agency is disassociated with government and military actors and instead allocated to indigenous people and guerrillas. Essentially, the treatment of government and military actors as objects constructs their identities as devoid of any capacity for action and therefore devoid of any responsibility for any actions that could have been committed. Allocating agency to indigenous people and guerrillas both reveals the power relations present within the language used to rationalize the moral atrocities of genocide and downplays the role of the military government in perpetrating genocide. Table 2 presents the lexical structure of the 12 texts selected, with special attention paid to the presence of subjects, verbs, and objects.

Table 2: Lexical Allocation of Agency within Operación Sofía Documents

Key: **Subject**; *Verb*; Object

Date	
July 22	... contact <i>was</i> made
July 22	...18 old people , 12 children
July 24	...3 enemy machine gunners
July 24	...10 families , who <i>found</i> <u>themselves</u> threatened by <u>subversion</u>
July 25	[The] number of [<u>those</u>] evacuated
July 26	[The] number of [<u>those</u>] evacuated

Upon first glance, the allocation of agency to the victims of genocide seems counter-intuitive and contrary to other languages of genocide employed throughout history. Genocidal ideology in the case of the Holocaust, for example, relied on and perhaps necessitated the decoupling of agency and German Jewish identity. German Jews and other “undesirables” were constructed in medical and official policy discourses as having “no sense of the value of life.”⁴⁸ Additionally, Nazi policy assumed “undesirable” individuals—such as the mentally ill—to be a “national burden,” who lacked the ability to positively contribute to society by virtue of certain immutable identity characteristics.⁴⁹ Hence, through the degradation of “undesirables”

47 Doyle, “Operation Sofía: Documenting Genocide in Guatemala,” 2.

48 Robert N. Proctor, *Racial Hygiene: Medicine under the Nazis* (Cambridge: Harvard University Press, 1990), 178.

49 Ibid.

agency in official policy discourses, the Nazi government legitimized mass killings in the form of euthanasia, gassing, and so on, thereby propagating genocide.

However, the case of the Guatemalan Genocide seems entirely in opposition to the notion that legitimizing mass atrocity requires the destruction of victims' agency in discourse. Indeed, *Operación Sofía* documents refer to indigenous people as subjects both directly and indirectly. Referring to indigenous people directly as subjects theoretically constructs them as discursive agents. In other words, constructing indigenous people as old people, children, families, and so on, that were captured implies their innate capacity for action—in this case, the capacity to be captured. Crucially, however, constructing indigenous people as subjects within a larger process of subjectivation differs from imbuing their discursive identities with power. *Operación Sofía* documents may construct indigenous people as subjective agents capable of being captured, but the act of being captured itself remains a largely powerless exercise of agency.

Moreover, referring to indigenous people indirectly as subjects also subjectifies them as powerless agents. Here the discourse relies on the anonymous indication of “the number” of indigenous people affected by the conflict. The action in question belongs to “the number,” or the number of indigenous people so that the full sentence reads: “[The] number of [those] evacuated rose to 8 men, 13 women, 17 children, [and] 1 newborn,” in one case, and “[The] number of [those] evacuated rose to 20 men, 27 women, 6 boys, 25 girls, [and] a newborn girl,” in another case. The only capacity for action within both sentences—the capacity to rise—belongs not to the conspicuously absent military or government actors, but rather to those affected by the conflict. Similar to the above direct references to indigenous subjects, however, the construction of subjective agents does not imply agents' power. Even within these sentences, indigenous people are referred to explicitly as objects, suggesting that whatever subjective agency the discourse allocates to them remains strictly limited.

Perhaps most importantly, *Operación Sofía* documents continue a sense of anonymity. However, in this case they anonymize government and military forces instead of indigenous people. Only first-person nouns are used to refer to military and government actors, and even those nouns exist in a kind of grammatical echo-chamber, making any agency allocated to military and government actors self-referential and artificial. For example, one radio transmission follows the preceding structure: “I'm informing you today at 1100 hours that 18 old people, 12 children were captured, I request superior support to the effect of—control, subsistence, and reincorporation to their normal lives. Attentively—Comandante *Operación Sofía* [sic].”⁵⁰ Nine out of the 12 texts adopt this exact or nearly-exact structure. The instances in which texts allocate agency to government and military actors do so in a way that makes their capacity to act contingent upon the capacity of other government and military actors. In other words, the phrases “I'm informing you” and “I request superior support” reflect agency only to the extent that some other unidentified actor retains the ability to receive such information and request. As a contingent form of agency, the subjectivation of government

50 Doyle, “*Operación Sofía*,” 28.

and military actors arises from the text as patently artificial. Furthermore, because agency is self-allocated—or, in other words, because government and military actors create their own agency—it is self-referential. The self-referentialism observed by this grammatical structure is also artificial because of its independence of external discursive actors. In other words, military actors construct themselves as mere reporters of the consequences of genocide, rather than the cause of genocide, and therefore responsible for its consequences, as evidenced by their informing officials of evacuations while ignoring why those evacuations occurred. Therefore, while Operación Sofía sometimes anonymizes government and military actors, the instances in which the discourse subjectifies those actors do so artificially and without connection to other discursive actors.

If Operación Sofía subjectifies indigenous people and—to a lesser extent—leftist guerrillas, then it also degrades the theoretical capacity for the Guatemalan government and military to act. As a result, the Guatemalan government and military actors could not be considered responsible for perpetrating genocide given their conspicuous absence from the official policy discourse. This denial of state involvement in and responsibility for genocide also bears out in Guatemala's present-day legal and political realities. Former brigade general Otto Pérez Molina—who carried out numerous scorched earth operations and genocidal rapes—escaped legal culpability upon his election to the Guatemalan presidency in 2012 due to the country's executive and parliamentary impunity laws.⁵¹ Efraín Ríos Montt himself denied having ordered and overseen the Guatemalan Genocide at his trial: "I never ordered attacks on a specific race, I never did anything I'm being accused of and my participation in that has not been proven."⁵² Moreover, the lack of agency allocation to government and military actors complicates the identification of genocidal intent necessary for successful prosecution; the anonymity that pervades Operación Sofía documents reflects both the difficulties in prosecuting genocide and the lack of responsibility one could attribute to the Guatemalan state.

HUMANIZATION AND DEHUMANIZATION

The most unique element of Operación Sofía relates to its use of specific acronyms to dehumanize different groups of people involved in the country's civil war. Most frequently, the texts studied use the acronym ENO to refer to enemies. ENO appears three times within the 12 texts selected. Each time the documents use ENO, they do so in the context of military operations that involve the capture of certain operatives, weapons, or camps belonging to the guerrillas. This trend does not substantially deviate from theories of modern genocide and conflict, which posit that states will attempt to dehumanize their enemies in order to desensitize their soldiers to the act of killing.⁵³ Indeed, the bureaucratic anonymity through

51 Jesse Franzblau, "The Rise and Fall of Guatemala's Most Feared General," *Foreign Policy in Focus* 2015.

52 Sonia Perez Diaz, "Rios Montt Denies He Ordered Genocide," *The San Diego Union-Tribune* 2013.

53 Donald G. Dutton, *The Psychology of Genocide, Massacres, and Extreme Violence: Why "Normal" People Come to Commit Atrocities* (Westport: Praeger Security International, 2007); Robert J. Calleja Jr., "Neoliberalism and Genocide: The Desensitization of Global Politics" (MA Thesis, Arizona State University,

which states formulate policies distances policymakers from the realities of genocide, thus clarifying the incentives they face in creating a similar sense of distance for the soldiers implementing genocide.

Perhaps more surprising is the simultaneous establishment and disuse of other dehumanizing acronyms used to refer to other actors involved in or affected by the conflict. These include FIL (Irregular Local Forces) and CCL (Clandestine Local Committees), as well as others that neither referred to indigenous civilians nor to combatants. The concept of FIL was comparatively broader than ENO, the latter of which referred exclusively to those directly engaged in hostilities, while the former extended to nearly any individual perceived to be resisting the army through self-defense or to be supporting the guerrillas.⁵⁴ In the documents' "First Patrol Report," covering the beginning of Operación Sofía between July 16th and July 31st, 1982, the second company of paratroopers reportedly killed five FILs and captured another 80 among whom were "children, women, men, and old people."⁵⁵ CCLs comprised the guerrillas' local bases of popular and political support, represented by "traditional Mayan authorities," but whom "were generally substituted by delegates from the armed forces" beginning in 1982.⁵⁶ For the military, rooting out guerrilla support networks entailed "the rupture of both community mechanisms and the oral transmission of knowledge of their own culture, likewise damaging Mayan norms and values of respect and service to the community."⁵⁷

Yet while apparently of singular importance, neither acronym appears in the 12 texts selected, suggesting either (1) that dehumanizing discursive portrayals of the victims of the genocide percolated into field communications sometime after the beginning of Operación Sofía, or (2) that such portrayals remained entirely within the realm of elite politics and policymaking. The absence of dehumanizing terms from the day-to-day communications between military and government posts represents—in Norman Fairclough's terms—a "top-down" process of discursive hegemony and control.⁵⁸ In other words, the dominant societal structure in question determines the institutional auspices through which different discursive actors use language in correspondence with, or in resistance to, certain institutional and societal objectives.⁵⁹ In this case, that certain discursive utterances were present in higher authority texts, but not in everyday texts, indicates that the discursive centers of power at the "top," such as military commanders, generals, and high-level bureaucrats exerted pressure on the content and form of language "down" the chain of command. Furthermore, the fact that dehumanizing acronyms appear at the "top" early in the scorched earth campaign, but not at the "bottom" suggests the deliberate manipulation of discourse in order to obfuscate the fact that indigenous civilians were considered combatants and thus slaughtered. By contrast, the 12 texts selected do not use

2013).

54 Doyle, "Operation Sofía: Documenting Genocide in Guatemala," 3-4.

55 Doyle, "Operación Sofía," 155.

56 Historical Clarification Commission, Guatemala: Memory of Silence, 56.

57 Ibid.

58 Norman Fairclough, *Language and Power*, 145.

59 Ibid., 146.

the acronyms FIL or CCL whatsoever, and instead humanize the victims of genocide as men, women, children, old people, and so on.

On the one hand, the texts selected dehumanize the entirety of Guatemala's "internal enemy" by relying on the acronym ENO to refer to all "enemies." The acronyms FIL and CCL dehumanize indigenous civilians, although this dehumanization does not seem to permeate into the day-to-day communications between military and government officials. On the other hand, the deliberate manipulation of the discourse by top-level officials resulted in humanizing references to indigenous people in spite of their perceived support for leftist guerrillas.

THE POWER OF LANGUAGE: CONCLUSIONS AND REFLECTIONS

Efraín Ríos Montt, the military dictator who orchestrated the Guatemalan Genocide, became the first former head of state prosecuted by his own country for the crime of genocide in 2013.⁶⁰ In a tragic but unsurprising jurisprudential development, the Guatemalan Constitutional Court annulled their initial conviction and subsequently ruled that Ríos Montt will stand trial but cannot face conviction because he is too ill to understand the charges against him.⁶¹ The thousands of hours of testimony by indigenous people—and whatever new evidence to be introduced—will mean nothing for the retributive justice so many have sought.

Even more tragically, annulling Ríos Montt's conviction and ruling him mentally unfit for trial furthers the lack of formal recognition of state responsibility in the genocide by the Guatemalan government. This lack of state responsibility permeated the day-to-day communications between military and government officials during the beginning of Operación Sofía. This discourse operated with a sense of anonymity when referring to indigenous ethnicity and political ideology. The lack of specificity served to conflate the two as a larger internal enemy of the state. The grammar of Operación Sofía documents treated both groups as subjective agents, and the government as lacking agency. As a result, no evidence of state responsibility could be found within the discourse because of the state's lack of capacity for action. Finally, Operación Sofía dehumanized indigenous people and leftist guerrillas through the use of acronyms that distanced perpetrators of the genocide from its victims.

The power of language to construct government and military policies cannot be understated. The day-to-day language the government and military officials use, for instance, can unconsciously reinforce structures of domination and hegemony that then rationalize moral atrocities like genocide. This study, crucially, did not analyze the official language used by Ríos Montt or other centers of bureaucratic and military power, but rather focused on ordinary communications sent by field commanders. The resulting discursive reality—that minimized the state's role in the genocide—serves as a powerful reminder that the use of language to construct victims' identities helps enable genocide as a supposedly legitimate form of political violence.

60 Amy Ross, "Wading Uncharted Waters: The Trial of Ríos Montt," *Al Jazeera* 2013.

61 TeleSur, "Guatemalan Dictator Ríos Montt to Face Genocide Charges," *TeleSur* 2016.

APPENDIX

EJERCITO DE GUATEMALA
 MINISTERIO DE LA DEFENSA NACIONAL REPUBLICA DE GUATEMALA, C. A.

SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE A TRANSMITIR

Número S3-004 TRANSMITASE CIFRADO Centro de mensajes _____
 Medio de transmisión Radio Precedencia _____
 Hora de emisión _____ Lugar y fecha Neabaj, Quiché, 22 julio 1, 982.
 Destinatario A... COMTE. P.T. GUMARKAJ c.c. JAMES y BMTPGFG.
 Dirección _____
 Texto:

Infórmele hoy 1100 horas tuvose contacto con EMO inmediaciones SALQUIL (8712), solicito reposición munición gastada, 962 cartuchos Calibre --- 5.56, 12 granadas antipersonal Galil, 6 granades de mano. Atento.

[Signature]
 COMANDANTE OPERACION SOPIA

Cargo oficial del expedidor:
 Firma y grado del escribiente:

MDN - STE
 No. 172 - SAGE
 Abril - 1975

[Handwritten Signature]

EJERCITO DE GUATEMALA
 MINISTERIO DE LA DEFENSA NACIONAL REPUBLICA DE GUATEMALA, C. A.

SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE A TRANSMITIR

Número S3-005 TRANSMITASE CIFRADO Centro de mensajes _____
 Medio de transmisión Radio Precedencia _____
 Hora de emisión _____ Lugar y fecha Neabaj, Quiché, 22 julio 1, 982.
 Destinatario A... COMTE. P.T. GUMARKAJ c.c. BMTPGFG.
 Dirección _____
 Texto:

Infórmele hoy 1100 horas capturaronse en inmediaciones SALQUIL (8712) 18 personas mayores, 12 niños, solicito apoyo superioridad efecto -- control, subsistencia y reincorporación a su vida normal. Atento.

[Signature]
 COMANDANTE OPERACION SOPIA

Cargo oficial del expedidor:
 Firma y grado del escribiente:

MDN - STE
 No. 172 - SAGE
 Abril - 1975

[Handwritten Signature]

EJERCITO DE GUATEMALA



MINISTERIO DE LA DEFENSA NACIONAL

REPUBLICA DE GUATEMALA, C. A.

SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE A TRANSMITIR

Número 83-006 TRANSMITASE CIFRADO Centro de mensajes _____
 Medio de transmisión Radio Precedencia _____
 Hora de emisión _____ Lugar y fecha Neabaj, Quiché, 24 julio 1,982.
 Destinatario A... COMTE, BURGEO, c.o. COMTE, PT. GUMARCAJ.
 Dirección Pto. San José, y Quiché.
 Texto:

Informe hoy 1630 horas al efectuarse captura campamento subversivo coordinadas 88200930 fueron capturadas al ENO 3 ametralladoras MAG - Calibre 7.62 y munición mismo calibre, no habiéndose reportado bajas. Respetuoso.

[Handwritten Signature]
 COMANDANTE OPERACION SP1A

Cargo oficial del expedidor:
 Firma y grado del escribiente:

MDN - STE
 No. 172 - SAGE
 Abril - 1978

EJERCITO DE GUATEMALA



MINISTERIO DE LA DEFENSA NACIONAL

REPUBLICA DE GUATEMALA, C. A.

SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE A TRANSMITIR

Número 83-007 TRANSMITASE CIFRADO Centro de mensajes _____
 Medio de transmisión Radio Precedencia _____
 Hora de emisión _____ Lugar y fecha Neabaj, Quiché, 24 julio 1,982.
 Destinatario A... COMTE, BURGEO, c.o. P.T. GUMARCAJ.
 Dirección Pto. San José, y Quiché.
 Texto:

Informe hoy 1500 horas fueron evacuadas de área conflictiva 10 familias encontrándose amenazadas por subversión, las que incluyen 5 hombres, 10 mujeres, 17 niñas, 15 niños, una recién nacida. Quedando pendiente familias por ser evacuadas. Respetuoso.

[Handwritten Signature]
 COMANDANTE OPERACION SP1A.

Cargo oficial del expedidor:
 Firma y grado del escribiente:

MDN - STE
 No. 172 - SAGE
 Abril - 1978

EJERCITO DE GUATEMALA

MINISTERIO DE LA DEFENSA NACIONAL REPUBLICA DE GUATEMALA, C. A.

SERVICIO DE TRANSMISIONES DEL EJERCITO




MENSAJE RECIBIDO

Medio de Recepción _____

COMANDANTE BASE MILITAR GFC.
CC=COMANDE COMTE P.T. GUMARCAJ

2ARC FB 20dh 2000-2100

NEBAJ 25 JULIO/82.

No. 51-001. AUMENTO NUMERO DE EVACUADOS A 8 HOMBRES, 13 MUJERES, 17 NIÑOS
1 RECIEN NACIDO. RESPETUOSO.-

CARLOS DORANTES MARROQUIN
COMANDANTE ACC AREA OPERACIONES SOFIA.

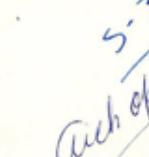
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EJERCITO DE GUATEMALA

MINISTERIO DE LA DEFENSA NACIONAL REPUBLICA DE GUATEMALA, C. A.

SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE RECIBIDO

Medio de Recepción _____

COMTE P.G. GUMARCAJ
CC=COMANDANTE BASE MILITAR GFC.

1AR C FB 20dh 2100-2200

NEBAJ 22JULIO 2/

No. 83-004. INFORMOLE HOY 1100 HORAS, TUVOSE CONTACTO CON ENO, INME-
DIACIONES "SALQUIL" 87-12 SOLICITO REPOSICION MUNICION GALIL 962 CAR
TUCHOS CALIBRE 5.56, 12 GRANADAS ANTIPERSONAL GALIL, 6 GRANDAS DE MANO.
ATENTO.-

CARLOS DORANTES MARROQUIN
COMANDANTE ACC AREA OPERACIONES SOFIA.

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EJERCITO DE GUATEMALA

MINISTERIO DE LA DEFENSA NACIONAL

REPUBLICA DE GUATEMALA, C. A.



SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE RECIBIDO

Medio de Recepción

COMANDANTE F.T. GUMARCAJ
 CC===== COMANDANTE BASE MILITAR GFC

1 ARC FB 20dh 2100-2200

NEBAJ 22JULIO82/

No. S3-004. INFORMOLE HOY 1100 HORAS, TUVOSE CONTACTO CON ENO, INME-
 DIACIONES "SALQUIL" 87-12 SOLICITO REPOSICION MUNICION GALIL 962 CAR-
 TUCHOS CALIBRE 5.56, 12 GRANADAS ANTIPERSONAL GALIL, 6 GRANADAS DE -
 MUNO. ATENTO.-

CARLOS DORANTES MARROQUIN
 COMANDANTE ACC AREA OPERACIONES SOFIA.

MDN - STE
 No. 171 - SAGE
 Abril - 1978

EJERCITO DE GUATEMALA

MINISTERIO DE LA DEFENSA NACIONAL

REPUBLICA DE GUATEMALA, C. A.



SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE RECIBIDO

Medio de Recepción

COMTE F.G. GUMARCAJ
 CC===== COMANDANTE BASE MILITAR GFC.

2ARC FB 20dh 2100-2200

NEBAJ 22JULIO82/

S3-005. INFORMOLE HOY 1100 HORAS, CAPTURARONSE INMEDIACIONES SALQUIL
 87-12, 18 PERSONAS MAYORES, 12 NIÑOS, SOLICITO APOYO ESA SUPERIORIDAD
 EFECTO CONTROL SUBSISTENCIA Y REINCORPORACION A SU VIDA NORMAL. ATTO.-

CARLOS DORANTES MARROQUIN
 COMTE ACC AREA OPERACIONES SOFIA.

MDN - STE
 No. 171 - SAGE
 Abril - 1978

S-3
Carlos Dorantes Marroquin
Sofia

EJERCITO DE GUATEMALA

MINISTERIO DE LA DEFENSA NACIONAL REPUBLICA DE GUATEMALA, C. A.



SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE RECIBIDO

Medio de Recepción _____ 5-3

COMANDANTE F.T. GUMARCAJ
CC==COMANDANTE BASE MILITAR GFC.

2ARC FB 20dh 2100-2200

NEBAJ 22JULIO82/

No. S3-005. INFORMOLE HOY 1100 HORAS, CAPTURARONSE INMEDIACIONES SAL-
QUIL 87-12, 18 PERSONAS MAYORES, 12 NIÑOS, SOLICITO APOYO ESA SUPERIO-
RIDAD EFECTUO CONTROL SUBSISTENCIA Y REINCORPORACION A SU VIDA NORMAL.
ATENTO.-

CARLOS DORANTES MARROQUIN
COMANDANTE ACC AREA OPERACIONES SOFIA.

MDN - STE
No. 171 - SAGE
Abitl - 1973

EJERCITO DE GUATEMALA

MINISTERIO DE LA DEFENSA NACIONAL REPUBLICA DE GUATEMALA, C. A.



SERVICIO DE TRANSMISIONES DEL EJERCITO

MENSAJE RECIBIDO

Medio de Recepción _____ 5-3

COMANDANTE BASE MILITAR GFC.
CC==COMANDANTE F.T. GUMARCAJ

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NEBAJ 24JULIO,2/

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SUBVERSIVO COORD. 88-20 09-30 FUERON CAPTURADAS AL ENO 3 AMSTRALLADORES
MAN CAL 7,62 Y MUNICION MISMO CALIBRE, NO HABIENDOSE REPORTADO BAJAS.
RESPECTUOSO.-

CARLOS DORANTES MARROQUIN
COMANDANTE ACC AREA OPERACIONES SOFIA.

MDN - STE
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EJERCITO DE GUATEMALA
 MINISTERIO DE LA DEFENSA NACIONAL REPUBLICA DE GUATEMALA, C. A.

SERVICIO DE TRANSMISIONES DEL EJERCITO

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CC=== COMANDANTE BASE MILITAR OPC.
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No. 83-007. INFORMOLE HOY 1500 HORAS FUERON EVACUADAS DE AREA CONFLICTIVA 10 FAMILIAS ENCONTRABANSE AMENAZADAS POR SUBVERSION, LAS QUE INCLUYEN: -- CINCO HOMBRES, 10 MUJERES, 17 NIÑAS, 15 NIÑOS, UN RECIEN NACIDO, QUEDANDO PENDIENTE FAMILIA POR SER SER EVACUADA. RESPETUOSO.-

CARLOS DORANTES MARROQUIN
 COMANDANTE ACC AREA OPERACIONES SOFIA.

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Offensive Structural Realism, Peace, and the Concert of Europe in 1871-1890

BY JOHN RYAN ISAACSON
BAYLOR UNIVERSITY

ABSTRACT

This research examines John Mearsheimer's theory of Offensive Structural Realism and how it applies to the peace that ensued in Europe during the years of 1871-1890. This prolonged peace on the European continent was not due to benign intentions from its Great Powers. Rather, this paper explains the assumptions of Mearsheimer's theory and shows that European powers did indeed have aggressive intentions towards one another. The peace is in consequence to each power waiting for the correct moment to launch a decisive war. The article will also explore counter arguments, such as Defensive Structural Realism and the Great Persons theory.

INTRODUCTION

From the end of the Franco-Prussian War in 1871 to the outbreak of World War I in 1914, peace existed on the European continent. During this time, the world saw the Prussian empire unite Germany under its influence to become the predominant power on the continent. The Austria-Hungarian empire power was in decline. France seethed with bitterness towards the German occupation of Alsace-Lorraine. Great Britain, Austria, and Germany were all especially fearful of Russia's expansionist ambitions. Yet, despite the rising stress in the international system, peace existed during the years between 1871 and 1890, and Germany remained unchecked by other great powers. I argue that John Mearsheimer's offensive structural realist theory best explains why the other great powers did not balance against Germany during this period and why peace continued despite rising tensions within the Concert of Europe.

This paper will explain this claim by first providing key definitions of concepts used in this paper. Then I will explain the key assumptions and predictions that explain the logic behind the offensive realist theory. Next, I will provide a brief history that describes the balance of power leading up to the Franco-Prussian War. Subsequently, I will test the offensive structural realist theory for the peace that ensued between 1871 and 1890. I will address two counter arguments: the defensive structural realist theory and the great individual's theory. In the course of each counter argument, I will explain why each does not explain why peace persisted despite the rising tensions.

