STALEMATES
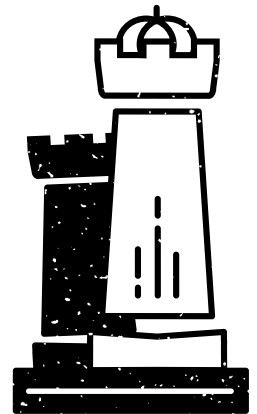
BOLOGNA CENTER

Journal of International Affairs

VOLUME 17

2014

Stalemates

The SAIS Bologna Center Journal of International Affairs was established by the students at the SAIS Bologna Center in 1997 to provide a forum for the discussion and dissemination of ideas about current issues in the field of international relations. The Journal aims to provide a formal outlet for thought-provoking scholarship from students and faculty at the Bologna Center and other graduate institutions, and welcomes work from experts and practitioners.

The Journal is published annually. The views expressed herein are solely those of the authors and do not represent the opinions of the Journal staff. Neither the Journal nor the Bologna Center itself guarantee the accuracy of the data included in this publication and accept no responsibility for the consequences of its use.

Intellectual Property Rights

The authors of the articles in this journal maintain the intellectual property rights of the contents. Anyone wishing to reproduce these articles must contact the individual authors to obtain their permission. Please contact the Bologna Center Journal of International Affairs for more information.

Submissions

Articles for submission to the Journal are accepted on a continuous basis. Article selection for the print edition takes place in February. Submissions will be judged according to the academic merit and relevance to the selected theme. Articles may be submitted at the address specified online. Authors should include a current biography, contact information, and an abstract of the article.

Our website is: http://www.bcjournal.org

TABLE OF CONTENTS

2013-2014 STAFF

Letter from the Editor

Dear Readers,

This year's Bologna Center Journal of International Affairs explores a theme, "Stalemates," that will be familiar to any student of international relations, or any regular reader of the news. When we chose it, we had in mind the largest and most difficult issues of our time: climate change, the civil war in Syria, and the Israeli-Palestinian conflict, among many others. These issues continue to defy the efforts of the well-intentioned people trying to solve them, and in the process, stalemates expose the weaknesses of the existing international system. For some of these problems, solutions exist, but the political will to implement them is absent, while others have no ready anecdote. The notion of stalemate also inherently contains the possibility of breakthrough, giving hope that even the world's most persistent challenges can someday be solved. A SAIS education aims to prepare students of international affairs to help resolve these stalemates, so it seemed only appropriate that we use the Journal's 17th edition to explore them.

We were pleasantly surprised by the wide variety of international problems to which our authors applied the Journal's theme. From Sudan's interlocking conflicts to global negotiations over climate change, from academic debates about inequality to India and Pakistan's conflict over Kashmir, we received papers that analyzed stalemates of all shapes and sizes, in all corners of the world. Our authors will be among the next generation of policymakers to tackle these persistent problems; the insight they share in these pages give us hope for the future.

This edition also features interviews with three veteran observers of the international scene. Ahmed Rashid, an experienced Pakistani journalist and an expert on the Taliban, helped us envision the future of South Asia after the withdrawal of American forces from Afghanistan this year. Serge Schmemann, a former *New York Times* bureau chief in Moscow, spoke with us about how Russia understands its role in the former Soviet sphere and the chances for an Israeli-Palestinian peace agreement. Finally, we sat down with SAIS' own Prof. Filippo Taddei to hear about his role as an economic advisor to Matteo Renzi, Italy's new prime minister, and the government's plans to overhaul the Italian

economy.

The Bologna Center Journal of International Affairs is an entirely student-run enterprise, and its publication would not be possible without the selfless work of many in the SAIS community. I wish to thank our Managing Editors for Print, Matthew Melino and Kshitij Neelakantan, for their many late nights; our Managing Editor for the Web, Laura Mojonnier, for her incredible work on the Journal's website; our Executive Editor, Alix Davie and her fundraising team of Camilla Scassellati Sforzolini, Ambra Avenia and Simon Ilzhoefer, who worked tirelessly to raise the money needed to print this edition; our faculty advisor, Prof. Mark Gilbert, for his sage advice; Giulia Parzani and Francesco Cenedese for their Italian language assistance; our dedicated associate and copy editors; and faculty and staff including Margel Highet, Dr. David Unger, Prof. Filippo Taddei and Director Kenneth Keller.