DEFINITIONS AND CONCEPTS

This paper will rely on several definitions in formulation of its argument. A **great power** is a state with a broad sphere of influence. This paper will discuss the following great powers, known as the Concert of Europe, during the 19th century: Great Britain, Prussia/Germany, Austria-Hungary, France, and Russia. I define **alliance** as a coalition of states or powers united by a common, understanding, goal, or cause. **Balancing** "is defined as allying with [other great powers] against the prevailing threat" in order to "prevent stronger powers from dominating them".¹ **Blood-letting** is when a state tries to prolong conflict between other states in order to obtain relative power. A **regional hegemon** is a state with relative power so much greater than all other powers in a region that it dominates that "distinct geographical area."² The **security dilemma** is a concept developed by Robert Jervis which posits that "an increase in one state's security decreases the security of others."³ It is a paradox in which one state's attempts to increase its security capacity causes other states to grow suspicious of that state's intentions. Consequently, other states will react by increasing their own security capabilities, causing more mistrust in the international system. Thus, the security dilemma is a zero-sum game where security gained by one state is seen as a loss by the other. This creates a less secure international environment.

The **Realpolitik** policy is "the notion that relations among states are determined by raw power and that the mighty will prevail."⁴ This is the policy that will drive the offensive structuralist theory's assumptions in the decades leading to World War I. Finally, the concept of **polarity** in the international system describes the nature of balanced power within the system. During the years of 1871-1890, the Concert of Europe was characterized as an unbalanced multipolar system with many powerful states but with no regional hegemon. Mearsheimer describes an **unbalanced multipolar system** as a system with "power asymmetries among their members", while also having aspiring regional hegemons that make the asymmetrical power differences extremely vivid, thus increasing the chance for conflict.⁵

OFFENSIVE STRUCTURAL REALIST THEORY: LOGIC OF THE ASSUMPTIONS AND PREDICTIONS

1 Stephen Walt, *The Origins of Alliances*, (Ithaca: Cornell University Press, 1987), 110-111.

2 John Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001), 40.

3 Robert Jervis, "Cooperation Under the Security Dilemma," *World Politics* 30, no. 2 (1978): 186.

4 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 104.

5 John Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001), 45.

Before explaining how offensive structural realism relates to the period of 1871-1890, I will lay out the framework of the theory by explaining its assumptions and predictions. The theory as outlined in John Mearsheimer's book *The Tragedy of Great Power Politics* is based on five assumptions: "the international system is anarchic", "great powers inherently possess some offensive military capability", "states can never be certain about other states' intentions", "survival is the primary goal of great powers", and "great powers are rational actors".⁶ These assumptions shape a state's behavior in the international system. Since the international system is anarchic, there is no supreme police force to help a state if it were on the verge of destruction. For example, if state X was being besieged by state Y, state X could not pick up the phone and call for a supreme power to come to its aid. No institution would be on the other ends of the line. Mearsheimer calls this the "911 problem because no altruistic power will come from the international system to help a struggling state."⁷ Thus, the states in the international system are in a condition of self-help, causing states to be extremely fearful of one another.⁸ Out of this fear, states begin to increase their security by building their military capacity because they realize that "the best way to ensure their survival is to be the most powerful state in the system".⁹ However, maximizing their power leads to the security dilemma. Consequently, because of this dilemma, powers in the system will increase their military capacity, making the international system unsafe.

Why are states unable to develop defensive capabilities that would avoid the security dilemma? Mearsheimer posits that all weapons can be used offensively. He writes that "even if there were no weapons, the individuals in those states could still use their feet and hands to attack the population of another state. After all, for every neck, there are two hands to choke it."¹⁰ Since all weapons have an offensive capacity, there can be no certain way to guarantee other states' benign intentions. Thus, a state will always fear for its survival in the anarchic international system. This fear for survival causes states to maximize their power in order to be "the most powerful state in the system" to deter other states from attacking it.¹¹ This is a rational goal because it is impossible to discern other states' intentions. It is not reasonable for any state to base its survival on any alliance or agreement with other states. The only way for a state to truly guarantee its survival is for it to possess the ability to both defend itself against other states in the system and the ability to also defeat them.

Moreover, the five assumptions of offensive structural realism generate some predictions on how the international system will function. One prediction is that states will seek to increase their power for the sake of survival. To guarantee survival, states must become a regional hegemon by increasing its own relative power enough to dominate the other powers in its geographical region.¹² Within this region, states will seek to increase their power in terms of

6 Ibid, 30-31.

7 Ibid, 32.

8 Ibid.

9 Ibid, 33.

10 John Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001), 30-31.

11 Ibid, 33.

12 Ibid, 36.

relative gains. For example, a state seeking to increase its relative power would likely prefer a smaller relative gain over a larger absolute gain, if that meant its neighboring state would lose even a marginal sum of power. In this zero-sum mindset, each state wants power at the expense of another.

Polarity is imperative in understanding why states struggle to achieve regional hegemony in an offensive realist system. In fact, polarity helps describe the nature of the balance of power in the international system. There are some variations of polarity; however, this paper will concentrate only on the nature of multipolar systems. In this system, the balance of power is divided among several great powers. According to the theory of the offensive structural realism, a multipolar system makes the international system insecure, and one or more great powers will try and make a bid for regional hegemon. This aspiring state is called a potential hegemon, and it causes vivid asymmetries of power between the great powers in the system as well as great fear and uncertainty within a system.¹³ Therefore, the primary predicted outcome from the offensive structural realist theory is that states will ensure their survival by attempting to become the most powerful state in the system. By carefully examining their own capabilities and the current balance of power in a system, states will acquire “additional increments of power at the expense of potential rivals”, making their intentions inherently aggressive.¹⁴

THE EUROPEAN ENVIRONMENT LEADING UP TO 1871

The international political environment of Europe leading up to the outbreak of the Franco-Prussian war can be characterized as tense. The process of German unification magnified the stress felt by all of the great powers in this region, which was devoid of a regional hegemon. The international system began to “rely more on naked power than on shared values”.¹⁵ Consequently, Realpolitik would become the dominant policy. German unification began with Prussia seeking to maximize its power in 1864 in a joint war with Austria against Denmark. At this time, Prussia was seen as one of the weaker of all the great powers in the Concert of Europe, especially by France.¹⁶ With Austria’s power having been weakened since the Napoleonic Wars earlier in the century, and with fears of growing Russian power and expansionism into the Balkans, Prussia sought to increase its power by unifying Germany under its influence.¹⁷¹⁸ In order to do so, Prussia united the German kingdoms, which the 1815 Congress of Vienna had made into a confederation with spheres of influence split between Prussia and Austria.¹⁹ After Prussia and Austria combined forces to obtain the German province Schleswig-Holstein from Denmark, Prussia then declared war on Austria in 1866. During this time, France was still slightly marginalized by the system developed by

13 Ibid, 44-45.

14 Ibid, 34, 37.

15 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 94.

16 Ibid, 111.

17 Ibid, 83.

18 Ibid, 93.

19 Ibid, 81.

the Congress of Vienna.²⁰ During the Austro-Prussian War, France tried to regain some of its lost power by blood-letting the two states and withholding its support for better bargaining power.²¹ The French Emperor Napoleon III “was convinced that Prussia would lose,” and he thought he could gain “some Prussian concessions in exchange for [France’s] neutrality”.²² However, Prussia won the war with Austria decisively, ending with the Treaty of Prague where Austria relinquished almost all of its interests in the German kingdoms.²³ Now, an unifying Germany sat on the doorstep of a struggling French empire. France, along with the other powers, had gambled wrongly in the 1860s by betting against Prussia. “The mighty economic boom which was to take Germany to the forefront of the European Powers was only just beginning [with the Austro-Prussian War].”²⁴ Prussia was clandestinely developing the power of its domestic institutions, and France began to worry more about its security.

France did not succeed in gaining any territory in the Austro-Prussian War, but it still sought to grow its power and limit the growth of Germany. France “demanded an assurance from the Prussian King that no Hohenzollern prince (the Prussian dynasty) would seek the [vacant] Spanish throne.”²⁵ However, Prussia was well aware of France’s declining power and refused the request. Thus, the two powers went to war in 1870, and when the Franco-Prussian War ended in 1871, a fully unified Germany emerged “as the strongest power on the continent”.²⁶ To the anger of the French people, Germany annexed the area of Alsace-Lorraine, which lies in to the south west of Germany between the Rhine and Moselle Valleys.²⁷ Now, Prussia had made relative power gains at the expense of both Austria and France. One of the supposed weaker powers in the Concert of Europe had suddenly become its most powerful. Although peace would endure between Europe’s great powers for the next 40 years, it would be a precarious one based on the great powers’ ever shifting alliances and attempts to balance while they tried to make relative gains on their opponents.

THE OFFENSIVE STRUCTURAL REALIST THEORY BETWEEN 1871-1890

Now that I have provided context to the nature of the European environment leading up to the Franco-Prussian War, I will test the offensive realist theory by showing how the conditions on the continent between the years 1871-1890 meet the five assumptions of the offensive structural realist theory. I will then show how the application of the theory leads to accurate predictions about why the great powers sought power, how the polarity of the system drove many of the balances that developed, and ultimately why the drive for power led to peace during these years.

First, recall Mearsheimer’s assumptions. The powers of the Concert of Europe certainly

20 Ibid, 105.

21 Ibid, 114.

22 Ibid.

23 Ibid, 117.

24 Ibid, 111.

25 Ibid, 118.

26 Ibid, 119.

27 Ibid, 138.

existed in a state of anarchy and self-help. If this were not so, Austria or France would have appealed to a higher power when it became clear that Prussia would prevail in their respective wars. Further, as previously noted, all states had some offensive capability. Perhaps the most important assumption to understand for this 19th century period was that each power was uncertain of the other's intentions. As I will explain later in the predictions of this theory, even though Germany would be successful in placating the tensions between Russia and Austria in the 1870s and 1880s, neither Russia nor Austria placed heavy value in the alliance that Germany created between the three. Russia and Austria still were uncertain of their other's intentions. Moreover, it must be made clear that each great power inherently tried to expand its power as a means for survival. For example, in order to break the stigma of being the lesser of the great powers, Prussia united Germany and vastly expanded its power, thereby increasing its chances for survival.²⁸ Yet, in order to prevent Germany from exerting influence in both its eastern and southern borders, France went to war with Prussia in 1870.²⁹ Each balancing move undertaken in the 1870s and 1880s was an attempt by a great power to either prevent another state from infringing on its power or to gain relative power over its surrounding neighbors. Lastly, the final assumption is that all the great powers during this period were rational actors. The intricate web of alliances developed in the 1870s and 1880s were rational attempts at survival. There were no "mindless aggressors so bent on gaining power that they charged headlong into losing wars or Pyrrhic victories."³⁰ Rather, each power tried to rationally gain more power relative to the other in an attempt to increase its security.

Now with the assumptions of offensive structural realism described to the powers in the Concert of Europe, I will examine the predictions of the theory for the years 1871-1880. The first prediction is that the great powers sought power for survival. This prediction is confirmed. Although a unified Germany was now the strongest power on the continent, it needed to sustain the gains it had recently made. Germany had a great amount of potential power based on "its population size and the level of its wealth".³¹ However, it did not possess enough actual power to become a regional hegemon; it needed stronger "armed forces."³² Even with military victories over Austria and France, Germany only had the qualities of a potential hegemon. It is true that Germany did possess "excellent prospects of defeating each opponent alone, and good prospects of defeating some in a tandem."³³ Yet, it could not have realistically hoped to overpower all of the great powers at once. Thus, for Germany to increase its power to such a level, it had to create as many allies as possible while it developed its economic institutions.³⁴ However, in order to buy time for such institutions, Germany had to solve its two-front war problem.

28 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 111.

29 Ibid, 118.

30 John Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001), 37.

31 Ibid, 43.

32 Ibid.

33 Ibid, 44-45.

34 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 127.

Germany's fear of a two-front war originated from an "irreconcilable France."³⁵ The loss of Alsace Lorraine was such a salient blemish on France's prestige, that any attempt for Germany to reconcile with France would have been infertile. Moreover, France was fearful of the German power amassing upon its border. The memories of German military might were still fresh in the French memory. France was very willing to ally with other European Powers against Germany, and they did not let their disdain for German power go unnoticed. Consequently, Germany feared that France would ally with another state to Germany's eastern border. This meant that in order to prevent a two-front war, Germany had to ally with both Russia and Austria. The latter would be easy, since Austria's declining power relied on German might. However, this also made German relations with Russia more complicated, since Russia was "pressing into Eastern Europe, Asia, and the Ottoman Empire", and Austria, who had great interests in the Balkans.³⁶ Germany was pinned between placating two powers that seemed destined for war over Balkan territory. It is important to note that while Germany attempted to form alliances with other countries, it was not an altruistic gesture. Rather, Germany was trying to build its power by observing the balance of power in the system. It was fearful of fighting a two-front war, so any benefits of continuing to expand territorially at the expense of a two-front war was not rational. As Mearsheimer wrote about states seeking to expand their power, "if the benefits do not outweigh the risks, they sit tight and wait for a more propitious moment."³⁷ Ultimately, Germany sought to expand its power to better its chance for survival, but it had to be calculative in its aggression in order to buy time for its domestic institutions to develop.

Similarly, the other powers during 1871-1890 attempted power maximization or tried to prevent power losses, although it was calculated in means dependent on the mood of the system. By this, I mean that Germany tried to expand power by developing its domestic institutions while also trying to prevent a two-front war with either France and Austria or France and Russia. Germany made sure it did not rouse Great Britain by expanding further onto the continent.³⁸ To prevent tensions with Russia, Germany assured the state that it had "no interests in the Balkans."³⁹ Russia felt that its power was "permanently threatened" and sought to expand in "every direction" in order to preserve itself.⁴⁰ It sought ways to expand into the Balkans that might only provoke a weakening Austria without drawing Great Britain into the fold. However, "the closer Russia approached India, the more it aroused British suspicions".⁴¹ Great Britain did not have a large enough land army to become entangled in continental European power politics, but it was concerned with its colonial interests.⁴² Therefore, because Great Britain's naval power could be dispatched to the Black Sea, Russia could not encroach too close on either India or Turkey. In the meantime, Austria was struggling to hold on to its

35 Ibid, 146.

36 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 122-123.

37 John Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001), 37.

38 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 146.

39 Ibid, 146.

40 Ibid, 140.

41 Ibid, 142.

42 Ibid, 122-123.

Balkan territory. France, since the Franco-Prussian War, would have to wait for another great power to make a move against Germany. Therefore, each state was waiting for opportunities to maximize their power, or at least was attempting to preserve it very carefully.

This led to a convoluted web of concerns and tensions during this time period, due to the unbalanced multipolarity of the system. Because of Germany's status as a potential hegemon, the "power asymmetries" among the great powers became vivid. To try and compensate for these apparent asymmetries, especially between Austria and Russia, Germany tried twice to create a Three Emperors League between themselves and the two grudging nations. However, both attempts would eventually fail. A near war began in 1875 on the basis of a rumor that Germany was mobilizing against France.⁴³ Russia said it would back France, likely so it could trap Germany in a two-front war while advancing into the Balkan territory held by Austria. However, Great Britain became suspicious of Russia's ambitions and offered to make an alliance by "intimidating Berlin" to not carry out the war.⁴⁴ No war happened, but this event documents the extent to which the other European powers not only feared German power, but also the power of one another.

The second crisis resulting from the unstable multipolarity in Europe occurred in 1876, when a group of Bulgarians tried to rebel against the declining Ottoman Empire. Henry Kissinger wrote that "Turkey [Ottoman Empire] responded with appalling brutality, and Russia, swept up by Pan-Slavic sentiments, threatened to intervene."⁴⁵ Once again, Great Britain was suspicious of Russian motives, fearing this would give them an excuse to move into Constantinople and consequently threaten British interests in the Mediterranean Sea. Germany was afraid that if Great Britain and Russia went to war in the Balkans, then Austria would be forced to act.⁴⁶ Thus, Germany would be forced to choose between Russia and Austria. They feared such a situation could provide France an opportunity to create a two-front war problem. However, coinciding with the offensive structural realist theory, Germany attempted to solve the problem by preventing Russia or Austria from making any relative power gains or losses in the Balkans. The result was the Berlin Memorandum, which stopped Turkey's brutality on the threat of Russian retaliation on "behalf of the Concert of Europe."⁴⁷ Essentially, this prevented Russia from gaining territory in the Balkans while Austria lost no relative power to Russia. More importantly, for Germany, it kept them from having to choose between Russia and Austria. However, the Berlin Memorandum scared Great Britain because it took this agreement as "the first step towards dismantling the Ottoman Empire to the exclusion of Great Britain."⁴⁸ With interests in India and the Mediterranean, Great Britain feared a loss of power if it was excluded from such an agreement. Thus, based on the prevalent suspicions of Russian expansionism, a congress had to be called in Berlin in 1878. However, before the congress even began, Great Britain and Russia had already met to solve their problem. They

43 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 147.

44 *Ibid.*, 147.

45 *Ibid.*, 148.

46 *Ibid.*

47 *Ibid.*, 149.

48 *Ibid.*, 149.

split Bulgaria into three sections: one part an independent state, one overseen by Turkish rule, and one overseen by a European commission.⁴⁹ For the time being, Great Britain was placated with Russia, and the agreement halted a full Russian advance into the Balkans. Such an advance would likely have sparked a war between Austria and Russia. Yet, once again, Germany avoided a situation in where they would have had to choose between Russia and Austria.

These examples show that each of the great powers in this time period acted within the assumptions of offensive structural realism. Each sought its own survival by attempting to make incremental power gains in the international system. Even with these attempts at power and the increase in the security dilemma, war did not break out because each state was not yet strong enough to fight the coalitions that would develop against them. If the strongest state in the system, Germany, was not yet strong enough to become a regional hegemon, neither were any of the others. Like the offensive structural realist prediction, the powers of the Concert of Europe acted based on the balance of power in the system relative to their own capabilities.⁵⁰ This explains why Russia and Germany seemed much more oriented toward expansionism than Austria, France, and Great Britain. The latter countries still knew the importance of regional hegemony in guaranteeing their survival. However, their capacities did not allow them to do more than to defend their territory while they waited “for a more propitious moment”.⁵¹ On the other hand, while Russia and Germany had more offensive capability, neither possessed enough to make a successful bid at regional hegemon.

COUNTER ARGUMENT: DEFENSIVE STRUCTURAL REALISM

Defensive structural realism has the same assumptions as offensive structural realism, except it does not assume that all states have some offensive capability. The basis for this exclusion is that the defensive theory believes that offensive rarely succeeds in helping a state gain power.⁵² Mearsheimer states that the theory makes two claims: it “emphasizes that threatened states balance against aggressors and ultimately crush them, and [that] there is an offense-defense balance that is usually heavily tilted toward the defense, thus making conquest especially difficult.”⁵³ Further, even though defensive realism makes no prediction about the role of a regional hegemon, I argue that because of the absence of a regional hegemon in Europe, defensive realism cannot be an explanation for the peace between 1871-1890.

First, I will consider the assumption that threatened states will balance against aggressors. Defensive structural realism sees the international system as being filled with great powers that want to preserve the status quo.⁵⁴ Under this logic, by preserving the status quo, great powers will rise against any revisionist state who is attempting to gain power. However, as seen in 1871-1890, without a regional hegemon to corral other powers together against a revisionist

49 Ibid, 154.

50 John Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001), 37.

51 Ibid, 37.

52 Ibid, 39.

53 Ibid.

54 Ibid.

state, countries will only defend the status quo in their own interests. Great Britain only intervened on the European continent when its own interests were at stake. As demonstrated before, every time Russia encroached on either Turkey or India, Great Britain would begin to mobilize its navy in order to stop Russia. Under defensive realism, Great Britain should have intervened every time Russia sought to expand since that would have been an attempt by Russia to change the status quo. However, unless British interests were at stake, Great Britain did not strongly intervene in Russian expansionism. Thus, Great Britain was not a regional hegemon. It lacked the land power to expand its influence on the continent, except in defense its own interests. Even further, it can be argued that defensive realism explains why a unified Germany attempted to balance against Russia from expanding into the Balkans. However, this attempt at balancing was not Germany trying to keep the status quo, as defensive realism might suggest. Rather, Germany was only balancing against Russia so it did not have to choose between it or Austria, open itself up to a two-front war, and consequently lose time to allow its domestic institutions to develop. Germany was balancing in order to eventually gain power and no regional hegemon existed in order enough to force a coalition to balance against them. Thus, defensive realism does not work in this case. During these years, the other European powers did not collectively ballance against Germany. Instead, European powers only reacted to rising powers when they affected their interests.

The second claim of defensive realism is that there is an offense-defense balance skewed toward defense. This means that offensive conquest seldom achieves its goals, so it is better for states to develop defensive capabilities; making states inclined to be defensive-minded rather than inherently offensive. The theory suggests that because defense is so effective, states seeking offensive conquests will become less powerful in their losses. Yet, as Prussia demonstrated in wars with Denmark, Austria, and France, offensive conquest proved to be quite effective in the latter part of the 19th century.⁵⁵ In fact, Mearsheimer cites a study that saw “63 wars between 1815 and 1980, and the initiator won 39 times, which translates into about a 60 percent success rate.”⁵⁶ Therefore, peace did not exist in the period between 1871-1890 because states doubted the effectiveness of offensive conquest. Rather, peace existed during these times because the great powers were reacting to their power relative to their own capabilities. Each state was fearful of offensive conquests, especially those of Russia, and attempted to balance until a “more propitious moment” came for them to increase their relative power.⁵⁷ This leads to the offensive structural realist theory prediction, that “the best way [for a state] to ensure [its] survival is to be the most powerful state in the system.”⁵⁸

COUNTER ARGUMENT: GREAT INDIVIDUALS THEORY

Byman and Pollack argue that “the goals, abilities, and foibles of individuals are crucial to the intentions, capabilities, and strategies of a state.”⁵⁹ They suggest that the peace of Europe can

55 John Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001), 39.

56 Ibid.

57 Ibid, 37.

58 Ibid, 33.

59 Daniel Byman and Kenneth Pollack, “Let Us Now Praise Great Men: Bringing the Statesman Back In,” *Inter-*

be attributed to the skillfulness of the German Chancellor Otto von Bismarck.⁶⁰ Yet, while Bismarck was a skilled diplomat, his policies reflected the rational steps which needed to be undertaken because of the structure of power in the international system. It was not the genius of Bismarck's policies, but rather it was the aggressive structure of the international system that provided peace between 1871-1890.

As I detailed earlier in the paper, no regional hegemon existed in Europe during this time period. While Germany was a potential hegemon with the most power on the continent, it was not powerful enough to withstand a devastating two-front war. It was necessary to placate and make alliances with both Russia and Austria, since forging such alliances were key to Germany continuing its accumulation of power and survival. In their article "Let Us Now Praise Great Men: Bringing the Statesman Back In," Byman and Pollack contrast Bismarck with the Kaiser that ousted him in 1890, Wilhelm II. They make the argument that Bismarck's leadership talent was the reason that Germany was a "champion of the status quo" because no one could operate the policies that Bismarck created to upkeep that status quo.⁶¹ However, Byman and Pollack do not take into account why other states aligned with Bismarck during these years between 1871-1890. It was not as if Bismarck possessed extreme talents in the art of persuasion that cause the other powers to follow him. Rather, Russia needed to balance with Germany because of Great Britain's threat to Russia's expansionist dream.⁶² Austria needed to balance with Germany because of its fear of Russia. The nature of the international system was that no state possessed enough power to take on all the other states at once.

However, the viability of this balancing was fading in the late 1880s. Since Germany was growing its economic institutions during these peaceful years, it was also growing more powerful. Meanwhile, other states were increasing their military capabilities. In his book *Where Have all the Soldiers Gone*, James Sheehan writes that "in 1870, 1 in 74 Frenchmen and 1 in 34 Germans were ready for [military] action; by 1914 it was 1 in 10 and 1 in 13 [respectively]. Russia, with its vast population, trained 35 percent of its males of military age."⁶³ These great powers were trying to internally grow their power. Balance occurred between the years 1871-1890 because states were still amassing power and not yet strong enough to fight the war that would ensue from their pursuit of power. However, Henry Kissinger notes that "by 1890, the concept of the balance of power had reached the end of its potential."⁶⁴ If Bismarck had ruled in the early 20th century, it is doubtful he would have kept Germany out of war. As seen by the increased numbers of conscripted men in Sheehan's book, the great powers were motivated by offensive intentions. Eventually, the states would become powerful enough that they believed a bid for regional hegemony could be successful. Or, perhaps they believed they could become powerful enough to obtain more relative power and then go back to balancing. In any case, the alliances forged by Bismarck were not solely the product of his skill as a

National Security 25, no. 4 (2001): 109.

60 Ibid, 121.

61 Ibid, 123.

62 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 151.

63 James Sheehan, *Where Have All the Soldiers Gone?*, (New York: Houghton Mifflin Harcourt, 2008), 12.

64 Henry Kissinger, *Diplomacy*, (New York: Simon & Schuster, 1994), 165-166.

diplomat. Rather, such alliances were necessary in the system in which he lived.

CONCLUSION

By taking on the five assumptions of offensive structural realism, the powers within the Concert of Europe during the years 1871-1890 achieved peace because peace was the best option to help them obtain power for the future. By examining a brief history of European relations in the late 19th century, I have shown that predictions of offensive structural realism took place. Because each state wanted to gain power, and because of the unbalanced multipolarity of the system, the great powers of Europe were fueled by a long term goal of becoming the most powerful actor in the system. Only in this way could they guarantee their survival. However, because no state possessed enough power to navigate the sea of tensions within the system alone, balancing became imperative until a state had the power to make its next offensive move. By exploring the counterargument of defensive realism, I have shown that without a regional hegemon to corral other states to balance against an aggressor, defensive realism is not a viable explanation of the peace during 1871-1890. In my counter argument against the great individuals theory, I showed that while Bismarck was a skillful diplomat, his moves within the international system were a rational reflection of what needed to be done by both his state and the other states in the system.

Finally, while offensive realism might not explain the length of the peace after the Franco-Prussian War, the theory does describe why states were distrustful of one another. More importantly, it explains why they did not act aggressively on that mistrust. By being rational actors in the international system, the states understood that gaining relative power and becoming the most powerful state was the only way to truly guarantee survival. Yet, unless their abilities permitted them to aggressively push for such power, the states had to balance against and make alliances with one another. Thus, I conclude with Mearsheimer's quote, "if the benefits do not outweigh the risks, they sit tight and wait for a more propitious moment."⁶⁵ In 1871-1890, the states sat and waited for a more propitious moment.

65 John Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001), 37.

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Getting Harder to Catch: Analyzing the Evolution of China's Cyber Espionage Campaigns against the United States through a Case Study of APT1

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ABSTRACT

The relationship between China and the United States is one of the thornier dynamics in international politics, complicated further by each country's growing cyber espionage and warfare capabilities. As early as 2007, the US-China Economic and Security Review Commission has labeled China's espionage efforts "the single greatest risk to the security of American technologies."¹ Furthermore, as cyber security is a relatively new field, there is little precedent for pressing charges or taking action against individuals or groups conducting cyber attacks or espionage. However, the US-China relationship, tenuous as it is, has greatly contributed to the development of this precedent through individual cases and agreements, slowly allowing the international community to differentiate measures taken after discovering a cyber espionage campaign from measures taken in the wake of a cyber attack.

This paper is composed of three parts: part one contains an overview of China-US relations within the context of the cyber realm and dilemmas in the international sphere regarding formulation of cyber security policy. Part two is a case study of APT1 (a hacker unit attributed to the Chinese People's Liberation Army Unit 61398), including a description of APT1's history and an analysis of its cyber espionage campaigns. Part three reviews the general trends of APT1 within the context of the 2015 US-China Cyber Agreement and China-US relations regarding cyber security, and how policies set by the agreement are reasons for optimism.

1 Claburn, Thomas, "China Cyber Espionage Threatens U.S., Report Says", *Dark Reading*. [2009]. Accessed 11/23/16

INTRODUCTION: DEFINING CRITICAL INFRASTRUCTURE & SETTING POLICY BOUNDARIES

Policy often moves at a slower pace than technical innovation, especially when compared to the exponential rate of technological change. This is no different in the sphere of cyber security. Four factors add to the difficulty of formulating cyber policy: the lack of shared terminology (both between states and within technical industries), the lack of “net natives” among senior policymakers, difficulty of attributing a cyber attack to a specific actor with complete confidence (also known as “the attribution problem”), and the fundamental offense/defense paradigm in every cyber attack that favors the attacker.^{2,3} One fundamental issue that hampers policymaking in the cyber sphere is the lack of policy precedent or doctrine for policymakers to follow.⁴ Regulatory laws and standards that could protect against cyber exploits are ground to a standstill due to lack of understanding and example.

Nonetheless, some progress has been made to shape internationally agreed-upon norms and policy; an important example is the differentiation between cyber attacks and cyber espionage. Most international scholars agree that, although many international cyber campaigns are often described as “attacks,” many of these campaigns fall under the definition of cyber espionage – the use of computer networks to gain unlawful access to confidential information – does not constitute as an act of war. Like regular espionage, cyber espionage is assumed to happen between most countries.⁵ Unfortunately, there are few norms or international laws to guide states on how to move forward when they are a victim of cyber espionage. Thus, while many state actors will aggressively use media outlets to broadcast their anger at being hacked, they do not pursue other avenues to express their displeasure, for fear of escalation. This has been the normal mode of conduct between China and the United States until recently.

TRENDS IN CYBER ESPIONAGE IN CHINA-US RELATIONS

Starting in the early 2000’s, databases of key American companies and government agencies were frequently being broken into by outside actors. Many of these actors came from both public and private sectors, keen on accessing confidential data for both economic and political gain. One of the largest industrial cyber espionage campaigns at the time, Operation Aurora, was attributed to hackers within the Chinese government. The campaign, which went unnoticed for six months, targeted approximately 34 companies, many of which were in the information technology industry. While experts agree that the campaign was largely for economic gain, hackers also accessed information important to US national security: confidential information, including US wiretapped Gmail accounts, was compromised in the attacks.⁶ In response to

2 An individual brought up during an age of digital technology and is thus familiar with computers and the Internet.

3 Lieberthal, Kenneth, and Peter W. Singer. “Cybersecurity and U.S.-China Relations.” *Brookings 21st Century Defense Initiative*, [2012], pg vii. Accessed 11/23/16.

4 Lewis, James A. “A Note on the Laws of War in Cyberspace”. Report. *Center for Strategic & International Studies* [2010]. Accessed 11/10/16.

5 Ibid.

6 Naked Security. “Operation Aurora Hack Was Counterespionage, Not China Picking on Tibetan Activists.” *Naked Security* [2013]. Accessed 11/28/16

accusations of espionage, China issued a statement that it opposed all hacking, and was itself a victim of cyber attacks orchestrated by the United States.⁷ This was not an unfair statement: the Chinese Ministry of Public Security has noted that the “number of cyber attacks on Chinese computers and websites has soared by more than 80 percent annually, and, by the raw numbers, China is the world’s largest victim of cyber attacks.” Moreover, it is undeniable that a large amount of malicious Internet activity emanates from (or at least moves through) the United States.⁸ While Google moved quickly to stop censoring its Chinese service, very little was done by the US government in response to the alleged state-sponsored hack.⁹ Thus, Operation Aurora began a pattern of breaches, US policymakers erring on the side of caution in accusing China, and blanket denials of culpability by the Chinese government amidst the increased levels of private-sector allegations.

THE RISE OF APTs

Operation Aurora also marked the rise of advanced persistent threats (APTs): a group of individuals (state-sponsored or otherwise), using stealthy and continuous computer hacking processes to pick on a specific target or set of targets. An APT would usually use sophisticated malware to exploit vulnerabilities in target systems and set up an external command and control system that continuously monitored and extracted data from the target, stealing terabytes of data over an extended period of time.¹⁰ An attack conducted by an APT can be divided into five phases: reconnaissance, incursion, discovery, capture and exfiltration. The reconnaissance phase first involves doing research on a company to determine what desired information can be stolen, as well as crafting possible plans for intrusion. The incursion phase covers gaining access to the target computers or network, leading to the discovery phase: seeing what information in the accessed computer or network is actually accessible and desirable. The capture and exfiltration phases require obtaining desired information by gaining the privileges to do so and sending it back to the APT’s local network.¹¹ While arguably the most famous APT, STUXNET, originated from the United States, China is considered by many to be one of the most active and capable APT users.^{12 13 14} One advanced persistent threat in particular, APT1, has been attributed to a secret unit within China’s military, the People’s Liberation Army (PLA). Although the concept of APTs had been introduced over a decade ago, China’s APT1 launched advanced persistent threats (state-sponsored or otherwise) into the public eye.

7 Branigan, Tania. “China Responds to Google Hacking Claims.” *The Guardian* [2010]. Accessed 11/24/16

8 Lieberthal, Kenneth, and Peter W. Singer. “Cybersecurity and U.S.-China Relations.” Brookings 21st Century Defense Initiative, [2012], pg 6. Accessed 11/23/16.

9 Branigan, Tania. “China Responds to Google Hacking Claims.” *The Guardian* [2010]. Accessed 11/24/16

10 Sullivan, Dan. “Beyond the Hype: Advanced Persistent Threats.” *Trend Micro* [2011] Accessed 11/23/16

11 Schneier, Bruce. “The Story Behind The Stuxnet Virus.” *Forbes* [2010]. Accessed 11/28/2016

12 The STUXNET virus, which nearly took down the Irani nuclear program, was discovered only six months after Operation Aurora and attributed to the US and Israeli governments.

13 Denning, Dorothy E. “Stuxnet: What has Changed?” *Future Internet* 4, no. 3 (2012): pp 672-687

14 InfoSec. “Current Trends in the APT World.” *InfoSec Resources Current Trends in the APT World Comments*. [2015]. Accessed 11/28/16

APT1: Tactics and Tools

APT1 was a Chinese hacker group whose first breach occurred around 2006. Since then, it has stolen large volumes of intellectual property (blueprints, test results, proprietary manufacturing processes etc) from at least 141 organizations across both commercial and national security industries.¹⁵ What makes APT1 particularly interesting is the following: APT1 almost solely targets English-speaking organizations, more than 80% of which are located in the United States. Their incursion method of choice is spear phishing – writing targeted emails to specific members of a company containing malicious attachments that, when opened, infect the target’s computer.¹⁶ Although APT1, the name given to the hackers by cybersecurity firm Mandiant, is the name most commonly used to refer to the group since 2013, its other names include “the Comment Group” or “the Comment Crew.” These names stem from the APT1’s habit to conduct their command-and-control communications through HTML comments, sentences written in code normally for a programmer’s benefit that do not show up on the rendered HTML page itself.¹⁷

APT1’s Attack Cycle

APT1’s attack cycle contains all the five phases of an average APT attack, but instead of deleting any trace of compromise post-mission, APT1 will continue to steal information from a target, in most cases, as long as they still have access to the network. The longest recorded period that APT1 has maintained access to a victim’s network is four years and ten months.¹⁸

RECONNAISSANCE AND INCURSION

Spear-phishing has played an imperative role in the success of APT1’s cyber espionage campaigns. Spear-phishing is the attempt to obtain sensitive information or send malware via email (aka phishing), but uses information gleaned through research to target the specific email recipient (eg. a coworker’s name or a document regularly produced by one’s place of work). In the case of APT1, the emails would appear to be sent by a target’s superior, asking them to download an attachment, usually in the form of a .zip file.¹⁹ When the target decompressed the zip file and opened all the files inside, malware (usually in an executable .exe file) would run and install itself onto the host computer. To quell suspicion, APT1 members would reply to emails that the target sent regarding the attachment, encouraging them, in relatively good English, to open it. On some occasions, the malware would be disguised to not look like a .exe file. To further hide their tracks and encourage the target to click on all the files, APT1 actors often renamed an executable file to have common job-related fake file extensions, such

15 Mandiant. APT1: Exposing One of China’s Cyber Espionage Units. Report. Mandiant [2013] pg 3. Accessed 11/28/16

16 Ibid, pg 5.

17 Sophos. “Mandiant APT1 (Comment Crew) Threat Response.” Sophos Community [2013]. Accessed 11/28/16

18 Mandiant. APT1: Exposing One of China’s Cyber Espionage Units. Report. Mandiant [2013] pg 29. Accessed 11/28/16

19 Ibid, 30.

as zip, jpeg, doc, etc. For example, a piece of malware “backdoor.exe” would be changed to “ImportantBriefing.pdf.exe,” with 100 spaces after the filename and the .exe extension, such that the file would show up in the user’s file viewer as “ImportantBriefing.pdf...”²⁰ When the malware was run, the program would connect to a Command and Control (C2) server: a centralized computer that could issue commands to the program and receive reports back from the program itself. This became APT1’s backdoor into the system, the connection, made over HTTP request, allowing the APT1 attacker to send commands to the system and bypass all firewalls, as the target computer itself had initialized the connection.^{21,22} The attacker could then download all sorts of other backdoor software into the system.²³

APT1 mainly used two kinds of back-doors: WEBC2 backdoors (or Beachhead backdoors) and non-WEBC2 backdoors, although most were customized and written by APT1 itself. A WEBC2 backdoor makes an HTTP request to the C2 Server, requesting an HTML page, and will interpret the webpage’s special HTML tags or HTML comments as commands.^{24 25} As APT1 would frequently put their malicious commands within HTML comments, much of the international computer security community also refer to APT1 as “the Comment Crew.” WEBC2 backdoors allowed APT1 attackers to execute rudimentary command shell instructions, download and execute a file, and instruct their malware to be inactive for a set period of time.²⁶ The non-WEBC2 backdoors used by APT1 also communicated through HTTP or through a custom protocol designed by APT1 itself. These backdoors were more complicated and effectively gave the attacker full control of the target computer, and access to the network that the computer was on. Additionally, many of APT1’s backdoors used SSL encryption such that communications between the C2 server and the targeted computer were hidden.

After the attacker gained control of the system, APT1 would attempt to obtain usernames, passwords, and other credentials of unsuspecting users. They would do this by using publicly available privilege escalation tools (eg. cachedump, fgdump, pass-the-hash toolkit, pwdump7 etc), to dump password hashes or encrypted passwords, decrypt them, and log in to legitimate user accounts.

20 Yip, Ki Nang. “Spear-Phishing Case Study.” InfoSec Resources Spear-Phishing [2016]. Accessed 11/28/16

21 HTTP (Hypertext Transfer Protocol) Request: the most used method of getting a web page over the internet - most individuals use this protocol when they click on a website link or type one into a web browser.

22 Mandiant. APT1: Exposing One of China’s Cyber Espionage Units. Report. Mandiant [2013] pg 31. Accessed 11/28/16

23 Backdoor software: software that allows an intruder access to a computer that bypasses security mechanisms.

24 HTML (Hypertext Markup Language) page: a webpage written in HTML - many webpages are written in HTML code and interpreted visually by a web browser (like Google Chrome, Firefox or Internet Explorer).

25 HTML tags/comments: HTML uses HTML tags to organize code into logically separate pieces. Developers write HTML comments into the code for other developers to read. Comments do not show up on a webpage.

26 Mandiant. APT1: Exposing One of China’s Cyber Espionage Units. Report. Mandiant [2013] pg 32. Accessed 11/28/16

DISCOVERY AND CAPTURE

With full access to a company computer and the login credentials of legitimate users, the APT1 attacker would do internal reconnaissance of the system: using shell commands or bash scripts, the attacker could access important data about the system (eg. what files are on the system, how the files or folders are arranged, what user permissions are required for what files, etc) and save that information into a .txt file. The attacker would move laterally through the system, finding connected shared resources and online portals that he or she now had access to. The attacker would also maintain a presence by horizontally proliferating through computers on the network, installing new backdoors on multiple systems to assure that, if one backdoor is found and removed, APT1 would still have access to the computer network.

EXFILTRATION

Finally, after finding files of interest to APT1, the attacker or attackers would pack the files into an archive file, before sending it back to the C2 Server and deleting the target computer's local archive file. If the attacker found more login credentials of use to APT1 (or login credentials with more permissions), the attacker would once again escalate his or her own privileges, access new files, computers, and networks with the new permissions, and the cycle would begin again.

ATTRIBUTING APT 1 TO UNIT 61398

Cyber security firm Mandiant cast APT1 into public view, linking the hacker group's activities to a specific group in China's military: the Chinese People's Liberation Army (PLA) unit 61398. Mandiant argued the link in three ways. First, APT1's scale of operations, personnel expertise and apparent mission lined up exactly with Unit 61398. Unit 61398 is under the PLA's General Staff Department's (GSD) 3rd Department, which oversees signals intelligence and cyber security. The unit, also known as the second bureau of this department, is tasked with computer network operations. The individuals they hire must have a good knowledge of English, as well as of operating systems.²⁷ The Project 2049 Institute reported in 2011 that Unit 61398's goal appeared to be to target the US and Canada, focusing on political, economic and military-related intelligence.²⁸ These targets and requirements line up well with APT1, a hacker group made up of English speaking individuals that, based on the sophistication of their malware and their ability to conduct multiple campaigns at once, is a very large and well-equipped organization, similar to that of a military bureau.

Second, specific individuals living in Shanghai with technical backgrounds within Unit 61398 have been matched to specific hacker personas involved in creating APT1 malware.²⁹

27 Mandiant. APT1: Exposing One of China's Cyber Espionage Units. Report. Mandiant [2013] pg 49. Accessed 11/28/16

28 Stokes, Mark A., Jenny Lin, and L.C. Russell Hsiao. "The Chinese People's Liberation Army Signals Intelligence and Cyber Reconnaissance Infrastructure." Project 2049 Institute [2011], pg 11. Accessed 11/28/16

29 Groll, Elias. "The U.S. Hoped Indicting 5 Chinese Hackers Would Deter Beijing's Cyberwarriors. It Hasn't Worked." Foreign Policy [2015]. Accessed 11/28/16

The location that the APT1 personnel are operating from, based off telephone numbers used by attackers to set up fake phishing email accounts, physical addresses provided in domain registration and IP addresses used in software updates, match the same city that Unit 61398 operates in. Over half of the HTML pages accessed through the C2 Server via WEBC2 back-doors to execute commands had domain names that were registered to either a Shanghai phone number from the Pudong district, or a Shanghai address. Although specific interaction between C2 Servers and infected computers were done through other infected computers, the path of HTTP requests and other communications could be traced back to a Shanghai IP address belonging to China Telecom (a Chinese telecommunications company). Shanghai is one of the largest metropolitan cities in Southern China, but the “Unit 61398 Center Building,” the twelve-story building the unit uses as its base of operations, is located in the Pudong district of Shanghai. Moreover, there is evidence that China Telecom has constructed fiber optic communication lines specifically for the Center Building.

TRENDS IN CHINA AND UNIT 61398’S CYBER OPERATIONS

Prior to Mandiant’s report, works written in China on its cyber operations or policy were scarce, aside from vehement denials that China conducted cyber espionage.³⁰ However, indicators of China’s ambition could be easily found in their Eleventh and Twelfth Five-Year Plans, published in March of 2006 and 2011 respectively. The Five Year Plans, a series of development initiatives that guide the party’s strategy for the five years after the plan is released, set wide-sweeping goals for Chinese economic and social structures. The Eleventh Plan clearly states that “Industrial structure will be optimized and upgraded...by relying on enhancing independent innovation capability [and framing] ...it as a national strategy.”³¹ The Twelfth Plan echoes this, further adding that the Chinese government, in the five years following, wants to “strengthen the R&D and industrialization of critical technological equipment.”³² As cyber espionage had commonly been used for economic gain in China in the past, it can be easily assumed that the Chinese government would use this tool, among others at its disposal.

The United States has a far more explicit cyber policy than China. In February 2011, the White House unveiled a new strategy aimed at combating the theft of U.S. trade secrets by hackers. Two months later, President Obama, who had stated many times that cyber security was an important issue for his administration, issued a Cyber Security Legislative Proposal on establishing base standards of protecting critical infrastructure. When the proposal did not pass through Congress, he followed through by issuing an executive order in 2013 to put forward the standards developed collaboratively with the United States IT industry.³³ A few

30 Paganini, Pierluigi. “China Admitted the Existence of Information Warfare Units.” Security Affairs [2015]. Accessed 11/23/16.

31 National Development and Reform Commission (NDRC) People’s Republic of China. “The 11th Five-Year Plan: Targets, Paths and Policy Orientation” [2006], pg 3. Accessed 11/28/16.

32 National Development and Reform Commission (NDRC) People’s Republic of China. “Full Translation of The 12th Five Year Plan.” [2011], pg 1. Accessed 11/28/16

33 The White House, “SECURING CYBERSPACE - President Obama Announces New Cybersecurity Legislative Proposal and Other Cybersecurity Efforts.” The White House [2015]. Accessed 11/28/16

days later, Mandiant released its report on APT1. While information on Chinese hacking was available in Western media in bits and pieces, the report was the most blatant accusation of Chinese state-sponsored cyber espionage, backed up by considerable, quantitative evidence. The Chinese government dismissed Mandiant's conclusions as "baseless."³⁴ Half a year later, however, a new issue of "The Science of Military Strategy," an influential publication, written by the Academy of Military Sciences of the PLA itself, was released in December 2013. Not only had this been the first edition since 2001 of the publication, but the 2013 edition contained a much more extensive view of Chinese military strategy rather than vague rhetoric. It also notably included the first explicit acknowledgment of Chinese "network attack forces" that performed offensive cyber operations.³⁵

This admission was a watershed moment for China-US relations in cyber security. The transparency that "the Science of Military Strategy" offered in regards to China's cyber security strategy not only gave the United States insight into China's network operations, but also showed the United States that China was still interested in pursuing strategic stability in cyberspace through the government's publication of such information with an unusual amount of transparency and candor.³⁶

Four consequential events followed: the US indictment of five Chinese hackers, the OPM breach, the 2015 US Executive Order "Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities," and the 2015 Chinese Defense White Paper. First, the United States Department of Justice indicted five members of Unit 61398 connected with APT1, under 18 U.S. Code 1030, "fraud and related activity in connection with computers."³⁷ However, the DOJ only charged the hackers under the sections of the statute dealing with gaining access to files of financial value, but did not charge under the sections dealing with access to files of value to national security, even when there was evidence that the hackers had both types of access. This deliberate decision to charge the hackers under one section but not another drew a distinction between military and industrial espionage. The decision, therefore, set a precedent that hacking into military and intelligence networks was in the realm of traditional spying and fair game, while hacking into corporate networks, the cyber-equivalent of industrial espionage, was not.³⁸

A year and a half later, however, the US Office of Personnel Management (OPM), found a breach of its computer networks dating back to March of 2014, tracing the intrusion to

34 Schwartz, Mathew J. "China Denies U.S. Hacking Accusations: 6 Facts." China Denies U.S. Hacking Accusations: 6 Facts [2013]. Accessed 11/28/16

35 Gady, Franz-Stefan. "Why the PLA Revealed Its Secret Plans for Cyber War." The Diplomat [2015]. Accessed 11/23/16

36 Ibid.

37 DOJ. "U.S. Charges Five Chinese Military Hackers for Cyber Espionage Against U.S. Corporations and a Labor Organization for Commercial Advantage." U.S. Charges Five Chinese Military Hackers for Cyber Espionage Against U.S. Corporations and a Labor Organization for Commercial Advantage | OPA | Department of Justice [2014]. Accessed 11/28/16.

38 Ibid.

China.³⁹ The hackers broke into OPM's private network and got away with private data of over 390,000 government employees used in background checks.⁴⁰ Then, around the time that the breach was found, President Obama issued yet another executive action, giving the executive branch the power to sanction individuals and entities responsible for carrying out cyber attacks against U.S. targets.^{41 42} This executive order added new weight and authority to previous legislation and precedents – the United States executive branch was now able to unilaterally and efficiently freeze Chinese assets of entities within China, state or military sponsored, – deemed to be harming US critical infrastructure or engaging in commercial espionage through cyber-enabled means.⁴³ Obama's order demonstrated to the international community that, although conducting national security related cyber espionage was fair game, the United States could still very easily punish an individual (or group of individuals) for stealing intelligence information through cyber means.

Only a month later, China released a new Defense White Paper, "China's Military Strategy," stating that the Chinese military had shifted their goal from "winning local wars under the conditions of informatization" to "winning informationized local wars." This change was based off the understanding that high technology warfare was informationized warfare, and that informationized warfare would become the basic form of 21st century warfare. It went on to state that the Chinese military would give even greater weight to the application of information technology in all aspects of military operations, and that the key to a military victory was "information dominance."⁴⁴ This showed that China was not only planning on becoming a dominant player in cyberspace, but that it also was determined to continue security-related hacking to achieve its geopolitical goals.

Finally, in September 2015, the two countries came to the negotiating table. During President Xi Jinping's visit to the White House on September 24 and 25, Xi and Obama came to a Cyber Agreement. This agreement, among other things, stated that the two countries would provide timely responses to assistance concerning malicious cyber activities, pursue efforts to promote appropriate international cyber norms, and refrain from conducting or knowingly supporting cyber-enabled theft of intellectual property. This made two large steps toward international norms regarding cyber security. First, the agreement differentiated public-sector from private-sector hacking, asserting that while the former was equivalent to regular espionage, the latter violated economic agreements. Second, by showing that two great powers could make agreements within cyberspace, the agreement could also encourage states to step up to participate in the crafting of doctrine in this domain.