On behalf of the Journal's staff, I am pleased to present the 17th edition of the Bologna Center Journal of International Affairs. It has been our pleasure to produce it, and we hope you enjoy reading it.

Jeffrey S. Wright
Editor-in-Chief
April 2014

Letter from the Director

Now in its 17th year of publication, the Bologna Center Journal of International Affairs has long since earned the label and status of tradition at SAIS Bologna, and a proud tradition at that.

Each year, the Journal chooses a theme, a lens through which to view a range of international challenges; a contextual framework for seeing commonalities and linkages. In those respects, this year's theme, Stalemates, is a rich one. The articles you will find in these pages deal with issues that cross national borders as well as those that are within national boundaries, with violence and security, with ethnic conflict, with the global economy, with the environment, and with the aspirations of people that arise out of their history and culture.

The notion of stalemates is, itself, an interesting one. Although it speaks to the interruption of movement, in so doing it implies the importance of movement, of evolution, and thereby brings attention to the currents of change in the world. There is, as one would hope, an element of optimism in many of these papers: the belief that we can diagnose stalemates and devise strategies to get beyond them, particularly where the stalemates arise from structural or procedural inadequacies, from the failure of the institutions of governance.

In conveying the complexity and range of the global challenges we face, this issue of the Journal captures one of the organizing elements of a SAIS education, an emphasis described, although only imperfectly, by the term "functional studies." But a scan of the table of contents speaks to another important consideration: eight of the eleven articles deal with a particular region of the world. The abstract analytical frameworks that are developed to provide insights into the dynamics of the economy, or the relationship of energy needs to environmental protection, or the clash of ethnic cultures, or great power politics, take on concrete meaning when they are applied to the realities of a specific part of the world. At SAIS, that has given rise to the encouragement of regional studies and the attainment of language proficiency, ideally combined with an analytical focus. I think the value of this combination is demonstrated by the richness of the essays in this volume.

As always, the Bologna Center Journal presents the work of both graduate

students and established scholars. It is entirely a student enterprise. The editorial staff issues the call to authors, selects the papers, and edits and assembles the final product. It is a personal pleasure for me to introduce you to this year's volume. I hope and fully expect that you will find this year's issue enlightening and engaging.

Kenneth H. Keller
Director and Professor
The Johns Hopkins University
SAIS Europe at Bologna
April 2014

Interview: Filippo Taddei

Filippo Taddei is an Assistant Professor of Economics at SAIS' Bologna Center, where he teaches macroeconomics and monetary theory. He also serves as an economic advisor to the Partito Democratico (PD), which heads Italy's current coalition government under Prime Minister Matteo Renzi. Prof. Taddei holds degrees in economics from the University of Bologna and Columbia University, where he earned a PhD in economics in 2005. We asked him about Prime Minister Renzi's plans for Italy and his transition from academic to political advisor.

Editorial Staff

Can you outline the economic plan that Italian Prime Minister Matteo Renzi announced after taking office in March?

The plan is a story about change, flexibility, and responsibility. Italy has seen the slowest growth rate among all OECD countries over the last two decades. The issue with this fact is that Italy has not always been a country of minimal growth. This is a country that has grown a lot and changed dramatically since WWII. From the end of the 1990s and into the 2000s, the country began to slide into slow growth. And from 2000 to 2013, it has had one of the slowest rates of growth among advanced economies in the world.

So, our challenge is how to change this. Our proposal is to do so by providing the flexibility that was not there during the years of stagnant or minimal growth. This means taking advantage of the high primary surpluses the country has experienced over the last eight years. Despite these primary surpluses, Italy does maintain a high level of public debt due to previous government spending coupled with a decrease in tax revenues. One of the issues with Italy's tax revenue is the fact that the country has one of the highest labor income tax rates in Europe. To address this, we provided the largest fiscal stimulus and tax cut on labor income in the last 20 years, a cut that amounts to nearly 0.7% of GDP on a permanent basis. We believe this will correct our tax system, and specifically the tax burden on labor, and that it will push people toward employment. As the Italian constitution states, Italy is a country founded on labor. We believe that this tax cut will encourage people to seek greater employment opportunities and bring the country back into alignment with the principles of its constitution.

By realigning Italy's tax policies with its fundamental values, we can

change the direction of the country. We believe this will result in greater cooperation at the European level, specifically recognition for our commitment to economically responsible policies. Cutting government spending is, however, a challenge that takes time. We expect cooperation and flexibility from Europe.