39 Krebs, Brian. "Catching Up on the OPM Breach." Krebs on Security RSS [2015]. Accessed 11/28/16.

40 Ibid.

41 It is important to note that China's OPM breach was not the only cyber-assault uncovered around the time of the Executive Order. The attacks suffered by Sony Pictures Entertainment by North Korea and attacks on Target and other US companies also provided reason to issue the Executive Order.

42 Exec. Order No. 13694, 3 C.F.R. 3 [2015], pp 1. Accessed 11/24/16.

43 Ibid, pp 2.

44 Fravel, Taylor. "China's New Military Strategy: "Winning Informationized Local Wars"." The Jamestown Foundation [2015]. Accessed 11/28/16.

CHINA'S UNIT 61398 NOW AND ITS IMPACT ON WIDER CYBER TRENDS

Today, PLA Unit 61398 seems to have disappeared, its soldiers assumably sent to other military, private and intelligence units.⁴⁵ APT1 attributed hacks have, naturally, also vanished and commercial hacking in China has declined overall. An intelligence report by FireEye, a cybersecurity company that acquired Mandiant a few years after the APT1 report, states that network compromises by Chinese hacking groups – state-sponsored or otherwise – dropped by 83 percent between February 2013 and May 2016. Moreover, many recorded spear phishing attempts from 2015-2016 originating from China are solely national security related, with targets ranging from Taiwan news organizations to Hong Kong dissidents.⁴⁶ Although this does not necessarily show a desire to completely stop conducting commercial espionage, the evidence suggests that China is making a concerted effort to abide by the 2015 US-China Cyber Agreement by separating national security targets from industry targets, and conducting cyber espionage in a far less overt way. While the lower volume of attacks may also be accompanied by a rise in sophistication of malware, causing attacks to be less numerous but more focused and calculated (and harder to attribute), the sheer drop in raw numbers is enough to be optimistic. China has also actively taken part in the creation of other cyber norms, such as the “anti-hacking bill” portion of the G20 Leaders’ Communique that upholds banning cyber-enabled theft of intellectual property,⁴⁷ and two more rounds of cyber talks between the US Department of Homeland Security and the Chinese Ministry of Public Security.⁴⁸

CONCLUSION

After much posturing, China and the United States have set a series of important policy precedents by separating the two areas of cyber espionage, and have encouraged much of the international community to follow suit. Moreover, Chinese state-sponsored hacks have declined dramatically – while this may increase the sophistication of the attacks, the United States will be better off dealing with a more elusive thief who gets away with less, than an overt, rampaging looter. Cyber security will still be an issue as long as the two countries continue to interact with each other on a political and economic level. While the development of these norms is only the beginning of a wide range of laws in the cybersecurity field, it is an encouraging beginning.

45 Sanger, David E. “Chinese Curb Cyberattacks on U.S. Interests, Report Finds.” *The New York Times* [2016]. Accessed 11/20/16.

46 Intelligence, Fireeye Isight. “REDLINE DRAWN: China Recalculates Its Use of Cyber Espionage.” *Fire Eye Isight Intelligence*. Mandiant [2016] pp 12. Accessed 11/20/16.

47 Painter, Christopher. “G20: Growing International Consensus on Stability in Cyberspace.” *US Department of State Official Blog* [2015]. Accessed 11/25/16.

48 DOJ. “First U.S.-China High-Level Joint Dialogue on Cybercrime and Related Issues Summary of Outcomes.” *First U.S.-China High-Level Joint Dialogue on Cybercrime and Related Issues Summary of Outcomes | OPA | Department of Justice* [2015]. Accessed 11/26/16.

APPENDIX

Graphics for Reconnaissance and Incursion

```

GET /css/about.htm HTTP/1.1
User-Agent: Microsoft Internet Explorer Exelon MYHOSTNAME
Host: thecrowngolf.org ←
Cache-Control: no-cache

HTTP/1.1 200 OK
Server: INetSim HTTP Server
Connection: Close
Content-Length: 258
Content-Type: text/html
Date: Tue, 16 Aug 2016 23:27:27 GMT

```

```

C:\Users\test\Desktop>echo %computername%
MYHOSTNAME ←

```

Illustration A: WEBC2 Backdoor making connection to C2Server

49

```

GET /css/about.htm HTTP/1.1
User-Agent: Microsoft Internet Explorer Exelon MYHOSTNAME
Host: thecrowngolf.org
Cache-Control: no-cache

HTTP/1.1 200 OK
Server: INetSim HTTP Server
Connection: Close
Content-Length: 311
Content-Type: text/html
Date: Tue, 16 Aug 2016 23:04:23 GMT

<html>
<head>
<title>INetSim default HTML page</title>
</head>
<body>
<div safe: KxAikuzeG:F6PXR3vFqffP:H balance></div>
<p></p>
<p align="center">This is the default HTML page for INetSim HTTP server fake mode.</p>
<p align="center">This file is an HTML document.</p>
</body>
</html>

```

Illustration B : C2Server sends encrypted string as part of a div tag. Backdoor program will decrypt the string, which contains a url to go to and download malware.

50

49 KA, Monnappa. "Understanding APT1 Malware Techniques Using Malware Analysis." Lecture [2016]. Accessed 11/20/16

50 Ibid



```

Telnet
+OK
pass
+OK User successfully logged on.
ls
-ERR Protocol error.
list
+OK 1773 46169112
1 53743
2 15306
3 2827
4 1041
5 3923
6 8649
7 9639
8 112844
9 3809
10 72926
11 1137
12 923
13 96558
14 1850
15 849
16 5269
17 1021

```

Illustration C: APT1 Attacker logs on to web mail using legitimate credentials, lists emails

51

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51 APT1: Exposing One of China's Cyber Espionage Units. Video [2013]. Accessed 11/28/16.

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Addressing Challenges Faced by Syrian Refugee Women and Girls in Jordan

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ABSTRACT

This paper investigates the specific challenges faced by Syrian women and girls affected by the refugee crisis who have fled to Jordan, drawing from reports by international organizations and NGOs, news reports, ethnographic research including personal refugee accounts, and scholarly research. The evidence shows that those providing services to Syrian refugees in Jordan, including the UN, NGOs, and the Jordanian government, have not adequately responded to issues faced by female refugees. In particular, the government and international aid providers are reluctant to intervene in perceived social problems, especially when they are culturally charged and involve conflict among groups. An effective response requires that the Jordanian government take a leading role in a new strategy to address social challenges through legal action and cultural intervention with guided support from the UN and international NGOs. To develop this argument, I provide a brief background section on the Syrian refugee crisis and the response in Jordan, followed by two thematic sections on the health needs of female Syrian refugees and the sociocultural challenges. The paper closes with policy recommendations and concluding observations.

INTRODUCTION

Nasreen, 14 years old, fled from Syria with her family and lives with 11 other people in a tent in the Zaatari refugee camp in northern Jordan.¹ Her parents, hoping to protect her from sexual violence and relieve the family's financial strain, married her to a 32-year-old man from Saudi Arabia. He divorced her after four months, and she returned to Jordan. Now, Nasreen wants to focus on gaining an education, but her parents are looking for another husband. Nasreen's

1 Karen Boswall and Ruba Al Akash, "Personal perspectives of protracted displacement: an ethnographic insight into the isolation and coping mechanisms of Syrian women and girls living as urban refugees in northern Jordan," *Intervention* 13, no. 3 (November 2015): 203-215.

situation reflects the challenges faced by many Syrian refugee women and girls, whose refugee status exacerbated existing problems in Syrian society, including early marriage and resulting reproductive health issues. The civil war also created new epidemics of unplanned single motherhood and psychological trauma. International organizations and NGOs providing assistance to refugees recently began to study the effects of the crisis on women in particular and have devised targeted programs to meet women's needs.

This paper investigates the specific challenges faced by Syrian women and girls affected by the refugee crisis who have fled to Jordan, drawing from reports by international organizations and NGOs, news reports, ethnographic research including personal refugee accounts, and scholarly research. The United Nations and international NGOs sponsor most research on these topics. Outside studies focus primarily on the health-related needs of female refugees. The evidence shows that those providing services to Syrian refugees in Jordan, including the UN, NGOs, and the Jordanian government, have not adequately responded to issues faced by female refugees. In particular, the government and international aid providers are reluctant to intervene in perceived social problems, especially when they are culturally charged and involve conflict among groups. An effective response requires that the Jordanian government take a leading role in a new strategy to address social challenges through legal action and cultural intervention, with guided support from the UN and international NGOs. To develop this argument, I provide a brief background section on the Syrian refugee crisis and the response in Jordan, followed by two thematic sections on the health needs of female Syrian refugees and the sociocultural challenges. The paper closes with policy recommendations and concluding observations.

BACKGROUND

The United Nations High Commissioner for Refugees, (UNHCR), defines a refugee as “someone who has been forced to flee his or her country because of persecution, war, or violence.”² Since the Syrian Civil War began in March 2011, 4.8 million Syrian refugees have registered with UNHCR.³ 655,404 Syrians are registered as refugees in Jordan, of whom 140,822 or 21% reside in refugee camps while the remainder have settled in urban and rural areas of the country such as Irbid and Amman.⁴ Thousands of others are unregistered or awaiting registration.⁵ The highest-capacity refugee camp is Zaatari, situated 10 kilometers from the Syrian border and operating since July 2012.⁶ UNHCR leads the administration of the camp, with assistance from the Jordanian government, foreign contributors, and several

2 “What is a refugee,” *UNHCR*, accessed 18 March 2017, <http://www.unrefugees.org/what-is-a-refugee/>.

3 “Syria Regional Refugee Response: Inter-agency Information Sharing Portal,” *UNHCR*, accessed 10 December 2016, <http://data.unhcr.org/syrianrefugees/regional.php>.

4 *Ibid.*

5 Sandra Krause et al, “Reproductive health services for Syrian refugees in Zaatari Camp and Irbid City, Hashemite Kingdom of Jordan: an evaluation of the Minimum Initial Services Package,” *Conflict and health* 9, no. 1 (2015): 1.

6 Hanane Bouchghoul, et al, “Humanitarian obstetric care for refugees of the Syrian war. The first 6 months of experience of Gynécologie Sans Frontières in Zaatari Refugee Camp (Jordan),” *Acta obstetrica et gynecologica Scandinavica* 94, no. 7 (2015): 755-759.

international NGOs. Currently, 50.6% of the registered Syrian refugee population in Jordan is female. The percentage of women making up the Syrian refugee population has reached higher levels in the past, including 80% in 2013, but has neared an equal distribution as the civil war has forced more Syrians to flee.⁷ The majority are girls under the age of 18. Women between the ages of 18 and 35 represent 28.8% of the population and the majority of new arrivals.⁸ UNHCR has identified 3.5% of Syrian refugees in Jordan as women at risk, defined as a woman or girl who “has protection problems particular to her gender and lacks effective protection normally provided by male family members.”⁹ In addition, 3.2% are single parents, with some overlap of the women-at-risk population.

The evaluation and provision of services specifically aimed at meeting female refugee needs has developed in recent years. UNHCR published its first Guidelines on the Protection of Refugee Women in 1991, which advocated alternatives to camps, expanded educational opportunities, and other measures. The organization has fully implemented few of these guidelines in the past twenty years, although it has paid growing attention to the female refugee issue.¹⁰ Refugee camps have institutionalized reproductive health services and integrated women into policy development. Gender-based violence is now an established sector of operations and programs targeted toward men and boys are in development. Awareness of refugee women’s issues has grown substantially, but “progress to date, while substantive, has moved much further on the policy and guidance fronts than it has in practice.”¹¹ Programs for female refugees lack regular quantitative assessments and preventative measures for gender-based violence. Most available services also suffer from cultural barriers and challenges in improving awareness and trust among refugees. The Syrian refugee crisis brought these shortcomings into focus, as large numbers of female refugees fled to host countries. One assessment found that prior to 2013, “full integration of gender into the planning and implementation of services and programs was not common practice in the early stages of response to the crisis.”¹² A UN Gender Standby Capacity Project (GenCap) advisor arrived in Jordan in March 2013 to specifically monitor refugee women’s needs, and UNHCR has since developed programs to target these challenges.

Health Needs

The civil war and the subsequent refugee crisis exacerbated three interrelated health needs of female Syrian refugees in Jordan: gender-based violence, psychological trauma, and gynecological issues. Although none of these problems is new or unique to refugees, the current crisis increased the number of women facing these challenges and heightened the

7 “Inter-Agency Assessment: Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, with a Focus on Early Marriage,” *UN Women* (Amman: July 2013).

8 Goleen Samari, “The Response to Syrian Refugee Women’s Health Needs in Lebanon, Turkey and Jordan and Recommendations for Improved Practice,” *Knowledge & Action, Humanity in Action* (2015).

9 Larry Yungk and Susan Krehbiel, “Resettlement and Women-at-Risk: Can the Risk Be Reduced?” *UNHCR* (2013).

10 Dale Buscher, “Refugee women: Twenty years on,” *Refugee Survey Quarterly* 29, no. 2 (2010): 4-20.

11 Buscher, 15.

12 Zeina Zaatari, “Unpacking Gender: The Humanitarian Response to the Syrian Refugee Crisis in Jordan,” *Women’s Refugee Commission* (March 2014).

barriers to effective treatment. As a result, UNHCR and other organizations that aid refugees must develop specific programs to meet these needs.

The United Nations has found that significant numbers of Syrian refugees in the Zaatari and Azraq camps in Jordan are survivors of gender-based violence, but the camps are not yet able to meet their needs.¹³ Gender-based violence (GBV) often increases in war, and the stress and insecurity of fleeing from home also led to its rise. Accurate statistics on the prevalence of GBV are difficult to obtain due to cultural stigma, lack of awareness, and fears of reprisal. A study by UN Women found that 30% of women refused to respond to questions about GBV and others gave limited answers.¹⁴ Most interviewees reported high levels of verbal harassment as well as increased levels of intimate partner violence. In another ethnographic study of female Syrian refugees in the northern Jordanian border towns of Irbid and Ramtha, women similarly reported that GBV and intimate partner violence had increased since they became refugees.¹⁵ Multiple women described their crowded living situations as a “prison.”¹⁶ The researchers concluded that high levels of stress due to the refugee situation had compelled men to commit more acts of domestic violence against their family members. In situations where husbands are already abusive, the insecurity of the refugee situation can make intimate partner violence a more serious problem because women lack opportunities to escape their abusers.¹⁷ Many refugee women prefer to remain with their husbands for physical and financial security and may also lack legal assistance to divorce or separate from their partners. On the other hand, the war and refugee crisis forced many women to be single after their husbands died in conflict or were separated from them. These women also face insecurity without the protection of male family members that is traditionally expected.

Current services for sexual violence survivors lack awareness and trust among refugees. UN Women found that 83% of refugees surveyed were unaware of GBV services.¹⁸ Moreover, interviewees rated the services available as “not sufficient” in providing the full range of services in a confidential and appropriate manner. A 2015 evaluation of reproductive health services in the camps found only one fully functional rape center.¹⁹ The UN’s status as a foreign outsider to the culture of Syrian refugees contributes to the problem. Sexual violence is a highly personal issue and typically kept within the family. There is evidence that locally based organizations can provide these services more effectively than international NGOs. The Jordanian Women’s Union (JWU), an organization of social workers, recorded 1,401 cases of GBV among Syrian refugees between January and April 2013, including socioeconomic and psychological abuse.²⁰ Husbands were identified as the perpetrators in a majority of cases, and

13 “Women and Girls in the Syria Crisis: UNFPA Response.” *The United Nations Population Fund* (2015).

14 “Inter-Agency Assessment: Gender-Based Violence and Child Protection,” *UN Women* (July 2013).

15 Boswall and Akash, “Personal perspectives of protracted displacement” (November 2015).

16 *Ibid.*

17 Jane Freedman, “Sexual and gender-based violence against refugee women: a hidden aspect of the refugee ‘crisis,’” *Reproductive Health Matters* 24, no. 47 (2016): 18-26.

18 “Inter-Agency Assessment: Gender-Based Violence and Child Protection,” *UN Women* (July 2013).

19 Krause et al., “Reproductive health services for Syrian refugees in Zaatari Camp and Irbid City” (2015).

20 “Inter-Agency Assessment: Gender-Based Violence and Child Protection,” *UN Women* (July 2013).

most of the abusive husbands were Jordanian or otherwise non-Syrian. The JWU's surveys found that 29.2% of women would go to the police if they experienced sexual violence and only 3.9% would first go to a health provider.

Sexual violence, in addition to child marriage and financial insecurity, contributes to reproductive health challenges among female refugees. An NGO survey of women living in camps in Jordan found that “23% of women were unaware about reproductive health services, 28% had experienced unplanned pregnancies and 17% did not access antenatal care for pregnancy.”²¹ Refugee women and girls in the Zaatari and Irbid City camps know little about the services available and are reluctant to use them due to opinions that they are low quality and lack privacy.²² These attitudes adversely affect the approximately 22,000 Syrian women who give birth every month in Jordan, 15% of whom are at risk of poor pregnancy outcomes. Clinics in the camps typically transfer these high-risk cases to Jordanian hospitals in urban areas.²³ The NGO Gynécologie Sans Frontières found that female interpreters were successful in improving trust among refugees because they acted as a bridge between the patients' culture and the foreign health providers.²⁴ The existing health infrastructure in Jordan enables most of the success in implementing refugee health programs, but limitations in government services conversely translate to gaps in refugee healthcare.²⁵ Health services targeted toward survivors of sexual assault and refugees with sexually transmitted infections are particularly lacking because the Jordanian government has not established clear protocols in these areas. In addition, few women used family planning services and free contraception was only available to married women.

Refugees living in urban and rural areas outside of the camps in Jordan face additional gynecological health challenges. The Jordanian Ministry of Health, local and foreign NGOs, and international organizations operate 67 reproductive health centers open to Syrian refugees outside of the camps.²⁶ Married women use these services most frequently, and about 50.3% visit the centers operated by NGOs. Accessing services outside of camps has its own set of logistical challenges. Clinics have a high operating cost and patients report difficulty in affording travel to and from their appointments. As they do in the camps, providers encounter sociocultural barriers such as child marriage, low levels of awareness, and traditional attitudes against family planning. Many refugees are also unable to access these services if they do not possess an official security card from the Jordanian government, which is required to live legally outside of the camps.

Both sexual violence and reproductive health problems exacerbate a third health issue: psychological trauma and mental illness. Syrian refugees undergo significant trauma by

21 Samari, “The Response to Syrian Refugee Women's Health Needs in Lebanon, Turkey and Jordan” (2015).

22 Krause et al., “Reproductive health services for Syrian refugees in Zaatri Camp and Irbid City” (2015).

23 Bouchghoul et al., “Humanitarian obstetric care for refugees of the Syrian war” (2015).

24 Ibid.

25 Krause et al., “Reproductive health services for Syrian refugees in Zaatri Camp and Irbid City” (2015).

26 The Higher Population Council of Jordan, “Reproductive Health Services for Syrians Living Outside Camps in Jordan,” *UNHCR* (2016).

witnessing violence in their home country, fleeing to unfamiliar situations, and monitoring events at home from afar. Separation from family and friends, poor living situations in camps, and financial strain cause additional distress. These experiences aggravate existing conditions and lead to the development of Post-Traumatic Stress Disorder (PTSD), depression, and anxiety, among other illnesses. Interviews with refugee women and girls in Irbid and Ramtha found “common feelings of isolation and sadness among a great many of the women.”²⁷ Living in the camps disrupted the social lives of women in various ways. Many of them live in crowded conditions and no longer have access to private and all-female spaces used for socializing. Camp life also restricts the movement of women, as families fear for their safety outside of the home and male family members are often unavailable to accompany them. In addition to these challenges, refugees experience the grief of losing family members and friends through death or separation. Refugee services under-address mental illnesses compared to other health issues. Local and international NGOs offer community activities in an attempt to facilitate social interaction among refugee women and relieve sadness and mental distress, but are often unsuccessful. Interviews with refugees found that many women did not want to participate in these activities “out of respect and consideration for those still suffering in Syria after they had fled.”²⁸ Aid providers should respond to this feedback and develop programs to accommodate sociocultural challenges in meeting these health needs.

Sociocultural Challenges

Syrian refugee women face sociocultural challenges that interact with health issues. Like the health problems discussed, these issues existed in Syrian society prior to the refugee crisis but were exacerbated by the experience of war and relocation to refugee camps. First, the number of marriages involving Syrian girls younger than the age of 18, referred to as a child marriage, has increased. Before the war, child marriage was common in Syria, where the legal age of marriage for girls is 16. Financial strain and safety fears due to the refugee situation have pressured more families to make marriages for their girls. In addition, more Syrian women have unwillingly become single, unaccompanied, or heads of households after their husbands and other male relatives died or became separated in war. Social interventions can discourage families from arranging child marriages and mitigate the problem. Only the end of the war could resolve the single women issue, but aid providers can develop programs to support these women and alleviate their struggles.

A complicated range of sociocultural and economic factors contribute to rising child marriage rates, and the trend results in other social, health, and economic issues. The child marriage rate in Syria was about 13% prior to the outbreak of war and increased to 25% of marriages in Jordan involving Syrian refugees in 2013 and 32% during the first half of 2014.²⁹ Most girls marry Jordanian men to integrate into society and improve their economic security. While the majority of early marriages in Syria were between two children of similar age, Syrian

27 Boswall and Akash, “Personal perspectives of protracted displacement” (November 2015), 207.

28 Ibid, 210.

29 Rana F. Sweis, “In Jordan, Ever Younger Syrian Brides,” *The New York Times*, 13 September 2014.

girls in Jordan frequently marry older, typically foreign men.³⁰ Surveys of refugees find that reducing the financial burden on families and seeking protection from sexual harassment and violence are the predominant motivations. 86% of Syrian refugee families live below the national Jordanian poverty line.³¹ However, families often lack awareness of the dangers of gynecological complications, domestic abuse, limited educational opportunities, and other adverse effects of early marriage.³² In addition, foreign women who marry Jordanian men must wait three years before qualifying for citizenship, so child brides lack effective protection under the law.³³

Early marriage also causes a cultural clash between Syrians and Jordanians. Jordan has a higher legal age of marriage for women—18 compared to 16 in Syria—and marriages between Syrian refugees and Jordanian men foster social tensions.³⁴ Jordanian women perceive that Syrians are willing to accept smaller dowries and marry at younger ages.³⁵ As a result, some Jordanians resent Syrian women for taking desirable husbands. Syrians are aware of these negative attitudes, which can lead to mutual resentment. Multiple refugees reported to UN Women that “Jordanian men think Syrian women are cheap.”³⁶ Another consequence of these attitudes is that Jordanian men offer lower dowries than Syrian families typically expect, reducing the expected financial relief. Refugees also report unsolicited marriage proposals which contribute to a feeling of cultural tension and harassment.

Other refugee women struggle with single living and motherhood, which can involve leading families without their husbands or living unaccompanied by male relatives who would normally protect them. Most single refugee women fall into the women-at-risk category designated by UNHCR. Single women lead 35% of Syrian refugee households in Jordan, usually as a result of their husbands’ death, capture, or separation during the war and refugee journey.³⁷ Most of these women lack adequate economic resources due to sociocultural and legal barriers.³⁸ Only one woman in five holds a paying job and the same proportion receive financial support from a relative. They instead rely on the protection of aid providers, with 25% receiving cash payments from UNHCR or another agency and two out of three depending entirely on those payments. The majority of women-at-risk report feelings of insecurity and one third do not leave their homes due to anxiety and fear.

A small number of these women are empowered by the experience because they are able to work outside of the home for the first time and make independent decisions for themselves

30 “Inter-Agency Assessment: Gender-Based Violence and Child Protection,” *UN Women* (July 2013).

31 Boswall and Akash, “Personal perspectives of protracted displacement” (November 2015).

32 Sweis, “In Jordan, Ever Younger Syrian Brides” (2014).

33 “Inter-Agency Assessment: Gender-Based Violence and Child Protection,” *UN Women* (July 2013).

34 “Unpacking Gender,” *Women’s Refugee Commission* (March 2014).

35 Samari, “The Response to Syrian Refugee Women’s Health Needs in Lebanon, Turkey and Jordan” (2015).

36 “Inter-Agency Assessment: Gender-Based Violence and Child Protection,” *UN Women* (July 2013), 43.

37 Ann M. Simmons, “Widowed, divorced, abandoned in Jordan.” *Los Angeles Times*, 24 October 2016.

38 “Woman Alone: The fight for survival by Syria’s refugee women,” *United Nations High Commissioner for Refugees* (2014).

and their families. Most, however, lack the support to enjoy their independence. One woman reported feeling overwhelmed by the responsibility of caring for her children because “I am their father. I am their mother. I am everything to them.”³⁹ She works part-time in a clothing store, her first job outside of the home, but relies primarily on assistance from UNHCR and the World Food Programme. Like other women in her situation, she faces high barriers to success in the workplace. The Jordanian Ministry of Labor issued 25,455 work permits to Syrians in 2016, but granted only 357 to women.⁴⁰ Employers prefer women under the age of 40 and are not required to provide child care. Once they secure employment, many women face harassment, violence, and exploitation in the workplace as well as resentment from family members for breaking tradition and working outside of the home. Some women turn to the alternative of starting their own small business ventures. Camp businesses include bakeries, laundry services, and craftsmanship. Without greater institutional support, however, almost all women-at-risk cannot sustainably survive and lead their families.

POLICY RECOMMENDATIONS AND CONCLUSION

Methodological limitations exist in evaluating the needs faced by the female Syrian refugee population. Because the refugee crisis is ongoing, critical statistics change daily and are not shared uniformly among interested agencies, governments, and scholars. In addition, official statistics fail to capture many individuals and cases of interest. Not all refugees have registered with UNHCR, and some individuals living outside of the camps have not obtained national identification cards. Similarly, many women are reluctant to report sensitive issues such as experiences of gender-based violence, mental illnesses, and unsanctioned child marriages. These statistical limitations make it difficult to reconcile the findings reported by different studies and to draw conclusions on the drivers of change in particular measures. As a result, policy recommendations are inherently limited since they are based solely on the available information.

Despite these challenges, the existing statistical and ethnographic studies of female Syrian refugees in Jordan suggest the need for several policy changes. First, the Jordanian government should take a leading role in targeted interventions to improve the lives of refugee women and girls. All of the challenges discussed have cultural causes and consequences, and aid providers can only effectively address them if they are trusted by refugees. Multiple studies report high levels of distrust of UNHCR and NGO services. However, cultural interventions often improve this measure. For example, Gynécologie Sans Frontières addressed the problem by hiring local female interpreters who could translate both language and culture.⁴¹ They formed personal relationships with patients and built trust at the community level. Similarly, foreign researchers were surprised to find that NGO-led community activities aimed at reducing mental distress were not welcomed by refugee women.⁴² More traditional community activities led by

39 Simmons, “Widowed, divorced, abandoned in Jordan” (2016).

40 Ibid.

41 Bouchghoul et al., “Humanitarian obstetric care for refugees of the Syrian war” (2015).

42 Boswall and Akash, “Personal perspectives of protracted displacement” (November 2015),

Jordanians may be more successful in building social relationships. The Jordanian government has launched some interventions along these lines, such as the establishment of a Shariah court in the Zaatari camp to judge whether or not to allow child marriages.⁴³ The court has had limited success in preventing marriages because of difficulties in judging propriety. This reflects the need for the Jordanian government to take stronger legal measures to prevent child marriage and institutionalize gender-based violence health services and prevention. Similarly, the Jordanian government should take steps to increase employment opportunities for refugee women, particularly female heads of households. Necessary measures include granting more work permits to women, outlawing age discrimination, and requiring employers to support child care.

Second, aid providers should target women and girls' issues more comprehensively. All of the problems discussed in this paper are interrelated. The social issues of child marriage and single women, for example, can lead to the development of health issues such as gender-based violence, reproductive complications, and mental illness. Research on the causes of these problems also reveals that they share a common factor of financial insecurity. Economic opportunities and education reduce the impact and pervasiveness of both social and health-related challenges. Ideally, programs that target each of these problems should also screen for other related issues. Health providers, for example, should identify the specific social and economic factors that contribute to the patient's condition and refer patients to relevant services. More centralized services would also increase awareness and reduce travel and operating costs. Aid providers have made some attempts to address women's needs holistically. The International Rescue Committee (IRC) runs several "safe spaces" in Jordan for women and girls that provide support to individual refugees and refer them to necessary services.⁴⁴ The IRC also conducts "safety audits" in refugee camps to assess the overall needs of the female population and present recommendations to camp leadership. The UN Population Fund administers similar comprehensive women's centers in both camp and urban areas to provide a range of relevant services.⁴⁵ The Jordanian government, UNHCR, and other providers should follow these examples in taking measures to address women's needs more holistically. While doing so, they should also make more efforts to collect and incorporate feedback from the refugees themselves. An Inter-Agency Standing Committee assessment found that several organizations solicit feedback from refugee women and girls, but do not fully put their recommendations into practice or follow up with their informants.⁴⁶

Finally, the Jordanian government and UNHCR should develop alternatives to refugee camps. UNHCR identified camps as a contributing factor to the problems faced by refugee women in

43 Sweis, "In Jordan, Ever Younger Syrian Brides" (2014).

44 "Are We Listening? Acting on Our Commitments to Women and Girls Affected by the Syrian Conflict," *International Rescue Committee* (September 2014).

45 "Women and Girls in the Syria Crisis: UNFPA Response," *The United Nations Population Fund* (2015).

46 "Evaluation of Implementation of 2005 Inter-Agency Standing Committee Guidelines for Gender-Based Violence Interventions in Humanitarian Settings in the Syria Crisis Response," *UNHCR, UN Population Fund, UN Children's Fund, the International Rescue Committee and the International Medical Corps* (2015).

its first 1991 guidelines but has failed to fully implement its own recommendation.⁴⁷ Research demonstrates that camp conditions exacerbate, and in some cases create, many of the problems faced by refugee women and girls in Jordan. Crowded conditions and inadequate security foster feelings of anxiety, depression, and fear. In many cases, women and girls are afraid to leave their homes and access critical services. Camps also pose barriers to employment and sustainable integration into Jordanian society. The Jordanian government should follow the example of Lebanon, which operates on a “no camps” policy and instead strives to integrate Syrians into Lebanese life. The transition away from camps carries its own challenges, such as difficulty in centralizing services, tracking refugee needs, and sustaining Syrian communities. However, most needs faced by refugees are not fully distinct from those that exist in the general population. For example, medical providers can serve both refugees and Jordanians. Community building is difficult both in and outside of the camps, but refugees will likely continue to live in similar areas. On balance, the benefits of reducing camp populations outweigh these limitations.

These broad policy changes would benefit all refugees and reduce the hardships faced by Syrian women and girls in particular. Future research should investigate how these recommendations can best be implemented, drawing on the successes and failures of cases like Lebanon. The refugee aid provider community has already taken the most critical step of dedicating itself to address the specific needs of women and girls. UNHCR, the Jordanian government, and other invested parties must now ensure that they design these programs as effectively as possible.

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47 Buscher, “Refugee women” (2010).

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Building Bears and Dragons: The Construction and Co-optation of Nationalism and Territorial Claims in Russia and China

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ABSTRACT

Recently, Russia and China have constructed and cultivated an increase in nationalism among their populace, linked to territorial claims in areas of previous empire. This paper uses comparison to examine the roots of territorial nationalism toward Ukraine and Taiwan, and the extent to which this trend is constructed and co-opted by the Russian and Chinese states respectively. These heterogeneous states use a narrative of humiliation and nostalgia for lost empire to reinforce a sense of identity within their constructed major ethnic groups, the Russky and the Han, respectively. Because these groups are defined, not by their cultural similarity, but by their difference from other ethnic groups, continued emphasis on Russky and Han identity is problematic in both Russia and China as modern multiethnic states. Rather than let these sentiments drive policy, the state in both cases co-opts this nationalist feeling for its own geostrategic aims.

INTRODUCTION

In recent years, the rise of China has caused international observers to point to growing nationalism in the country as a source of future conflict with the United States. At the same time, the resurgence of Russia struck a chord in the United States that has lain dormant in many ways since the Cold War. Nationalist rhetoric from both countries has increased markedly in the last five years. Interestingly, the rhetoric and evolution of Russian nationalism is eerily similar to recent developments in China. This is particularly evident in border disputes over territories like Ukraine and Taiwan. How have these countries constructed and directed nationalism as a source of legitimacy by tying the reclamation of territory with their resurgence

into a position of power in the modern world?

This paper draws on comparisons between China and Russia to argue that nationalist rhetoric towards Taiwan and Ukraine is constructed and co-opted by the state in a historical narrative of empire and resurgence. The reclamation of lost territories is tied inextricably in the state narrative of the reclamation of a lost position in world order. Nationalism, as it is addressed here refers to official nationalism as it is defined by Benedict Anderson in his book, as a deliberate policy choice by elites.¹ This piece will examine the way that official nationalism utilizes territory as the key to an identity of lost empire and resurgence.

BACKGROUND

National identities in Russia and China (and indeed everywhere) are intimately tied into the history of these countries. For this reason, it is necessary to give a brief overview of the development arc of each country. Not only will this give context to regional disputes on Ukraine and Taiwan, it will also provide a context of empire and resurgence which remains a key feature in each country's historical narrative today.

In the 1600s, China lived up to its name as the Middle Kingdom. The yellow river valley civilization was in the midst of a high water mark for art and technology that far surpassed that of Western Europe, still bleary eyed from the dark ages. Kenneth Pomeranz has famously argued that up until even the end of the 18th century, China was at the very least on even footing with Western Europe.² This makes the events of the 1800s and 1900s all the more dramatic, as China, after years inward looking, found itself confronted by a Europe with all the advantages of the Industrial revolution. This confrontation led to China being forced to sign a series of unequal treaties, beginning with the Treaty of Nanjing in 1848, which ceded territory and rights to western powers. The period between the Treaty of Nanjing and the triumph of Communist forces in the Chinese civil war is commonly referred to as the “Hundred Years of National Humiliation.”³

It was during this period that Taiwan was ceded to Japan as a part of the Treaty of Shimonoseki at the end of the humiliating Sino-Japanese War in 1895.⁴ Taiwan had only come firmly under the rule of the Qing Empire in the last 100 years of the dynasty, and its loss to Japan was one of a series of territories lost during this time. At the end of WWII, Taiwan was returned to the Republic of China (ROC) as a part of the armistice agreement with Japan. However, after only four years it became clear that the Communists would win the Chinese Civil War. The Nationalist ROC government retreated onto the island of Taiwan, and has remained

1 Anderson, Benedict. *Imagined communities: Reflections on the origin and spread of nationalism*. Verso Books, 2006.

2 Kenneth Pomeranz, *The Great Divergence: China, Europe, and the Making of the Modern World Economy*. Princeton, NJ: Princeton University Press, 2000.

3 William Callahan, “National Insecurities: Humiliation, Salvation, and Chinese Nationalism.” *Alternatives: Global, Local, Political* 29, no. 2 (2004): 199-218. doi:10.1177/030437540402900204.

4 Jonathan Spence, *The Search for Modern China*. New York: Norton, 1990, 222.

there ever since.⁵ To Mainland China, Taiwan represents not only a legacy of colonialism and foreign intervention in the form of Japanese occupation, but also a direct challenge to the Communist party in the form of an alternate Chinese government system, and its old rivals in the ROC. Although the current dispute over the status of Taiwan often centers on treaties and international law, in Chinese justifications of ownership of the island, history plays a pivotal role.⁶

Although Russia was arguably never the global power that China was in the 17th century, it similarly enjoyed an enormous empire, considerable military strength, and a prominent position in the world. Although the czars did not have a strongly centralized state, they managed to accumulate large swaths of territory. Catherine II took territory in Ukraine, Belorussia, and Lithuania in the late 17th to the 18th centuries, while Alexander I took large swaths of the Caucasus in the Caucasian War in the 19th century. However, during this time, Ukraine (which literally means “the frontier” or “the sticks”) was not seen as particularly important to the empire.⁷

After the Russian Revolution in 1917, the communist party granted nominal autonomy to nationalist republics as a way of dealing with the heterogeneity of the Soviet Union. During this time, although top leaders in Ukraine and other national autonomous regions were of the native nationality so, in reality, it was Moscow who had final control. Despite this gesture toward regional autonomy, the Soviets continued Russification policies from the czarist era in an attempt to unify their homogenous population. By 1991, most Ukrainians spoke Russian as their first language, even if they did not identify it as their ‘mother tongue.’⁸

Like Taiwan and China, Ukraine only became important to Russian nationalist sensibilities in recent years. In 1954, as a sign of good faith and support for the Communist Party of Ukraine Khrushchev granted Crimea to Ukraine, despite Crimea’s large Russian-speaking population.⁹ As recently as 1994, in recompense for Ukraine giving up its nuclear arsenal, the United States and Russia, among other parties, signed the Budapest memorandum, which guaranteed Ukraine’s “territorial integrity” and “political independence.”¹⁰ At the time, Ukraine was concerned about its future relations with Russia, and refused to give up its nuclear weapons until it had received security guarantees from Moscow.

These promises have been thrown into sharp relief by the Russian annexation of Crimea in 2014, and its support for (and some say direct involvement in) separatist movements in

5 “Why China and Taiwan Are Divided.” *The Economist*, August 25, 2014.

6 Shelley Rigger. *Why Taiwan Matters: Small Island, Global Powerhouse*. Lanham: Rowman & Littlefield, 2011, 5.

7 Ernst Haas. *Nationalism, Liberalism, and Progress / the Dismal Fate of New Nations*. Ithaca: Cornell Univ. Press, 2000, 329-331.

8 *Ibid*, 407.

9 *Ibid*, 378.

10 Mariana Budjeryn. “The Breach: Ukraine’s Territorial Integrity and the Budapest Memorandum.” *Nuclear Proliferation International History Project*, Issue Brief, no. 3 (2014). [https://www.wilsoncenter.org/sites/default/files/Issue Brief No 3--The Breach--Final4.pdf](https://www.wilsoncenter.org/sites/default/files/Issue%20Brief%20No%203--The%20Breach--Final4.pdf).

Eastern Ukraine ever since. These moves, some of the most aggressive of Russian foreign policy since the fall of the Soviet Union, have raised questions about the emergence of a new Russian nationalism, and the potential for future bellicose behavior by the state.

This paper draws on comparisons between China and Russia to argue that nationalist rhetoric towards both Taiwan and Ukraine respectively is utilized by the state in its historical narrative of empire and resurgence. The reclamation of lost territories is tied in the state narrative to the restoration of a lost position in international affairs. The nationalism that international observers have drawn attention to is in many ways, deliberately constructed and co-opted by the state.

THE CONSTRUCTION OF NATIONALISM

Despite state claims to the contrary, the growth of nationalism in both Russia and China is the product of a deliberate choice by each state to develop nationalism as a unifying force. However, this remains a problematic tool that divides as often as it unifies. Originally, the Russian czarist government was not particularly concerned with the heterogeneous nature of its territory, preferring to focus on control of the nobility and waging war.¹¹ Similarly, the Qing Empire was an incredibly heterogeneous territory, but there was little ethnic conflict in the modern sense until the early 1900s, when Han scholars, most notably Zou Rong, deliberately created modern Han identity as a rallying call against the Manchu dynasty.¹²

Increased exposure to western racial rhetoric led to the adoption of nationalism by Chinese scholars who opposed the Qing dynasty. Western racial categories in the 18th to 19th century grouped the Chinese and the Manchu into a broader Asiatic or yellow race group. This was problematic for those who were looking for a Chinese identity to juxtapose against the Manchu dynasty. Although many authors wrote on these subjects, including Liang Qichao and Zhang Binglin, it was Sun Yat-sen's writing that would become the most influential. Sun – who would later be hailed as the founder of the Republic of China – made nationalism the doctrine of the state in his “Three Principles of the People.”¹³ However, at the time when he wrote this treatise on democratic government, it was more of an aspiration than a description of reality. Sun himself bemoaned the fact that the Chinese people were not united but like “loose sand.”¹⁴

One hundred years later, nationalism in China has reached a feverish pitch. The book *China Can Say No* (referring to China's choices in the coming century), edited by Song Qiang et al, is acutely nationalistic and xenophobic (even by many scholars in the region), based on the principle that China can (and should) reject the US-led international order. Nevertheless,

11 Ernst Haas. *Nationalism, Liberalism, and Progress / the Dismal Fate of New Nations*. Ithaca: Cornell Univ. Press, 2000, 330-332.

12 Jonathan Spence, *The Search for Modern China*. New York: Norton, 1990, 234-236.

13 Christopher Hughes, *Taiwan and Chinese Nationalism: National Identity and Status in International Society*. London: Routledge, 1997, 7

14 Ibid.

the book sold incredibly well in China.¹⁵ Anti-Japanese rallies fueled by nationalist rhetoric have attracted hundreds, and spawned violence against Japanese property in China.¹⁶ Still, these nationalist outpourings by no means represent all Chinese. Academics and policy makers widely rejected the aforementioned book as ignorant and purposely inflammatory, and many Chinese did not participate in any anti-Japanese demonstrations.¹⁷

Although nationalism also exists in Russia, it remains disputed and the construction of a unified nationalist sentiment has not been successful to the same degree as it has in China. Currently, nationalism in Russia falls along several lines, including nationalists allied with the Kremlin, national democrats who oppose the Kremlin, leftists nationalists, and ultra-right nationalists.¹⁸ The “Russianists” believe that Russia should be defined by those who share certain characteristics that are inherently Russian, which gives them intense concern for the Russian diaspora.^{19 20} The influence of this train of thought is evident in the government’s justification for Russian involvement in Ukraine. However, the idea of Russia as a homeland with a “historical mission to protect and unify all Slavs” did not exist before 1870.²¹ Yet by 2013, 66 percent of Russians approved of the idea of a Slavic homeland in the form of “Russia for Russians.”²²

To this day, there is very little agreement as to what constitutes ‘Russian nationalism.’ Some authors have gone so far as to argue that Russian nationalism does not exist as a popular movement.²³ The right to represent the Russian People has been widely contested, and the definition of patriotism and nationalism has changed with each regime shift so that there is little consensus on who Russians are or what they want. This debate centers on the contradiction between the Russky, or the Russian national people, and the Rossisky, or the Russian national state.²⁴

15 Wang FeiLing “Ignorance, Arrogance, and Radical Nationalism: A Review of China Can Say No.” *Review of China Can Say No*. Journal of Contemporary China 6, no. 14 (1997): 161-65

16 “Anti-Japan Protests Hit China Cities amid Island Row.” *BBC News*. September 15, 2012. Accessed April 23, 2016. <http://www.bbc.com/news/world-asia-china-19609945>

17 The book review cited here is just one example of a Chinese academic who disapproves of the book’s message

18 Robert Hovarth, “The Euromaidan and the Crisis of Russian Nationalism.” *Nationalities Papers* 43, no. 6 (2015): 819-39. doi:10.1080/00905992.2015.1050366

19 Ernst Haas. *Nationalism, Liberalism, and Progress / the Dismal Fate of New Nations*. Ithaca: Cornell Univ. Press, 2000, 403-405.

20 Aleksandr Etkind, *Internal Colonization: Russia’s Imperial Experience*. Cambridge, UK: Polity Press, 2011, 2-6 on internal colonization

21 Ernst Haas. *Nationalism, Liberalism, and Progress / the Dismal Fate of New Nations*. Ithaca: Cornell Univ. Press, 2000, 336-337.

22 Vladimir Mukomel, “Xenophobia as a Basis of Solidarity.” *Russian Social Science Review* 56, no. 4 (2015): 37-51. doi:10.1080/10611428.2015.1074011.

23 Igor Torbakov, “A Parting of Ways?: The Kremlin Leadership and Russia’s New-Generation Nationalist Thinkers.” *Demokratizatsiya: The Journal of Post-Soviet Democratization* 23, no. 4 (2015): 427-57. Accessed April 20, 2016. <https://muse.jhu.edu/>.

24 Ernst Haas. *Nationalism, Liberalism, and Progress / the Dismal Fate of New Nations*. Ithaca: Cornell Univ. Press, 2000, 325-326.

The distinction between people and state identity is, at its heart, a contradiction between ethnic nationalism and territorial nationalism in both China and Russia. Because these empires (and empire is perhaps a better term than state²⁵) are multiethnic, when nationalism is applied to ethnic groups it becomes an imprecise and counterproductive tool for encouraging national cohesiveness.²⁶⁻²⁷ Both Han Chinese and Russky ethnic nationalism act at the expense of territorial nationalism by alienating those groups that are not included in these ethnicities.

Both Han and Russky are groups defined by the differences between them and members of other ethnic groups, rather than by common in-group practices. Igor Torbakov, a scholar of Russian nationalism, uses a Soviet-era ethnic analogy to explain this dynamic, in which each ethnicity except the Russians gets “their own room” in the house that was the USSR. The Russians are instead restricted to wherever they fit, in the kitchen or bathroom.²⁸ This led to a situation where people were unsure what it meant to be “Russian”, except that it meant that they were not Ukrainian or Turkic. However, this could be traced farther back, to tsarist marginalization of non-Russian ethnicities and emphasis on a Russian identity. Changing social roles and uncertainty after 1991 and the fall of communism led to a huge upswing in cultural racism, and a use of other ethnicities, especially visible ones, as a “them” to define the Russian “us”.²⁹

A very similar process occurred in the construction of the Han identity in China, as scholars turned to ethnicity as a rallying call for opposition to the Manchu Qing dynasty. In the early 20th century, authors like Liang Qichao and Zhang Binglin began to write about the Han as a separate group from the Manchu rulers.³⁰ This was a step beyond western rhetoric, which saw both the Manchu and Han as ‘yellow people’, with no division. The creation of the Han allowed Zhang to use western rhetoric of self-determination and the nation state in his campaign against the Qing dynasty. Like the Russian Russky group, the Han were never a well-defined group but rather the “leftovers” of China, alike only in that they were not a member of a visible minority. Like the Russky, the Han had no room of their own.

However, when the Qing dynasty fell in 1911, the Republicans who took power had to modify

25 The use of the term empire here follows that of Ross Terrill in *The New Chinese Empire*, and is used to emphasize the distinctive power structure of these states- with a strong seat of power at a metropole and more diffuse relations to those on the periphery (like Xinjiang, Tibet, or Taiwan in the case of China, and many of the former Soviet satellites or regions associated with those minorities in Russia).

26 Aleksandr Etkind, *Internal Colonization: Russia's Imperial Experience*. Cambridge, UK: Polity Press, 2011, 19 on dichotomous nationalism

27 Suisheng Zhao, *A Nation-state by Construction: Dynamics of Modern Chinese Nationalism*. Stanford, CA: Stanford University Press, 2004, 22-23.

28 Igor Torbakov, “A Parting of Ways?: The Kremlin Leadership and Russia's New-Generation Nationalist Thinkers.” *Demokratizatsiya: The Journal of Post-Soviet Democratization* 23, no. 4 (2015): 438. Accessed April 20, 2016. <https://muse.jhu.edu/>.

29 Vladimir Mukomel, “Xenophobia as a Basis of Solidarity.” *Russian Social Science Review* 56, no. 4 (2015): 37-51. doi:10.1080/10611428.2015.1074011.

30 Suisheng Zhao, *A Nation-state by Construction: Dynamics of Modern Chinese Nationalism*. Stanford, CA: Stanford University Press, 2004, 22; 45-46.

this nationalist rhetoric to include all of the ethnic groups in the Qing Empire, or risk losing territories to the new cultural nationalism of the Republic of China's many minorities.³¹ The contradiction between the nationalist territorial claims and the ethnic realities lies at the heart of nationalist appeals in both Russia and China. Territorial nationalism cannot be achieved without appealing to ethnic nationalism, and yet as ethnic nationalism grows in the Han and Russky, it is necessarily exclusive, undermining the end goal of territorial nationalism.

NATIONALISM AND STATE POLICY: CO-OPTION OR A DRIVING FACTOR?

Despite remaining contradictions in the nationalist narratives of China and Russia, in both countries the state has both co-opted and catered to nationalism in territorial disputes over Taiwan and Ukraine respectively. This creates a conflict because nationalism is “rebellious and anti-imperial on the one hand, official and pre-emptive on the other.”³² Despite the fact that many nationalists oppose the state in both Russia and China, the state has harnessed the rhetoric of nationalism to further its own aims.^{33 34 35 36}

The Chinese government's claims to Taiwan are primarily nationalistic as opposed to strategic, raising the question of whether the government is catering to nationalist sentiments already present in the population, or directing and co-opting nationalist fervor towards the island for geostrategic reasons. Nationalist rhetoric in China describes the Taiwanese as ‘disgusting Chinese’ who are ‘slaves to the West,’ recalling ideas of humiliation at Western hands.³⁷ It calls for a reunification of the motherland as a nationalist imperative.³⁸

However, many authors have raised questions about the sincerity of these beliefs at the highest level. Scholars recently have pointed out Taiwan's geostrategic value as a window to the Pacific, or the threat it poses to China's legitimacy as an alternate model of governance.³⁹ ⁴⁰ While nationalism is used by the state to inspire public fervor, it is not the only reason the

31 Ibid, 22-23.

32 Aleksandr Etkind, *Internal Colonization: Russia's Imperial Experience*. Cambridge, UK: Polity Press, 2011, 19.

33 Wang FeiLing “Ignorance, Arrogance, and Radical Nationalism: A Review of China Can Say No.” *Review of China Can Say No*. Journal of Contemporary China 6, no. 14 (1997): 161-65

34 Igor Torbakov, “A Parting of Ways?: The Kremlin Leadership and Russia's New-Generation Nationalist Thinkers.” *Demokratizatsiya: The Journal of Post-Soviet Democratization* 23, no. 4 (2015): 427-57. Accessed April 20, 2016. <https://muse.jhu.edu/>.