How do reforms of Italy's labor markets, such as making it easier for businesses to hire and fire employees, fit into PM Renzi's plans for reform?

There is certainly some movement in that direction, but I wouldn't characterize it as a large part of the overall plan. There are some rules and regulations currently in effect that may be attractive conceptually, but don't make much sense in practice. For example, if you are hired on a temporary basis on a fixed-term contract in Italy for less than 12 months, the employer is not required to report a specific reason for hiring you. However, if a business wants to hire someone for longer than 12 months, they must provide a specific reason or a specific task that they are hiring the employee to carry out. There are constraints on the type of tasks one can be assigned, and so the employer is required to prove that the task is truly a temporary assignment. In practice, this situation is virtually impossible to verify, so it creates controversy in the judicial system and distortions in the economy.

We want to provide the people of this country and foreign investors with a guarantee that the climate and culture is changing on a permanent basis. The largest ingredient in that change is the shift from the current government structure to a smarter government and the subsequent reduction in the labor income tax. That is the centerpiece. The Italian labor market is relatively flexible. The problem is the uncertainty that comes with a lack of concrete boundaries. This is self-defeating for both entrepreneurs and for the labor force.

Though many in Italian politics agree on the necessity of reducing taxes, there is disagreement about whether it is more productive to reduce taxes on labor or on firms. Which is the priority of the Renzi plan?

We believe that the priority is to cut taxes on labor. We would like to establish a clear identity for this country, one that is based on clear values, particularly the belief that if you work hard, you will be rewarded. We believe that such a policy is designed to support for the middle class in this country. Whenever I meet entrepreneurs from the most dynamic sectors, they never complain about the cost of labor. It is a second order problem. They care more about the cost of credit and the speed of bureaucracy. By cutting the labor income tax on a permanent

basis, and by slashing government spending in a way that reduces bureaucracy, we can address these problems.

Rules and regulations are endogenous to government spending. Labor income taxation, government spending, and bureaucracy are all connected. Without changing the structure of government spending, everything grows back after you cut it, particularly the bureaucracy.

What effect do you anticipate these policies will have on growth? Won't the reduction in government spending and bureaucratic employment reduce growth?

We are not cutting the bureaucracy at the expense of someone's job. The number of public employees in Italy is actually low in comparison to other advanced economies. We are not going to put anybody out on the street.

We are trying to shift the mentality of this country from one that does not grow and is waiting for the storm to pass to a country that takes charge of its economy. By empowering the people of the country, we have reason to believe that the country will return to the dynamic nature it had prior to the 1990s.

Some European leaders have reacted positively to Renzi's proposals, but some have expressed concern that these programs might require Italy to go beyond EU regulations that prohibit budget deficits larger than 3% of GDP. How do Renzi's proposals fit with Italy's deficit reduction goals?

We are optimistic that we will not go beyond the 3% boundary. The projected deficit for Italy in 2014 is 2.6%. We have room to go to the 3% threshold, but that room is conditioned on reaching a different agreement from the one we had in the past with Europe. To do so, we would need to renegotiate our agreement with Europe. But that is a measure of last resort.

We see three sources for the funding of these tax cuts. First, if interest payments stay subdued, Italy should save between €2 and 3 billion in interest payments if our interest rates remain within 180 basis points of Germany. Second, we are providing stimulus to the economy, which should have positive growth effects. Third, we are signing a very important voluntary disclosure agreement regarding tax evasion. In the past, people evaded taxes and maintained offshore accounts in various fiscal havens. With this agreement, we are giving people the opportunity to receive amnesty for their past crimes if they pay all the taxes that

they owe, plus a connected penalty. The projected revenue from this program, as estimated by the previous government, is €8 billion. Even if that figure is too optimistic, we still expect the deficit to be below the 3% mandate.

Given that many of these changes involve challenging entrenched interests in the Italian political system, do you believe that the Renzi government has the political capital needed to carry out these reforms?

This is a coalition government and the PD is the main shareholder with an important contribution from parties of the center-right, which is an essential ingredient. Without their support, there is no majority in both houses.

In reality, coalition governments are far more effective in pushing through reforms that are controversial because you can blame the opposing party. If a politically homogenous government attempted to push through these reforms, everyone will blame it for attacking the interest groups that do not support it. In a coalition government, they cannot do that, because there are both center-left and center-right parties in the coalition. This political homogeneity, which may seem to be a weak point, is actually a source of strength.

The schedule that the government has laid out for these reforms is very ambitious. Are you concerned about being able to stick to the timetable?