35 Marlene Laurelle, “Russia as a “Divided Nation,” from Compatriots to Crimea: A Contribution to the Discussion on Nationalism and Foreign Policy.” *Problems of Post-Communism* 62, no. 2 (April 04, 2015): 88-97. doi:10.1080/10758216.2015.1010902.

36 Wang FeiLing “Ignorance, Arrogance, and Radical Nationalism: A Review of China Can Say No.” *Review of China Can Say No*. Journal of Contemporary China 6, no. 14 (1997): 161-65

37 Ibid.

38 Richard Bush “Decoding Xi Jinping's Latest Remarks on Taiwan.” *Brookings*. Accessed August 02, 2016. <https://www.brookings.edu/2016/03/17/decoding-xi-jinpings-latest-remarks-on-taiwan/>.

39 Alan Wachman *Why Taiwan?: Geostategic Rationales for China's Territorial Integrity*. Stanford, CA: Stanford University Press, 2007.

40 Andrew Erickson “Review of Alan M. Wachman's Landmark Book “Why Taiwan? Geostategic Rationales for China's Territorial Integrity”.” *Review of Why Taiwan? Geostategic Rationales for China's Territorial Integrity*. May 1, 2015.

Chinese government values Taiwan. The Chinese government has been reluctant to take any step that would damage its economic relationship Taiwan, even if doing so would strengthen its nationalist credentials.⁴¹ The willingness to sacrifice nationalist rhetoric for economic gain implies that the Chinese government's stance on Taiwan may not be a product of nationalist sentiments, but a co-optation of them to serve its own ends.

Similarly, in Ukraine, the Russian government uses nationalist rhetoric where it is convenient and aids in the pursuit of its own geostrategic aims. The Congress of Russian Communities (KRO), a Russian nationalist organization, has been advocating for the annexation of Crimea and the armed defense of ethnic Russians for years.⁴² In 2003, the KRO became the Rodina (or homeland) party, but its agenda was continually blocked until 2006 when some of its leadership was absorbed by Putin's United Russia Party.⁴³ It wasn't until 2014 that a major part of the Rodina Party's agenda was achieved with the creation of the Russian International (Russintern) to protect Russians in the former soviet block countries. This combined with the subsequent invasion and annexation of Crimea, it would seem that Russian foreign policy has in recent years been broadly driven by nationalism.

A closer look reveals a situation in Russia similar to that in China, where the Russian government has used nationalist rhetoric to garner public support for a policy that is primarily geopolitical – in this case, aiming at the acquisition of Black Sea ports and a naval base in Crimea. On February 28, 2014, the Russian government held a meeting with nationalist leaders to encourage them to shape their message in a way which benefitted the state, the results of which quickly demonstrated a clearly utilitarian approach to nationalism. Russian nationalist leaders that stuck to the party line on Ukraine (supporting the annexation of Crimea without calling for an outright war on Ukraine) became public figures and household names with the support of the state. However, those who supported the Euromaidan protests as a nationalistic expression of the Ukrainian found themselves blocked from public life, even from posting on certain websites.⁴⁴ Further, western authors pointed out that if the Russian regime had been driven by nationalism, rather than co-opting it, it would have annexed all of Ukraine, rather than just Crimea. This evaluation, combined with the treatment of nationalist leaders who called for too great a response to Ukraine represent the possibility that Russia's actions represent a rebuke of Ukraine's involvement with the European Union, rather than a nationalist crusade.⁴⁵ The regime has taken advantage of disputes on the nature of Russian nationalism, and what it

41 Erica Downs and Phillip Ssaunders "Legitimacy and the Limits of Nationalism: China and the Diaoyu Islands." *International Security* 23, no. 3 (1998): 114-46. doi:10.2307/2539340.

42 Marlene Laurelle, "Russia as a "Divided Nation," from Compatriots to Crimea: A Contribution to the Discussion on Nationalism and Foreign Policy." *Problems of Post-Communism* 62, no. 2 (April 04, 2015): 88-97. doi:10.1080/10758216.2015.1010902.

43 Ibid

44 Robert Hovarth "The Euromaidan and the Crisis of Russian Nationalism." *Nationalities Papers* 43, no. 6 (2015): 819-39. doi:10.1080/00905992.2015.1050366.

45 Marlene Laurelle, "Russia as a "Divided Nation," from Compatriots to Crimea: A Contribution to the Discussion on Nationalism and Foreign Policy." *Problems of Post-Communism* 62, no. 2 (April 04, 2015): 88-97. doi:10.1080/10758216.2015.1010902.

means to represent the Russian people, in order to further its geopolitical ends.⁴⁶

HISTORICAL MEMORY, IMAGINED GEOGRAPHY AND THE MYTH OF RESURGENCE

Most interesting in the study of nationalism in Russia and China is the way that territory and nationalism are tied to the imagined geography of lost empires. Both China and Russia have a historical memory of international prestige, and a desire among citizens and policy makers to regain what many see as a lost position in international power structures. Because of this, history is featured prominently in government appeals to nationalism.

The historical narrative of both Russian and Chinese nationalism includes resurgence as a key theme. This narrative highlights not only former glory, but more importantly a period of humiliation and national weakness. This humiliation serves as a counterpoint – a baseline to underscore recent growth, making the story one of resurgence rather than emergence. There is a sense in both Russia and China that wild growth and increasingly assertive territorial claims are simply the country taking back its rightful place in world society.⁴⁷ The cleansing of a national humiliation (which inevitably can only take place under the current party) is the key to national salvation. This story of humiliation and resurgence is a common thread in Chinese and Russian nationalist claims to Taiwan and Crimea. In both of these conflicts, the countries involved see their intervention or proposed intervention not as intruding on new territory, but as reclaiming what was lost or taken from them. The reclamation of territory is the ultimate means of cleansing national shame. President Xi of China explicitly tied the reclamation of Taiwan with national revival, recently saying, “the great revival of the Chinese nation requires that compatriots on the two sides [of the Taiwan strait] join hands to work with one heart.”⁴⁸ Statements made by Putin about the tragedy of the fall of the Soviet Union make a similar point.⁴⁹

China’s territorial claims primarily appeal to history. Its claims to the Diaoyu/Senkaku islands are based upon Ming Dynasty records of the islands.⁵⁰ The Chinese argument for its claim to Taiwan almost always starts with the Qing dynasty.⁵¹ The government often makes statements about how Taiwan has been part of China since ‘ancient times.’ However, these

46 Igor Torbakov, “A Parting of Ways?: The Kremlin Leadership and Russia’s New-Generation Nationalist Thinkers.” *Demokratizatsiya: The Journal of Post-Soviet Democratization* 23, no. 4 (2015): 427-57. Accessed April 20, 2016. <https://muse.jhu.edu/>.

47 William Callahan “National Insecurities: Humiliation, Salvation, and Chinese Nationalism.” *Alternatives: Global, Local, Political* 29, no. 2 (2004): 199-218. doi:10.1177/030437540402900204.

48 Richard Bush “Decoding Xi Jinping’s Latest Remarks on Taiwan.” *Brookings*. Accessed August 02, 2016. <https://www.brookings.edu/2016/03/17/decoding-xi-jinpings-latest-remarks-on-taiwan/>.

49 Katie Sanders “Did Vladimir Putin Call the Breakup of the USSR ‘the Greatest Geopolitical Tragedy of the 20th Century?’” *Politifact*. March 6, 2014. Accessed August 02, 2016. <http://www.politifact.com/punditfact/statements/2014/mar/06/john-bolton/did-vladimir-putin-call-breakup-ussr-greatest-geop/>.

50 Erica Downs and Phillip Ssaunders “Legitimacy and the Limits of Nationalism: China and the Diaoyu Islands.” *International Security* 23, no. 3 (1998): 114-46. doi:10.2307/2539340.

51 Christopher Hughes *Taiwan and Chinese Nationalism: National Identity and Status in International Society*. London: Routledge, 1997, Ch. 1.

two statements are contradictory, since the Qing control of Taiwan was actually quite recent. When speaking on Taiwan Xi Jinping, China's President, referenced the "historical tragedy of national separation."⁵² All of these arguments are hinged on history and the past relationship of China and Taiwan.

In justification for its actions in Ukraine, Russia has made eerily similar statements to those that China has made on Taiwan. The Russian government has called upon its great power status and shared history with Ukraine. Particularly in the case of Crimea, the regime's rhetoric suggests that because the region was historically part of Russia, its return is natural.⁵³ This is a clear example of what Benedict Anderson called 'Imagined Communities' - the construction of an imagined civic body tied to history and ethnicity.⁵⁴ On a broader scale, the development of the 'Russian World' (russkii mir) policy, which explicitly states Russian government support of ethnic Russians everywhere, is justified primarily in historical terms.⁵⁵ The mythologization of the Soviet past, especially the Great Patriotic War (World War II) has been used to justify a common identity that extends beyond territorial boundaries to ethnic Russians everywhere.⁵⁶ The creation of an imagined geography of the state is key to this process - a backwards projection of current boundaries that are not reflected by historical reality. This idea, first applied to Taiwan by Alan Wachman, refers to the projection of the nation onto the land by people.⁵⁷ Importantly, the imagined geography of a place is fluid over time, and changes with political and social developments. Wachman uses imagined geography to discuss how China's view of Taiwan has changed over the years - from nearby to far away, from inimically Chinese to fundamentally foreign. In a commentary on this book, Andrew Erikson noted that imagined geography is a phenomenon that can be applied to countries around the world.⁵⁸ This is particularly clear in Russia, where the idea of a "Russian World" has changed dramatically over the years and is interpreted by different people in different ways. Recently, the Kremlin stated that the Russian World exists where people with Russian ethnicity, language, and culture are tied.⁵⁹ However this definition is vague at best, and often includes everything from former Soviet states to a broader Russian diaspora. This idea gained international attention only after

52 Richard Bush "Decoding Xi Jinping's Latest Remarks on Taiwan." *Brookings*. Accessed August 02, 2016. <https://www.brookings.edu/2016/03/17/decoding-xi-jinpings-latest-remarks-on-taiwan/>.

53 Marlene Laurelle, "Russia as a "Divided Nation," from Compatriots to Crimea: A Contribution to the Discussion on Nationalism and Foreign Policy." *Problems of Post-Communism* 62, no. 2 (April 04, 2015): 88-97. doi:10.1080/10758216.2015.1010902.

54 Anderson, Benedict. *Imagined communities: Reflections on the origin and spread of nationalism*. Verso Books, 2006.

55 Taras Kuzio *Ukraine: Democratization, Corruption, and the New Russian Imperialism*. Praeger Security International, 2015.

56 Igor Torbakov, "A Parting of Ways?: The Kremlin Leadership and Russia's New-Generation Nationalist Thinkers." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 23, no. 4 (2015): 427-57. Accessed April 20, 2016. <https://muse.jhu.edu/>.

57 An extension of Benedict Anderson's famous imagined community, mentioned above. Alan Wachman *Why Taiwan?: Geostrategic Rationales for China's Territorial Integrity*. Stanford, CA: Stanford University Press, 2007.

58 Andrew Erikson "Review of Alan M. Wachman's Landmark Book "Why Taiwan? Geostrategic Rationales for China's Territorial Integrity"." *Review of Why Taiwan? Geostrategic Rationales for China's Territorial Integrity*. May 1, 2015.

59 Igor Torbakov, "A Parting of Ways?: The Kremlin Leadership and Russia's New-Generation Nationalist Thinkers." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 23, no. 4 (2015): 427-57. Accessed April 20, 2016. <https://muse.jhu.edu/>.

President Vladimir Putin used it to justify the Russian involvement in Ukraine.⁶⁰

TERRITORIAL NATIONALISM AS A PART OF STATE LEGITIMACY

Appeals to nationalism are not only useful in whipping up public sentiments in support of a geopolitical agenda – both Russia and China have begun to include nationalism in their domestic policy in recent years. The common narrative from the western scholars holds that after the Tiananmen massacre in China in 1989 and the fall of the Soviet Union in 1991 communism was no longer a viable state ideology.⁶¹ Some authors have argued that this has been replaced by nationalism.^{62 63} However, as addressed above, there remains a serious conflict between existing ethnic nationalism and the heterogeneous population in both Russia and China.

In China, the state has turned to a combination of nationalism and economic growth to hold a diverse country together. After the Tiananmen massacre in China, the Chinese government desperately needed a new legitimizing ideology. Because the economy was in the midst of a slow-down, the state turned to nationalism and anti-Japanese rhetoric to divert public attention from residual problems in society.^{64 65 66} However, the use of nationalist and bellicose rhetoric by the state can lead to a situation where the government is trapped and unable to control the nationalist sentiments that they created.⁶⁷ This process, called discursive enmeshment is arguably a factor in the case of Taiwan.

Taiwan's status is directly linked to the legitimacy of the Chinese Communist Party. The continued survival and success of the Nationalist ROC government on Taiwan challenges the Chinese government narrative that they are the salvation of the Chinese people. In many ways, the status of Taiwan is a referendum on the idea of a Chinese nation-state itself.⁶⁸ Repeated references to Taiwan as a “core interest” of the party, and strong public nationalist appeals

60 Marlene Laurelle “The ‘Russian World’: Russia’s Soft Power and Geopolitical Imagination.” *Center on Global Interests*. May 2015. Accessed April 23, 2016. http://globalinterests.org/wp-content/uploads/2015/05/FINAL-CGI_Russian-World_Marlene-Laurelle.pdf.

61 Erica Downs and Phillip Ssaunders “Legitimacy and the Limits of Nationalism: China and the Diaoyu Islands.” *International Security* 23, no. 3 (1998): 114-46. doi:10.2307/2539340.

62 William Callahan “National Insecurities: Humiliation, Salvation, and Chinese Nationalism.” *Alternatives: Global, Local, Political* 29, no. 2 (2004): 199-218. doi:10.1177/030437540402900204.

63 Wang FeiLing “Ignorance, Arrogance, and Radical Nationalism: A Review of China Can Say No.” *Review of China Can Say No*. *Journal of Contemporary China* 6, no. 14 (1997): 161-65

64 Erica Downs and Phillip Ssaunders “Legitimacy and the Limits of Nationalism: China and the Diaoyu Islands.” *International Security* 23, no. 3 (1998): 114-46. doi:10.2307/2539340.

65 William Callahan “National Insecurities: Humiliation, Salvation, and Chinese Nationalism.” *Alternatives: Global, Local, Political* 29, no. 2 (2004): 199-218. doi:10.1177/030437540402900204.

66 Wang FeiLing “Ignorance, Arrogance, and Radical Nationalism: A Review of China Can Say No.” *Review of China Can Say No*. *Journal of Contemporary China* 6, no. 14 (1997): 161-65

67 Discursive enmeshment, see Hurrell, Andrew. “Norms and ethics in international relations.” *Handbook of International Relations* (2002): 137-154.

68 Christopher Hughes *Taiwan and Chinese Nationalism: National Identity and Status in International Society*. London: Routledge, 1997, Ch. 1.

make it impossible for China to moderate its stance on Taiwan, even if it would be in China's best interest.^{69 70} In this case, the reliance on nationalism as a source of state legitimacy, and the potential for repercussions from this is clear.

The use of nationalist rhetoric and the balance between the economy and nationalism as sources of internal legitimacy are also present in Russia. Although nationalist rhetoric has been useful to Russia in increasing public support for its annexation of Crimea, it is a dangerous tool. The most extreme nationalists in Russia have, for years, been sending arms and volunteer fighters across the border to Ukraine.⁷¹ However, the government has been very wary to confirm or condemn the activities or presence of Russians fighting in eastern Ukraine. Eventually, in the face of overwhelming evidence and domestic support (sprouting from nationalist rhetoric which the government has highlighted) the regime was forced to admit that Russian troops were engaged in fighting in eastern Ukraine. Although the Russian government has co-opted nationalist rhetoric for its own purposes, this tool ultimately proved blunt and unpredictable. In both Russia and China, nationalism has been a useful, albeit blunt tool. Calls to an imagined lost empire grounded in peripheral territorial claims, serve to justify international aggression and distract domestic political audiences. However it is worth noting that this tool cannot be used indiscriminately, and the potential for discursive enmeshment, as countries are drawn into backing their more aggressive territorial claims.

CONCLUSION

The deliberate construction and co-optation of nationalism by the Chinese and Russian governments calls on a historical narrative of empire – an imagined geography of the nation – to justify modern geopolitical territorial claims. The most important feature of imagined geography is the way it changes as people's perception of the nation adapts to current events. In the case of Russia and China, the shift from multinational empires to a modern nation has not been a smooth one – nor is it complete. Questions remain about the desirability and the feasibility of a Chinese or Russian nation-state. The place of minorities in both societies is in flux, as the majority ethnic group fails to include them in its own imagined demography of the country. Disputes over the borders and the inclusion and exclusion of key territories, be it Ukraine or Taiwan, are indicative of a larger struggle as each state and its citizens struggle to define what it means to be a state, a nation, and an ethnicity.

69 Erica Downs and Phillip Ssaunders "Legitimacy and the Limits of Nationalism: China and the Diaoyu Islands." *International Security* 23, no. 3 (1998): 114-46. doi:10.2307/2539340.

70 Christopher Hughes *Taiwan and Chinese Nationalism: National Identity and Status in International Society*. London: Routledge, 1997, Ch. 1.

71 Marlene Laurelle, "Russia as a "Divided Nation," from Compatriots to Crimea: A Contribution to the Discussion on Nationalism and Foreign Policy." *Problems of Post-Communism* 62, no. 2 (April 04, 2015): 88-97. doi:10.1080/10758216.2015.1010902.

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Tension Between the Human Right to Water and Economic Agreements

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ABSTRACT

The human right to water is an issue that produces tension when countries must choose between providing access to water and improving their economic standing in the global economy. In this paper, the case studies of Bolivia, South Africa, and Flint, Michigan, will demonstrate the influence that water privatization and the lack of access to clean water have on the possibility to live life with an adequate standard of living. This paper will discuss what a human right actually is and the reasons why water should be considered a human right indefinitely. I conclude that by living in a capitalistic society, economic improvement and standing in a globalized world become more important than providing the human right to water. I also explain that this challenge to the human right to water is occurring not only in low-income countries but also in high-income countries. This demonstrates that this is a globalized problem rather than just a localized problem and that all countries which believe in human rights should ensure that all people have access to clean water. This problem will only continue to expand as water shortages arise around the world. Therefore, addressing the lack of clean water sooner rather than later is imperative.

INTRODUCTION

Access to clean water is an issue for over 783 million people around the world; between six and eight million people die each year due to illness and disease as a result of a lack of clean water.¹ While this issue is especially noticeable in low-income countries (LICs), it also occurs in many high-income countries (HICs), such as the United States. The United States is considered a highly developed country, yet there are still many problems when it comes to accessing clean drinking water. Many LICs often have the added challenges of improving their economies in the global market while also trying to provide access to clean water.

1 UNESCO, "World Water Day 2013: Facts and Figures," UN Water, 2013, <http://www.unwater.org/water-cooperation-2013/water-cooperation/facts-and-figures/en/>.

Not all LICs and HICs face the same challenges. For example, Bolivia struggles to provide water equally amongst cities and their surrounding towns.² On the other hand, in South Africa, the main challenge faced by the state is not the distribution of water but rather sufficiently cleaning the water for its citizens. Its primary obstacle is providing water that will not cause disease and death among their people.³ In the United States, Flint, Michigan struggles to provide water that has not been polluted by companies in the area. This pollution is one downfall of being an industrialized country.⁴

This paper will examine water case studies in Bolivia, South Africa and Flint, Michigan to answer two main questions. First, why should access to clean water be considered a human right? Second, are human right treaties and laws regarding water rights overlooked when it comes to furthering the economic gain of a country? I argue that within the context of contemporary definitions of human rights, water is a human right and should be treated as such. In doing so, I explore the different ways in which human rights are defined as well as how to discuss these rights. I demonstrate that across the globe, there are significant laws and agreements in which water is considered to be a human right. I then argue that in Bolivia, South Africa and Flint, MI, the government placed its own economic success before their people's human right to clean water. Ultimately, this paper demonstrates that economic agreements and opportunities are prioritized over international and regional laws protecting human rights.

WATER AS A HUMAN RIGHT

In November 2002, the United Nations Committee on Economic, Social, and Cultural Rights stated that water is “indispensable for leading a life in human dignity.”⁵ On July 28, 2010 the United Nations General Assembly classified clean water and sanitation as a human right.⁶ The General Assembly created Resolution 64/292, which stated that clean drinking water and sanitation are vital for human rights and requires States and international organizations to ensure public access to these rights. The United Nations Human Rights Office of the High Commissioner released a fact sheet discussing rights to water internationally. In this fact sheet, the UN explains there are no international treaties that recognize the human right to water as a “self-standing human right.”⁷ It also says that, under international human rights law, each

2 Amber Wutich, Melissa Beresford, and Cinthia Carvajal, 2016, “Can Informal Water Vendors Deliver on the Promise of a Human Right to Water? Results from Cochabamba, Bolivia,” *World Development* 79.

3 Carrie L. Shandra, John M. Shandra, and Bruce London, 2011, “World Bank Structural Adjustment, Water, and Sanitation: A Cross-National Analysis of Child Mortality in Sub-Saharan Africa,” *Organization And Environment* 24, no. 2: 113.

4 Julie Bosman, “Flint Water Crisis Inquiry Finds State Ignored Warning Signs,” *The New York Times*, March 23, 2016, http://www.nytimes.com/2016/03/24/us/flint-water-crisis.html?_r=0.

5 United Nations. “The Human Right to Water and Sanitation.” United Nations Department of Economic and Social Affairs. http://www.un.org/waterforlifedecade/human_right_to_water.shtml.

6 United Nations, General Assembly, *Universal Declaration of Human Rights*, Washington, D.C.: U.S. G.P.O., 1949. <http://www.un.org/en/universal-declaration-human-rights/>.

7 United Nations, High Commissioner of Human Rights, *The Right to Water*. Geneva, Switzerland: Office of the United Nations High Commissioner for Human Rights, 2010: 3.

state is called upon to provide adequate drinking water to every individual through financial resources, international assistance, and transfer of technology.⁸ Nonetheless, the world fails to commit to this goal.

Long before Resolution 64/292 recognized water and sanitation as human rights, the 1977 UN Water Conference in Argentina discusses basic water requirements. This discussion brought about an Action Plan that stated, “all peoples, whatever their stage of development and their social and economic conditions, had the right to have access to drinking water in quantities and of a quality equal to their basic needs.”⁹ In addition, during meetings at United Nations conferences in 1992, 1994, and 1996, members reiterated the idea that clean water was indeed a human right that is encompassed within the adequate standard of living.^{10,11}

In Bolivia, South Africa, and the United States, regional laws state that access to clean water is undeniably a human right. In Bolivia, the *Ley de Aguas Vigente*, or Current Water Law, established that the government should protect water that exists as a public domain and that water sources cannot be cut off from villages.¹² In both the Free Basic Water Policy and the South African constitution, South Africa established that water is a human right to which it will provide access for all its citizens. This constitution was written in 1996 and helped establish the importance of the human right to clean and safe water.¹³ In 1974, the United States established the federal Safe Drinking Water Act that held states responsible for testing and cleaning the water it provides to its citizens.¹⁴ In 1976, this act was adopted in Michigan to ensure that the people of Michigan would have safe, clean drinking water.

WHAT IS A HUMAN RIGHT?

The Universal Declaration of Human Rights (UDHR) was adopted on December 10th, 1948.¹⁵ This document provided a framework for understanding the importance of universal human rights throughout the world. Following the appalling events of the Holocaust and WWII, the UDHR helped people understand the freedoms and rights to which they are entitled.¹⁶ The UDHR is a thirty-article document that assembles the political, social, economic, and cultural rights every individual--regardless of personal characteristics or status--is granted.¹⁷ Members of the United Nations were all required to sign the UDHR to show their agreement with the

8 Ibid, 3.

9 Ibid, 3.

10 Ibid, 3.

11 The adequate standard of living has no outlined definition in the Universal Declaration of Human Rights, but encompasses many different rights which lead to a standard of living that is considered to be a human standard for people to live in.

12 *Ley de Aguas Vigente*.

13 Lyla Mehta, 2014, “Water and Human Development,” *World Development* 59, 65.

14 U.S. Congress, Committee on Environment and Public Works, *The Safe Drinking Water Act as Amended by the Safe Drinking Water Act of 1996*, Public Law 104-182, August 6, 1996, Cong. Washington: U.S. G.P.O., 2000.

15 United Nations, General Assembly, *Universal Declaration of Human Rights*.

16 Pam Costain, “Moving the Agenda Forward,” *Connection to the Americas* 14.8 (October 1997): 4.

17 United Nations, “What Are Human Rights,” United Nations Office of the High Commissioner. <http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx>.

ideas of the document. In doing so, they signed onto an agreement to protect the rights of their people and to provide these rights to the best of their ability.

Rights signify the intent to protect citizens from abuses deriving from an excess power within the government or by another state. Human rights provide guidelines for the freedoms that individuals have.¹⁸ Additionally, each human right is dependent upon another as they are all part of conceptual framework to help ensure both a quality and quantity of life around the globe.¹⁹ These rights are interconnected and work together. Human rights are a baseline that allows society to ensure that the lives of individuals are valued. As a result, to deny basic human rights from an individual is to dehumanize and devalue them.

Many international economic agreements are upheld because if they are not, serious implications occur for countries that break the agreements. Most economic agreements are not treaties or conventions in the way that human rights agreements are formulated. Economic agreements usually come in the terms of loans, so they are enforceable in ways that human rights norms are not. The lenders have a significant degree of leverage while a treaty or declaration does not have leverage. This makes the UDHR more difficult to enforce and ultimately allows economic agreements to come before human rights agreements.

MILLENNIUM DEVELOPMENT GOALS AND HUMAN RIGHTS

The Millennium Development Goals (MDGs) were set into place in 2000 to help ensure that human rights violations and poverty were drastically reduced by the year 2015. With respect to the difficulties faced by the world, “seven of the eight MDGs concern reducing poverty, confronting gender inequality, improving access to education, health, water and sanitation.”²⁰ These goals attempted to illustrate the idea that water, health, and gender equality are vital to human life and should be treated as human rights. P.B Anand, a professor of international development at the University of Bradford, points to the connections between these goals and the human right to water saying that the “human rights perspective both legitimates the MDGs and highlights taking action as an obligation and not as charity.”²¹

Anand explains that by implementing a human right to water, the quality of life for many people can be improved and access to water will become a more important priority in global society.²² By making it a priority, the MDGs demonstrate the importance of water for human beings to survive. Anand’s discussion that living without water drastically reduces the quality of life and often the duration of one’s life demonstrates the severity of living without water.²³ This argument explains the importance of water as a human right and the ways that the MDGs can be used to help better society while still achieving their target of eradicating poverty. These goals help provide a stable framework in which the world can better see how

18 P. B. Anand, 2007, “Right to water and access to water: an assessment,” *Journal Of International Development* 19, no. 4: 516.

19 Costain, “Moving the Agenda Forward,” 4.

20 Anand, “Right to water and access to water,” 512.

21 *Ibid*, 515.

22 *Ibid*, 511.

23 *Ibid*, 517.

water, education, health care and gender equality are all interconnected. His argument is stressed in the following quote:

A right to water highlights that providing water services is not charity but that governments are responsible to ensure that the human right of those who do not have access is not violated (Calaguas, 1999; WHO, 2003; UNDP, 2006). A human right also emphasizes that (a) discrimination and inequality on the grounds of economic or other criteria cannot be tolerated and (b) the responsibility to address violations is also universal (Amnesty International, 2003).²⁴

The MDGs were an active effort to provide a framework, encouraging nations across the globe to improve the quality of people's lives. These goals were impractical and sought to cover too much ground within such a short period of time. In the effort to reach all of the goals, there is limited resources to achieve one goal at a time. For example, by trying to solve the goal of improving the access to education by building more facilities and hiring teachers to educate, there is less money available to improve or build more of the healthcare facilities that are needed to reach a separate goal. Therefore, by trying to solve all of the goals at once, there is not enough resources to solve them all. This could have been avoided by deciding which sets of goals should be focused on primarily and which should be more long-term. The MDGs, in terms of providing clean water, were forced to undo the effects of harmful Structural Adjustment Programs (SAPs) that had previously privatized the water industry in many countries. Thus, by focusing on the particular goal of access to water instead of focusing on all of the goals at one time, the productivity in reducing the negative effects of the SAPs could have been more effective.

WATER PRIVATIZATION

Water privatization has become a controversial issue for the human right to water. Privatization allows for water to be bought and sold for prices that, for many countries in the global south, is unaffordable and unethical. In the world's capitalist economy, the human right to water for economically prosperous countries means selling water to everyone no matter the effects it has on the rights people have to this water. Essentially, the citizens in these countries are denied their right to water. In many cases, a country's economic ties are the reason that these citizens do not have adequate access to water.²⁵ In addition to private companies simply charging too much for water, companies in the water industry have dispossessed water from the people and turned it into a commodity rather than a something everyone has the right to use.

Privatization demonstrates the ability of a country to ignore the needs of their own people in order to benefit the larger global economy and their own economic standing. Since the 1950s, the World Bank and IMF have been providing loans to countries in need of development. In

²⁴ Ibid, 517.

²⁵ Erik Swyngedouw, 2005, "Dispossessing H2O: The contested terrain of water privatization," *Capitalism, Nature, Socialism* 16, no. 1: 97.

the 1980s, as the neo-liberal paradigm took hold, these loans were provided on the contingency that countries would alter their economies to help fit a westernized standard. The loans work by “removing ‘excess’ government controls and promoting market competition as part of the neo-liberal agenda.”²⁶

The World Bank, IMF, and the European Union (EU) have driven countries to privatize their water industry in exchange for loans to expand their economies. The water then does not belong to the country and forces the people in each country to pay hefty prices for their water. This occurred in Bolivia when the government signed onto loans from the IMF that required them to privatize their water. In doing so, these countries have violated the human right to water in an effort to better their economies. The World Bank, IMF, and EU are also accountable for these violations as they are responsible for the privatization of the water in these LICs. For example, “the World Bank forces poor nations to privatize government assets, which reduces access to essential services (e.g., health, education, water, sanitation) due to higher user fees being charged,” which forces citizens to lose their rights for a country’s economic gains.²⁷ In privatizing the access to these good and services, the government eliminates the ability to administer a human right to the water, as they no longer have control of the water.

As Khulekani Moyo, a senior lecturer in human rights at Nelson R. Mandela School of Law, University of Fort Hare, South Africa, and Sandra Liebenberg, a professor of law at Stellenbosch University Faculty of Law, South Africa, explain, “globalization, liberalization, and privatization have resulted in the erosion of the state’s primary role in the provision and the management of goods and services such as water, health, and education.”²⁸ The removal of the government from the distribution of these goods removes the responsibility that governments have to provide their people with water. Accountability is often lacking when it comes to the privatization of water and water as a human right debate. The loss of accountability is especially evident within the Bolivian case as the government gave up their responsibility to provide clean water to their people.

THE BOLIVIAN CASE

For many years, Bolivia has struggled to develop its economy as well as its infrastructure. Through the SAPs in the aforementioned loans, the World Bank and the IMF have provided assistance in the development of the Bolivian economy. However, these loans required Bolivia to sign several economic agreements with the United States. One such agreement is the Bilateral Investment Treaty that was signed on April 17, 1998.²⁹ This agreement required

26 WHO. “Structural Adjustment Programmes (SAPs).” World Health Organization. <http://www.who.int/trade/glossary/story084/en/>.

27 Shandra et al., “World Bank Structural Adjustment, Water, and Sanitation,” 108.

28 Moyo, Khulekani, and Sandra Liebenberg. 2015. “The Privatization of Water Services: The Quest for Enhanced Human Rights Accountability.” *Human Rights Quarterly* 37, no. 3: 692.

29 United States, Congress, Senate, Bilateral Investment Treaty with Bolivia; Treaty Docs., 106-25, Washington, D.C.: U.S. G.P.O., 2000.

Bolivia to make it easier for the United States to privately invest in companies that had originally been in the public sector.³⁰ In doing so, the government improved its economy, enhanced its infrastructure, and acquired strong trading allies. However, the Bolivian government also lost control of the sources that provided water to a large portion of the country because they were forced to privatize the water industry.³¹ However, Bolivia's water infrastructure was poor and needed investment. This could have come from the state, but it did not have the money to invest in companies and infrastructure. Privatization helped create better infrastructure and ensured development in Bolivia.

The private company, Aguas del Tunari owned by Bechtel, a French company, took control of the water supply on November 1, 1999. The company announced that it would raise cost of water by 35%, which in many LICs would put several thousands of farmers out of business and drastically reduce the availability of agricultural goods from within the country.³² Additionally, the people of Bolivia would not be able to afford water for their everyday needs. This directly violated the *Ley de Aguas Vigente*, which in 1906 had declared water a public domain. Essentially, the deliberate disregard for the right to clean water was justified by the Bilateral Investment Treaty with the United States. This also ensured that Bolivia was viewed as willing to do whatever was necessary to improve their economy.

The drilling performed in the Cochabamba region of Bolivia by the government and Aguas del Tunari cut off the water supply to rural regions. The citizens of Bolivia fought against this company and challenged their government to help provide their basic human right to water. This was a success, and since the expulsion of this private company in 2000, several areas have restored the use of municipal water.

Nonetheless, several areas outside of the city remain without water and are forced to rely on trucks and committees to deliver it.³³ These truck drivers are not employed by the state and therefore are not subject to any regulations with their deliveries. As a result, truck drivers suffer no immediate consequences for tardiness in their deliveries. They are a non-state actor that lacks the accountability needed to ensure access to water. Bolivia following the "Water War" requires an informal economy--the income for the country that is not accounted for in taxation and is also not typically used when speaking of the country's gross domestic products--to play a vital role in poor regions' accessibility to clean, affordable water. However, informal water vendors face many difficulties as they try to make water affordable for the south-side of Cochabamba. Approximately 200 liters of water, which lasts a family roughly 4 or 5 days, costs \$0.72 USD.³⁴ For many families in Bolivia, this price is not affordable, and they must choose between water, food, or transportation. Each vendor also faces many challenges as

30 United States, Congress, Senate, Bilateral Investment Treaty with Bolivia.

31 See Assies 2003 for more history of privatization in Bolivia

32 Willem Assies, 2003, "David versus Goliath in Cochabamba: Water Rights, Neoliberalism, and the Revival of Social Protest in Bolivia," *Latin American Perspectives* 30, no. 3: 22-23.

33 Andrea J. Marston 2014, "The Scale of Informality: Community-Run Water Systems in Peri-Urban Cochabamba, Bolivia," *Water Alternatives* 7, no. 1: 72.

34 Wutich et al., 2016, "Can Informal Water Vendors Deliver on the Promise of a Human Right to Water?" 18.

they must continuously drive on unpaved roads, pay for gasoline and truck repairs, and drive back and forth to water sources several times a day. Due to the lack of enforcement within the water distribution industry, there are no set water prices among vendors or set schedules that these vendors must follow. To address this issue, vendors must have meetings to formulate their prices, while aiming to keep prices low. They must also consider the costs they endure to provide their services. The informal vendors see water distributive injustice because they feel that the lack of municipal water in the region allows them to have business everyday, but removes the water from the people. On the contrary, the clients see both procedural and distributive injustice because the lack of municipal water in addition to the inconsistent vendor schedule and ability of the vendor to skip over areas removes the right they have to water and undermines the “Water War” slogan, “Water for all!”³⁵

The water vendors have been working to bring the human right to water back into discussion with the government of Bolivia. They help to demonstrate that while making money and building the economy is important, the rights of the people should come first and believe that economic agreements should not undermine the Universal Declaration of Human Rights or the Ley de Aguas Vigente. The government placed economic gain and their agreement with the United States over the rights of their people. As a result of privatization, the government faced strong resistance from the people. The government is now being held more responsible, as the vendors and the clients in Bolivia begin to fight to ensure water distribution laws are enforced.

THE SOUTH AFRICAN CASE

South Africa explicitly recognizes that access to clean water is a human right. The South African Constitution written in 1996 explains that all people have the right to an adequate amount of safe water. This was declared in South Africa long before the United Nations issued their Resolution 64/292 in 2010. South Africa’s Free Basic Water Policy broke down what an adequate amount of water would be and “provides 25 Liters per capita per day based on a household size of eight people free to all citizens.”³⁶ However, it has become difficult to deliver on these promises because of the increase in privatization and subsidized water infrastructure. Lyla Mehta, a professorial fellow at the Institute of Development Studies and a visiting professor at Noragric, Norwegian University of Life Sciences, explains that South Africa has issues implementing its agreements regarding clean water for everyone:

South Africa has increased adopted market-friendly positions in its water sector with increasing commercialization and privatization of water services. This was reflected in the Water Services Act of 1997 and the White Paper on Water Policy where cost recovery and efficient use of water are emphasized. These market-friendly positions have undermined the country’s commitments to rights and free basic water.³⁷

35 Ibid, 19-20

36 Mehta, “Water and Human Development,” 65.

37 Ibid 65.

In doing so, the government has ensured that economic gain--or the elimination of economic loss--exceeds the importance of providing the human right to water to its people.

By removing control of the water from the country, private companies are able to increase prices and diminish the population's ability to access water. Child mortality rates continued to rise after the implementation of privatized water companies due to the SAPs created by the World Bank.³⁸ As previously mentioned, SAPs are the required changes to an economy implemented by the World Bank and IMF when they provide loans to a country. These SAPs are, in a way, an extension of the dependency theory from colonial times. Rather than being dependent on a mother country, LICs, like South Africa, are forced to become dependent on IMF loans and their ability to trade with HICs.³⁹ As the dependency theory suggests, the "World Bank structural adjustment weakens the ability of governments to deal with economic, social, and environmental problems, caused by the inherently unequal economic relationship between rich and poor nations, by requiring to indebted nations to reduce spending for social services."⁴⁰

While South Africa has struggled to enforce the Free Basic Water Policy as a result of privatization, the country also faces difficulties in the cleaning of water. Many of the diseases found in the country's water affect children more than adults. Every year, 76,000 children younger than five years of age die, which averages to the death of about 2,000 children each day. By not treating and cleaning the water, South Africa is directly violating the UDHR and the right to an adequate standard of living. In addition, they are directly violating their own Free Basic Water Policy. The denial of this right has caused child mortality to increase and leads to the conclusion that "when a Sub-Saharan African nation is undergoing World Bank structural adjustment, it tends to have higher rates of child mortality than when it is not undergoing adjustment."⁴¹ The government in South Africa chose to agree with the implications of SAPs in order to receive loans and benefit their economic standing. As in Bolivia, the government decided to put economic prosperity over the importance of the human right to water.

FLINT WATER CRISIS

Flint, Michigan is an economically challenged and poverty-stricken area. One of the most prosperous businesses in Flint is the General Motors (GM) plant that employs close to 8,000 people. The city of Flint has 41.6% of its population living below the poverty line. This percentage is 2.8 times higher than the national poverty rate.⁴² Beginning in 1967, Flint entered into a water supply contract with the Detroit Water and Sewerage Department (DWSD). This contract was set for 35 years and then renewed each year as each side remained in agreement. In April 2013, the Flint City Council voted to join "the Karegnondi Water Authority (KWA),

38 Shandra et al., "World Bank Structural Adjustment, Water, and Sanitation," 120.

39 Ibid, 109.

40 Ibid, 109.

41 Ibid, 123.

42 United States, Water Advisory Task Force, Governor Snyder's Office, Flint Water Advisory Task Force- Final Report, By Matthew Davis, Chris Kolb, Lawrence Reynolds, Eric Rothstein, and Ken Sikkema, 2016, 15-16.

which had been established to develop a raw water supply pipeline from Lake Huron.”⁴³

As a result of this intent to switch water services, the DWSD terminated its water supply to the Flint community. This became effective in April 2014. According to the Final Report from the Flint Water Crisis Task Advisory Force:

DWSD and the City of Flint, both under emergency management, continued unsuccessfully to negotiate alternative water supply terms. Although the State of Michigan was in control of both cities at the time, efforts to arrive at an agreement between the parties during the final year of service to the City of Flint ultimately failed.⁴⁴

Following the inability to settle the dispute, Flint began to treat the Flint River in order to begin distribution to the general population. A critical part of the treatment process involved corrosion control, which would eliminate the lead and copper from the water. The process falls under the Environmental Protection Agency’s Lead and Copper Rule (LCR) that was established in 1991. In April 2014, when Flint began treating the Flint River, this part of the process was determined by the Michigan Department of Environmental Quality (MDEQ) not to be an immediate necessity. As stated in the final report, this was an incorrect determination.⁴⁵ The MDEQ allowed the city to monitor the water for a year before it would be necessary to treat for corrosion control and remove the lead and copper from the water.

In August 2014, just four months after the start of the Flint River treatment and distribution, testing on the drinking water revealed *E. coli* bacteria in the water. Following this realization, the boil water advisory informed the Flint community that the water is safe to drink only if it has been boiled first.⁴⁶ Shortly thereafter, in October 2014, the MDEQ submitted a briefing on the water conditions in Flint to the office of the governor. During this briefing, the “Genesee County Health Department (GCHD) expressed concern to Flint Public Works regarding increased incidence of cases of Legionellosis since April 2014, and the possible relationship to use of the Flint River as the water supply.”⁴⁷ However, the boil water advisories continued, and the state took no further actions.

Later in the same month, October 2014, GM announced that it would no longer use the Flint River for its water source and would return to using the Detroit water supply. This was announced with a waiver directly from Governor Snyder and the emergency manager appointed directly by the governor. GM decided to make the switch because the water it was using to wash its engines cost the company \$400,000 annually.⁴⁸ However, the emergency water manager did not find that the water that corroded car engines was harmful enough to

43 Ibid, 16.

44 Ibid, 16.

45 Ibid, 16.

46 Ibid, 16.

47 Ibid, 17.

48 Ibid, Appendix, 7.

the citizens to switch the entire city of Flint back to the Detroit water supply. In March 2015, as a “response to local complaints regarding drinking water quality and related health effects, Flint EM [emergency financial manager, Jerry] Ambrose cites \$12 million in costs associated with returning to DWSD.”⁴⁹ The economic cost to switching back to Detroit water proved that the government would make a conscious decision to protect its economy rather than provide the human right to clean drinking water.

Finally in October 2015, the city of Flint switched back to using the DWSD for its drinking water.⁵⁰ In the initial switch to using the Flint River for water while it was contaminated, Governor Snyder allowed the federal Safe Drinking Water Act⁵¹ to be violated in addition to the Lead and Copper Rule created by the EPA. While this case study is still being investigated, it proves that even in HICs, economic prosperity can be more important than protecting the rights of the citizens to clean drinking water.

CONCLUSIONS

Living in a capitalistic society means that economic ties between countries are often prioritized over humanitarian concerns. Access to clean drinking water is a right that all individuals should have regardless of a country’s economic standing. However, millions of individuals lack access to clean water on a daily basis and have their government to blame. Countries are more willing to break agreements that promote human rights than economic agreements that further economic prosperity. There is an overwhelming tension between the ability to further and protect human rights and the necessity to comply with agreements that contradict or infringe upon those human rights. The relevance of the tension between human rights and economic agreements continues to be of importance as the World Economic Forum has listed the water crisis as the most significant long-term risk worldwide.⁵²

Water, in many countries around the world and in international agreements, is considered necessary for the right to an adequate standard of life. However, even if these countries do agree to this right, they are not held to any standard of implementing this right. In Bolivia, South Africa, and the United States, a lack of accountability has played a vital role in the deprivation of access to water. Each of these countries has placed a higher value in their economic agreements and prosperity over the right for an adequate standard of living. In both the United States and South Africa, the disregard for clean water for its citizens has resulted in illness and even death among the population. The right to clean or safe drinking water is a right that all people should have access to, yet in the capitalistic modern society economic

49 Ibid, 19.

50 Ibid, 21

51 The Safe Drinking Water Act was implemented in the United States beginning in 1974 and was adopted by Michigan in 1976. This act declared that the states are all responsible for ensuring the quality of the water that the people have access to, be regulated and clean. It outlines the standards that each state must adhere to in order to ensure the health of their citizens is adequate for their right to life.

52 World Economic Forum, “The Global Risks 2015 Report,” Global Risks 2015. <http://reports.weforum.org/global-risks-2015/>.

agreements and prosperity comes before the human rights agreements.

The human right to water has become a controversial issue within a global context. The challenge of providing people with water is a challenge that is faced by HICs and LICs around the world. The implementation of the structural adjustment programs by the IMF and World Bank that privatized water questioned the ability to hold countries responsible for the human right to water. In a world where 783 million people around the world suffer from a lack of sanitized water, there needs to be an emphasis on the importance of providing these people with their human rights laid out by the Universal Declaration of Human Rights.

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Airbnb, Israeli Settlements, and the Politics of Place in the West Bank

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ABSTRACT

This paper discusses one of the most pressing issues in the field of Modern Middle Eastern Studies: the Israeli-Palestinian conflict. Specifically, this paper aims to investigate the politics of Airbnb in the West Bank, and the ways in which Airbnb listings affect settlers' sense of place and normalcy. The rise of the sharing economy and experience-based tourism has provided settlers with the potential to leverage tourism as a political tool, asserting their perceived ownership and identity in a world that largely regards them as illegitimate. The paper draws from a variety of sources including historical analyses of the region and of Airbnb as a company, modern online news outlets, and Airbnb listings themselves to better understand the politics of place at play in the West Bank. This paper concludes that the sense of identity that settlers derive from Airbnb and tourism fails to cause major changes of opinion on the world stage. More serious changes will only come when settlers are willing to alter the way in which they engage with the outside world and the language with which they do so.

INTRODUCTION

The Israeli-Palestinian conflict is one of the most controversial topics of contemporary political and media discourse. At its core, the conflict is centered on land: who has a right to what land and how it should be divided. To this end, the existence of Israeli settlements in the West Bank has been a point of contention within Israel, between Israelis and Palestinians, and within the larger global conversation on the future of the land that once made up the British Mandate of Palestine. In recent years, the growth of the “sharing economy” and the rise of internet-based travel booking has led entrepreneurs to create a number of room-sharing and renting services, disrupting the longstanding hotel sector and changing the role of tourism as a form of short-term migration.¹ Leading the fray amongst these hotel alternatives

1 Anne Lorentzen, Karin Topsø Larsen, and Lise Schröder, eds., *Spatial Dynamics in the Experience Economy* (New York: Routledge, 2015), 103; “About Us,” Airbnb, 2016, <https://www.airbnb.com/about/about-us>; “About Us,” Couchsurfing, 2016, <http://www.couchsurfing.com/about/about-us/>.

is Airbnb, self-described as a “community marketplace for people to list, discover, and book unique accommodations around the world.”² However, Airbnb’s rise and growth has not been without obstacles, including controversy surrounding Airbnb listings in the Israeli settlements.³ Subsequently, I will argue that the availability of Airbnb listings in these settlements legitimizes the settlements themselves as normal towns and cities in the minds of settlers, ignoring the fierce politics surrounding them. On a larger scale, the relationship between the Airbnb listings and their location confirms the idea that extra-governmental forces, such as private businesses and individual actors, can structure regional politics by shaping the local events as they unfold.

In this paper, I argue that the growth of tourism and its expansion into Israeli settlements in the West Bank partially by means of Airbnb listings—which seem more temporary than hotels, at least at first glance — has validated and normalized settlers’ sense of permanence despite a global condemnation of their existence.⁴ This argument also brings into light the contention of settlers’ status as long-term migrants versus permanent residents, as Israeli occupiers of Palestinian land versus “regular” inhabitants. On a larger scale, the availability of Airbnb listings in the Israeli settlements brings into question the relationship between short and long-term migration in terms of the politics of place.

This paper draws from academic articles and longer published works, as well as more contemporary media sources such as newspaper articles and interviews. The scholarly sources are used to establish a basis from which to understand the legal and cultural significance of the Israeli settlements in the West Bank. Due to Airbnb’s relative youth as a company—it was established in 2008—most of the sources relating to Airbnb are recent media articles and official company publications. This paper has four parts. The first part provides a background of the Israeli settlements in the West Bank and of Airbnb as a company. Additionally, the background section contextualizes Airbnb both socially and legally, showing how the company’s mission allows it to act as a middleman for very short term migrants or “tourists” and longer-term migrants or “settlers”. The second portion of the paper is devoted to a discussion of tourism and short-term migration, and the relationship between the two. Although the UN does not see most tourism as official “short-term migration,” the two ideas undoubtedly overlap, an idea that I will elaborate on later in the paper and one that provides the basis for a deeper examination of tourism itself. The third section is devoted to a discussion of the relationship between Airbnb and the settlements. In a broader sense, this section looks at the relationship and transitions between short and long-term migration. Additionally, this part of the paper highlights how the existence of an infrastructure to host short term migrants legitimizes the

2 “About Us,” Airbnb, 2016, <https://www.airbnb.com/about/about-us/>; “About Us,” Couchsurfing, 2016, <http://www.couchsurfing.com/about/about-us/>.