No, I am not concerned. We are committed to achieving our plan. It is only fair to be evaluated on the ambition of our commitment and our ability to fulfill it.

The US and Europe have taken very different approaches to the recessions following the financial crisis in 2008. Whereas the US initially used Keynesian stimulus, Europe has relied on austerity. In your opinion, how can we judge the relative merits of these policies six years later?

Unfortunately for Europe, the US has been far more effective in their efforts to combat the crisis. In the US, both the monetary reaction and the fiscal stimulus were quite timely. The historical trauma of the Great Depression in the US has played a significant role in shaping their quick response.

Europe, on the other hand, had a very hard time dealing with the heterogeneity of its member states. 2009 was a dramatic year for everyone in Europe, with many countries contracting. After 2009, the

paths seemed to diverge among European countries. The euro zone faced a dilemma, as different countries began to recover more quickly than others. Germany, with its history of fiscal prudence, recovered quickly. Italy did the least fiscal stimulus of all Eurozone countries. France greatly expanded spending, and if you ask me now, I think the next weak link fiscal matters in Europe is not Italy, but France. France has an unsustainable level of primary government spending right now.

The problem in Europe was the pursuit of a one-size-fits-all policy. I don't believe that a policy approach that disregarded the specific troubles of some countries was very helpful. With divergent fiscal policies, it was unlikely to work. The European approach to the crisis was a mess. We had to wait until 2012 and the famous "whatever it takes" speech by the President of the European Central Bank, Mario Draghi, in which he guaranteed that he would do everything in his power to ensure the survival of the Eurozone. This was the turning point for Europe in its efforts to combat the crisis. Moving forward, Italy must change the structure of the country so we can start over and return to a period of growth.

What has it been like to transition from being an academic economist to being a political policy advisor, where optimal economic policies have to be weighed against political considerations?

One of the advantages of my position is that I can bring a fresh view as well as a bit of ingenuity. You learn very quickly that the typical response of politicians is "yes, but…" And after the "but" usually comes a lot of strings, but the strings are seldom substantial. They are very procedural.

For example, the typical response is "yes, but it would take too long to change the law" or "yes, but it would be hard to place it on the parliamentary calendar." I have realized that sometimes you just need to ask the second question: "what are we waiting for?" Surprisingly enough, this often helps put the process in motion. Renzi has a strong will to ask the second question, and to follow up on the answers. The novelty is that that attitude may just be enough.

A Wolf in Sheep's Clothing: The Rise and Decline of Japan's Culture of Antimilitarism

In the wake of a World War and under the control of an occupying army, the Japanese people accepted a constitution in 1947 that was unique in composition. The world's first "Peace Constitution," Article 9 of Japan's founding document explicitly prohibits war and the maintenance of a standing army. Despite the fact that it was imposed from outside and numerous attempts by Japan's conservative elite to alter this stricture, Article 9 has remained untouched due primarily to the efforts of the Japanese peace movement. However, with China's rise and the popularity of Japan's nationalist Prime Minister Shinzo Abe, calls for a return to military normalcy now seem to outweigh those for restraint. This paper traces the rise and fall of the Japanese peace movement, as well as the incremental process of remilitarization, which has accelerated sharply over the last decade. Finally, it investigates the nature of Japanese remilitarization under Shinzo Abe and analyzes its effect on East Asian security and US foreign policy.

Fritz Lodge

On the day Japan surrendered to the Allies, Rear Admiral Tomioka Sadatoshi sought to restrain the tempers of his subordinates by advising patience in the face of adversity. "With the end of World War II," he argued, "there is sure to be a confrontation between the United States and the Soviet Union. In the rift, Japan can find a chance to regain her feet."[1] This eerily prophetic statement very nearly came true in the immediate postwar era. Only four years after the war's end, a "reverse course" in American policy turned the Allied Occupation's program of demilitarization and democratization on its head. Former military officers and regime officials were released from prison, a former class A war criminal won the country's premiership in 1955, and the Americans began to insist that Japan rebuild her military in order to balance against the rising Sino-Soviet alliance. In short, all the pieces seemed set for a swift realization of Admiral Sadatoshi's prediction and the revision of Japan's "peace constitution."