3 Kate Shuttleworth, and Julia Carrie Wong, “Airbnb Lists Properties in Illegal Israeli Settlements,” *The Guardian*, Guardian News and Media, January 13, 2016,

4 Lizzie Dearden, “UN, Britain and US Voice Outrage over Plans for up to 300 New Homes in Illegal Israeli Settlement in West Bank,” *The Independent*, Independent Digital News and Media, October 6, 2016; Isabel Kershner, “West Bank Settlers Prepare for Clash, With Israeli Government,” *The New York Times*, *The New York Times*, October 6, 2016, <http://www.nytimes.com/2016/10/07/world/middleeast/west-bank-settlement-amona-israel.html>.

existence and legitimacy of Israeli settlers in the West Bank, at least in their own minds. The paper closes with a discussion of the effects that Airbnb's listings in Israeli settlements have on the concept of the politics of place in terms of the West Bank from a more global perspective.

HISTORY OF THE ISRAELI SETTLEMENTS IN THE WEST BANK

At its core, the existence of Israeli settlements is rooted in the same Zionist movement that pushed for the creation of Jewish state in the late 19th and early 20th centuries. The settlers who live in the West Bank are driven by their desire to claim ownership of the entirety of the biblical land of Israel, including the areas currently recognized as Palestinian land under international law.⁵ The current settlement movement originated after the end of the 1967 war between Israel and its Arab neighbors, in which an Israeli victory drove many Arabs to flee the land that Israel had newly captured, most relevantly the West Bank and Gaza.⁶ As these Arabs fled, more nationalistic and Zionist Israelis saw an opportunity to reassert claim over the land that they saw, and continue to see today, as part of the Jewish homeland.⁷ The most center-left leaning Labor party, in power at the time of the 1967 war, saw the newly captured territory as something they could offer to the Palestinians in future peace negotiations.⁸

Because the settlers were largely driven by Zionist, reclamation-centered ideals, they often chose to settle in areas that had Palestinian populations. This worked in direct opposition to the government's desire to establish settlements that would establish Israeli ownership of the land in that time, and would also be easy to reduce or dismantle in event of a peace-driven land deal.⁹ This dynamic is one that has largely defined the relationship between settlers and the Israeli state to this day; the successive Israeli governments are often working to minimize the effects of the settlers' actions, actions that are often in direct opposition to the various governments' own aims.¹⁰ The degree to which this is true depends on the majority government party's leanings. The most important settlement movement, historically, was the Gush Emunim, an ultra-religious settler organization motivated by their belief that Israel should be restored to its biblical boundaries. The Gush Emunim movement drove much of the settlement in the 1970's, with a marked increase under the more conservative leaning Likud party that took over Israel in 1977.¹¹ The following decade saw a significant upsurge in settlement, driven by a government that was not oppositional, and at times even overtly supportive, as well as by the religious and Zionist movement established by the Gush Emunim.¹²

5 Oded Haklai, 2007, "Religious--Nationalist Mobilization and State Penetration: Lessons From Jewish Settlers' Activism in Israel and the West Bank," *Comparative Political Studies* 40 (6): 713–39.

6 C. Possick, 2004, "Locating and Relocating Oneself as a Jewish Settler on the West Bank: Ideological Squatting and Eviction," *Journal of Environmental Psychology* 24 (1): 53–69.

7 Haklai, "Religious—Nationalist Mobilization."

8 Possick, "Locating and Relocating Oneself"

9 Haklai, "Religious—Nationalist Mobilization."

10 *Ibid.*

11 Possick, "Locating and Relocating Oneself"

12 *Ibid.*

It was not until the First Intifada, which began in 1987, and Yitzhak Rabin's ascension to the role of Prime Minister in 1992, that the settlement movement began to slow, due to both a decrease in government support for ideologically-driven settlement and a general shift in Israeli national sentiment towards a more peace-driven mindset.¹³ The policy of the Rabin government was also generally peace-driven, as it withdrew support for the majority of settlements outside of the Jerusalem and the Jordan Rift Valley and attempted to prevent further settlement growth.¹⁴ This cycle of support and opposition continued throughout the remainder of recent Israeli history. In this way, the history of the settlements has been inherently political. Although the settlement movement was originally based in religion, religion and politics in Israel are fundamentally intertwined. By recognizing their movement's potential to be both political and religious, the settlers have gone from solely being an extra-governmental force to being part of the Israeli government by means of ultra-religious parties. Doing so has complicated the future both of the settlements themselves and of the larger peace process.

A HISTORY OF AIRBNB

Although not nearly as extensive as the history of the settlements, Airbnb itself has an eight-year history beginning in San Francisco in August of 2008.¹⁵ Joe Gebbia and Brian Chesky, two graduates of Rhode Island School of Design, came up with the idea for Airbnb as a way to help meet their rent payments.¹⁶ In April of 2009, after a stint at the Y Combinator startup accelerator, one of the premier programs for promising startups to develop their businesses, the company received an investment from Sequoia Capital. This investment jump started Airbnb's growth, and the company reached over a million booked nights in 2011.¹⁷ Today, Airbnb is worth more than thirty billion dollars by the latest valuation in August 2016.¹⁸

Airbnb's story, while incredible in terms of its quick growth and massive expansion, is not without many trials. At the core of many of the issues that Airbnb faces is the fact that cities generally do not have existing regulations to govern the company itself.¹⁹ The basis of the issue within most cities is that it is unclear if Airbnb hosts can be considered "innkeepers" and thus have "a duty of reasonable care of the innkeeper to protect the guest" under tort law.²⁰ Airbnb itself is highly aware of their own legal ambiguity, advising potential hosts that "[government zoning laws] can be confusing. We're working with governments around the world to clarify these rules so that everyone has a clear understanding of what the laws are".²¹

13 Ibid.

14 Haklai, "Religious—Nationalist Mobilization"; Possick, "Locating and Relocating Oneself."

15 "About Us," Airbnb.

16 Biz Carson, 2016, "How 3 Guys Turned Renting an Air Mattress in Their Apartment into a \$25 Billion Company," Business Insider, Business Insider, February 23, 2016.

17 Ibid.

18 Matt Rosoff, "Airbnb Is Now Worth \$30 Billion," Business Insider, Business Insider, August 6, 2016.

19 Johanna Interian, 2016, "Up In the Air: Harmonizing the Sharing Economy Through Airbnb Regulations," Boston College International and Comparative Law Review 39 (1): 129–61.

20 Ibid.

21 "What Legal and Regulatory Issues Should I Consider before Hosting on Airbnb?" 2016, How Can We Help? Airbnb, Accessed December 11.

The company's CEO suggests that the biggest problem arising from this ambiguity is that each city has its own individual laws; this means that Airbnb has to work to fit within or change the regulations of every city in which it operates.²² Airbnb has faced regulatory battles both in the US and abroad, from New York and San Francisco to Berlin and Barcelona.²³ These issues call into question the way in which the sharing economy and its innovative approaches to business can thrive in world that is not yet legally prepared to account for them.

Airbnb's issues do not end with city regulations, however. Since its inception, Airbnb has faced several problems with racism and discrimination. One Harvard study found that in large US cities such as Washington D.C., Los Angeles, and Dallas, while profiles without pictures that had typically "white" names were 50% successful in booking Airbnb listings, those with "black-sounding" names were only 42% successful.²⁴ Furthermore, a simple Google search produces a sea of articles with people highlighting their individual experiences with discrimination and racism on the Airbnb platform.²⁵ Of particular relevance is the recorded cases when hosts refused to rent out their listings to Israelis as part of their support for the Boycott, Divestment, and Sanctions (BDS) movement, an organization that aims to rebuke Israel for the country's position on the majority of Palestinian issues.²⁶ One host in particular pointed to the existence of Israeli settlers in the West Bank as the reason for refusal.²⁷ These particular instances of discrimination highlight the manner in which the polarizing and political nature of the settlements can have repercussions even outside Israel and the settlements themselves. While Airbnb leadership has made strides towards reducing hosts' ability to differentiate between potential guests based on race, the platform remains problematic in that it remains easy to discriminate. The implications of this discrimination are both individual, in that they affect specific users, and far-reaching, in that they affect people of different races and religions across borders.

TOURISM AND SHORT TERM MIGRATION

The migration aspect of Airbnb's presence in the West Bank is multifaceted in that while the world community sees the Israeli settlers as long-term but temporary migrants to the region, the settlers see themselves as permanent residents, capable of facilitating short-term migration. Short term migration must go beyond the UN definition of "a person who moves to a country other than that of his or her usual residence for a period of at least 3 months

22 Derek Thompson, "Airbnb CEO Brian Chesky on Building a Company and Starting a 'Sharing' Revolution," *The Atlantic*, Atlantic Media Company, August 13, 2016.

23 Will Coldwell, 2014. "Airbnb's Legal Troubles: What Are the Issues?" *The Guardian*, Guardian News and Media, July 8, 2014.

24 Heather Kelley, "Airbnb Hosts Found to Discriminate against Guests with 'Black' Names," *CNNtech*, Cable News Network, December 11, 2015

25 Kristen Clarke, 2016. "Does Airbnb Enable Racism?" *The New York Times*, *The New York Times*, August 23, 2016; John Kell, "How Racism on Airbnb Threatened My 20-Year Friendship," *Fortune*, September 15, 2016.

26 Meyer, David Meyer, "Airbnb Banned a Host for Discriminating Against Israelis," *Fortune*, *Time Inc*, September 29, 2016.

27 "Israeli Airbnb Guest Refused by British Host Because of Citizenship," *The Jerusalem Post*, *Jpost Inc*, February 12, 2016.

but less than a year (12 months) except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage.”²⁸ This definition fails to recognize the cultural interaction and immersion that can occur during trips of any length or purpose to another place. Instead, short-term migration should be defined as any travel to a place other than home with the intent of better understanding one’s destination. I will elaborate on this later in the paper. To this end, much of tourism, and especially that facilitated by Airbnb, should be considered a form of short-term migration.

Airbnb’s role in the tourism industry, at its core, is as a facilitator. More so than hotels, which just provide a place of residence for guests’ stays, Airbnb listings also provide tourists with an immediate way of engaging with the local people and culture.²⁹ Airbnb users become more immersed in the neighborhoods in which they find themselves, cooking, shopping, and taking out the trash like locals would. In this way, tourists who stay at Airbnbs are engaging in a cultural migration as opposed to merely visiting; many are choosing to improve their understanding of the place to which they have travelled beyond the surface of a typical vacation. By participating in this type of migration, such visitors are in some way becoming part of the place to which they have traveled. Thus, short-term migrants are able to leave their mark on their travel destinations by means of imparting some sort of culture or knowledge exchange with locals. By facilitating this exchange, Airbnb has expanded the possibilities of short-term migration, making it a more accessible option for a larger group of people. The availability of lower cost living options solves the problem many travelers, and potential short-term migrants, face with expensive lodging.

In a more abstract sense, Airbnb also plays into the construction of place. As people seek out more authentic travel by means of Airbnb, they are engaging in a transaction meant to promote such an experience. This transactional nature extends to the location aspect of the experience as well, in that tourists now see places as things that can be bought.³⁰ With Airbnb, the place is part of the tour “package,” with the company tying location into the dwelling, in contrast with the manner in which the majority of hotels separate these two aspects of the tourist experience. In this way, Airbnb has helped to change tourism from an activity largely based on visiting to one with many potential purposes; however, at the center of these potential purposes is the goal of garnering new knowledge and understanding of the place of travel.³¹ The place-based transaction that short-term migrants undergo is not exclusively monetary or experiential. Instead, short-term migrants play into the larger construction of the place itself by exchanging social, cultural, political, and religious ideas: the migrant forms a personal identity, based on their perception of the location, while the location gains dimensionality

28 Statistics Division. 1998. Recommendations on Statistics of International Migration. Recommendations on Statistics of International Migration. Series M, No. 58, Rev. 1. New York.

29 Daniel, Guttentag, 2013, “Airbnb: Disruptive Innovation and the Rise of an Informal Tourism Accommodation Sector,” *Current Issues in Tourism* 18 (12): 1196.

30 Lorentzen, Topso Larsen, and Schröder, eds., *Spatial Dynamics*, 55.

31 *Ibid*, 123.

by incorporating the migrant's own ideas.³² Constructing a place, therefore, is a two-party experience, in which migrants and the place itself both undergo growth and transformation.

Furthermore, short-term migration also helps to normalize a place's identity on a larger scale; outsiders considering a particular location to be a "place" with a specific identity gives that place more global legitimacy.³³ Places have both a local and universal identity to which short-term migrants add and help to construct.³⁴ By means of their short-term migration, tourists are able to form a connection with a particular place on a local level, and then use this connection to help expand the more global construction of the place's character.³⁵ Visitors form stronger connections to places when they become emotionally invested in the place itself; this emotion then becomes part of the way in which these visitors think of the place for themselves and how they convey their knowledge of and experiences in the place to others.³⁶ By facilitating people-to-people and people-to-place interactions, Airbnb is able to intensify the way in which tourists experience a place, deepening the emotional connection that these visitors then form with the place itself. Both short-term migrants and locals are continuously changing and updating how they, and in turn, the rest of the world, view a particular place. In this way, place is inherently "dynamic."³⁷ Because places' identities are flexible, short-term migrants constantly have the opportunity to change the way they and others experience these places. To this end, Airbnb is a tool of change, empowering tourists to become active visitors, short-term migrants who participate in creating a place's identity instead of just observing.

AIRBNB IN THE SETTLEMENTS

At the beginning of 2016, Airbnb faced a barrage of media coverage regarding the availability of listings in the West Bank.³⁸ Although settlers had listed properties on the website prior to January 2016, the increase in media coverage was connected to a letter written that month to Airbnb by Saeb Erekat, a member of the Palestine government, condemning the fact that the company allowed such listings to exist.³⁹ This letter has brought into question the significance of Airbnb allowing Israeli settlers in the West Bank to list their homes. At its core, by allowing settlers to list on their website, Airbnb has conferred upon the settler a sense of possession over the contested land on which they live. By turning the land into a product from which they can profit, the settlers are asserting their ownership of the land itself in the face of an almost universal denial of the right to such ownership. In this way, Airbnb listings have become a

32 Ibid, 128.

33 Ibid, 146.

34 Joseph Pierce, Deborah G Martin, and James T Murphy, 2010, "Relational Place-Making: the Networked Politics of Place," *Transactions of the Institute of British Geographers* 36 (1): 55.

35 Lorentzen, Topsø Larsen, and Schröder, eds., *Spatial Dynamics*, 146.

36 Ibid, 147.

37 Ibid, 151.

38 William Booth, "Airbnb Slammed for Offering Rooms with a View in Jewish Settlements," *The Washington Post*, WP Company, February 2, 2016; Adam Chandler, "The Bright, Cozy AirBnB Listings in West Bank Settlements," *The Atlantic*, Atlantic Media Company, January 20, 2016.

39 Tia Goldenberg, "Palestinians Lambast Airbnb's West Bank Settlement Listings," *The Big Story*, Associated Press, January 20, 2016.

tool that settlers are using to contest the global perception of their status as illegal occupiers, instead asserting that they are the legal owners and proprietors of a tourist market centered on the land on which they live.⁴⁰

The creation of a tourist market, partially by means of Airbnb, has allowed the settlers to try to normalize the narrative surrounding their existence; they are attempting to create a world in which Ma'ale Adumim garners a response no larger or more political than St. Louis Park, Minnesota. Settlers are in this way politicizing Airbnb, a company that in of itself does not aim to be political. At a basic level, settlers are using a social practice (tourism) as a way of projecting a particular identity onto the West Bank, one of Israeli culture and heritage.⁴¹ The aim is to provide visitors with this image of the West Bank in their mind in order to further disseminate this Israeli identity beyond the walls of the settlements themselves. The settlers see themselves as the ones responsible for running the tourism in West Bank in a manner that will encourage visitors to accomplish these goals.⁴²

Despite settlers' attempts at normalcy, they still face intense opposition from Palestinians and much of the outside world. At the heart of Palestinians' issues with Airbnb allowing Israelis to list their properties in the West bank on the Airbnb's website is their belief that the Israelis are occupying the land on which these properties sit and that it is not their land to rent out.⁴³ Other critics have stated that Airbnb is an accomplice in "the crime" of settlement establishment in this contested land.⁴⁴ SumOfUs, an activist organization aimed at "curbing the growing power of corporations" maintains a website, designed to look like an Airbnb listing, entitled "Stolen home by illegal settlers."⁴⁵ The website describes Airbnb listings in the West Bank as "illegal settlement[s] built on stolen Palestinian land," and allows visitors to leave comments of support for their cause.⁴⁶ This website allows individuals worldwide to voice their opposition for the availability of Airbnb listing in the West Bank in a central location, with over three hundred pages of comments posted to date.⁴⁷ By gathering the criticism in one place, SumOfUs has identified a network of critics that exists worldwide, united by their condemnation of Israeli settlements. This network illustrates that the Israeli settlers' use of Airbnb to assert ownership over the West Bank lacks the pervasiveness that one would believe exists from the narrative that these settlers set forth.

The amount of legitimacy and normalization that settler can create for their sense of ownership is minimal in the face of such opposition. The West Bank, like others places, has an

40 Booth, "Airbnb Slammed for Offering Rooms with a View in Jewish Settlements."

41 Lorentzen, Topso Larsen, and Schröder, eds., *Spatial Dynamics*, 47.

42 Ibid, 59.

43 Kate Shuttleworth, 2016, "Airbnb Lists Homes in Illegal Israeli Settlements," Al Jazeera English, Al Jazeera Media Network, January 12, 2016.

44 Kate Shuttleworth, "Airbnb Profiting from Homes in Illegally Built Israeli Settlements," The National, Abu Dhabi Media, January 11, 2016.

45 "About Us," *SumOfUs*, *SumOfUs*, Accessed December 13, 2016.

46 "Stolen Home by Illegal Settlers," Airbnb, *SumOfUs*, airbnb.sumofus.org, Accessed December 14, 2016.

47 Ibid.

identity that both Israelis and Palestinians construct by means of negotiation.⁴⁸ Just as these two groups are constantly in a political back-and-forth to assert ownership of the West Bank, they must engage in a negotiation to give the land some sense of identity. These two types of negotiations are inherently connected in that a large part of the West Bank's identity is the political conversation by which it is surrounded. The West Bank's negotiated nature prevents Israeli settlers from using Airbnb to promote the land as an Israeli-run tourist destination, despite describing their properties as "Israeli". Because both Palestinian and Israeli voices dictate the discourse surrounding the West Bank, any attempt by one group to assert an identity favorable only to themselves will fail on the world stage. Therefore, while Israeli settlers see the arrival of short-term migrants as legitimizing their sense of permanence in the West Bank, this permanent identity exists in conjunction with the Palestinian view of the settlers as illegal long-term migrants. In this way, the settlers' identity is directly tied to the global view of the West Bank itself. Although Airbnb at its core is meant to foster a sense of "belonging," the company fails to do so for Israeli settlers in the West Bank in the face of a fractured identity for both themselves and for the land on which they live.⁴⁹ Instead, settlers' use of Airbnb merely confirms their sense of ownership with their own minds and communities.

CONCLUSION

The West Bank's historical status as an area of religious and political controversy continues to this day, especially with the rise of the sharing economy and experience-based tourism. The land's contested status gives rise to a disjointed identity, the result of a constant struggle between Palestinians and Israelis to assert ideological dominance. While the Israeli settlers consider themselves to be permanent residents of a land with a biblical Jewish identity, Palestinians see the settlers as long-term migrants in the area illegally. Similarly, while the settlers see Airbnb as a way of facilitating tourism that will in turn normalize the settlements' existence, Palestinians instead view Airbnb as collaborators in unlawful occupation.

The settlers' use of Airbnb is not yet influential enough to significantly change the global conversation on the politics of the West Bank in the future. As this paper has explored, the settlers' use of Airbnb to facilitate tourism has failed, thus far, to largely change the negative perception of the settlements themselves, in part because they have motivated oppositional, copycat listings. For the settlers to truly change the way in which the rest of the world perceives them, they must be willing to engage in further negotiation, whether it be political or cultural, with the Palestinians. In terms of Airbnb, this may involve settlers changing their listings from being included in Israel to instead being designated as part of the Palestinian Territories. Airbnb themselves could choose to force settlers to designate their listings as being part of the West Bank in order to appease the growing opposition. In this way, they will be able to affect both the West Bank's identity and their own. With the growing prevalence of social justice organizations worldwide, the settlers must change their own discourse if they ever hope to gain legitimacy on the world stage.

48 Lorentzen, Topso Larsen, and Schröder, eds., *Spatial Dynamics*, 39.

49 Brian Chesky, "Belong Anywhere," *The Airbnb Blog*, Airbnb, July 16, 2014.

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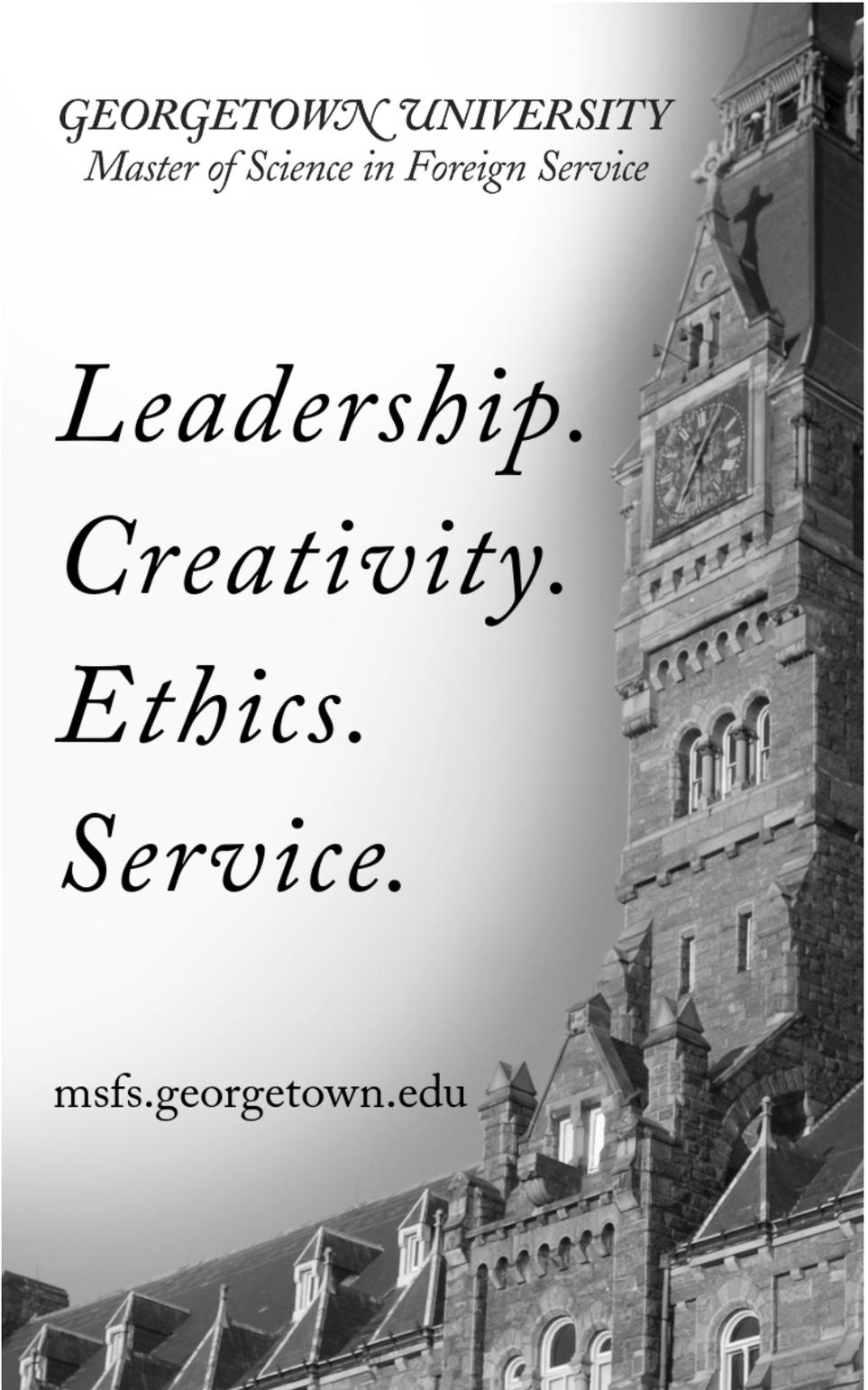
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