However, this did not happen. Instead, a powerful and socially diverse grassroots movement forced the abdication of the Kishi government in 1960 through massive popular protests against the revision of the US-Japan Mutual Security Agreement. Preserving the promise of

the Japanese constitution to *"…forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes,"* this demonstration of a deep and engrained pacifism in Japanese society served to clearly define the political limits of Japanese military expansion for the next 40 years.[2]

Yet in the last 20 years, the influence of this movement has faded. American pressure and ever-more creative interpretations of Article 9's injunction against the maintenance of military forces have slowly expanded the size and scope of Japan's self-defense forces. Over the course of the early 2000s, the strength of civilian controls over the military's independence have significantly eroded, its scope for international deployment under transnational agreements has evolved dramatically, and incremental budget increases have led Japan to maintain the fifth largest defense budget in the world.[3] At the same time, popular support for the peace movement and pacifist political parties has steadily declined.

Today, faced with aggressive Chinese policies like the expansion of an air identification zone over the disputed Senkaku-Diaoyu islands in November of 2013, as well as a nuclear-armed North Korea, Prime Minister Shinzo Abe's "new nationalism" is conflicting with the pacifist traditions of the Japanese constitution.[4] The world's first and only constitutionally peaceful nation now looks likely to break its long abstinence from the world of war to bare its teeth once more. The question is how the Japanese will define themselves when peace is no longer the cornerstone of their political identity.

The Origins of a Non-Military State

In order to understand the full significance of Japan's current trend toward remilitarization, it is important to examine the historical context within which Japan's constitutional pacifism and underlying culture of popular antimilitarism developed. When the victorious Allied Occupation forces first arrived in Japan, they encountered a country devastated by fifteen years of war. Over eight million Japanese were killed or wounded during the war, Japan's infrastructure and economy lay in tatters, and two of her cities served painful witness to the dawn of the nuclear age. Indeed, the Japanese word "*kyodatsu*" – a medical term describing a state of exhaustion, despondence, and despair – aptly describes the shell-shocked psyche of a nation at the end of its rope. This bitter memory of war, and especially of the nuclear holocaust in Hiroshima and Nagasaki, is vital to explaining the incredible longevity of Japan's constitution, and its unique promise to abolish the use of force.

Partial explanation for this longevity lies in the unique set of circumstances that surrounded Japan's surrender, the management of its occupation, and the development of its peculiar relationship with the United States. Three basic factors can help us to explain the ideological strength and deep institutionalization of antimilitarism in Japanese culture. The first is simply the timing of the constitutional drafting process. The Japanese constitution was drafted in 1947 when the full extent of East-West rivalry was not yet apparent. At that time, the threat of future Japanese aggression loomed larger in the minds of American policy planners than that of Communism, and blanket demilitarization was the order of the day. As a point of contrast, the German Basic Law was drafted in 1948 and 1949, just as Cold War rivalries were ramping to fever pitch in Europe. Consequently, the Basic Law was drafted with inclusion in the new Western Alliance system in mind and offered more leeway for interpretation than the Japanese document. Japan's constitution was also written and imposed from above by an American military government frustrated with the conservative drafts offered by Prime Minster Shidehara Kijuro's government.[5] In Thomas Berger's estimation this illegitimate drafting process ironically instilled a "deep-rooted fear…that democracy was a delicate, alien flower planted in inhospitable soil, and that constitutional revision could cause the fragile blossom of freedom to wither."[6]

A second major factor in the initial development of Japanese antimilitarism was a combination of distance and leadership. Japan was much farther from the eye of US policy planners than the primary Cold War battleground of Eastern Europe. Although the rising Sino-Soviet threat in the Pacific was a worry, it took the invasion of South Korea on June 25, 1950 to snap the attention of foreign policy heavyweights like Secretary of State Dean Acheson, and his successor John Foster Dulles, to Japan's role in Asian security.[7] Until this point, the office of Supreme Commander of the Allied Powers (SCAP) General Douglas MacArthur enjoyed a wide mandate to shape Occupation policy and, to the chagrin of his superiors in Washington, MacArthur proved highly resistant to rearming the peaceful new democracy he had worked so hard to build.[8] On the Japanese side, then-Prime Minister Yoshida Shigeru was of much the same mind. "Profoundly suspicious of members of the now-defunct Japanese imperial military forces," Yoshida recognized the rising threat of Communism but feared the economic and political consequences of allowing Japan to rearm and be drawn into military confrontations abroad.[9] Invoking the image of Japan as a *chōnin kokka*, or "merchant nation," Yoshida believed that maintaining a pacifist role in international affairs, while sheltering under the blanket of US security guarantees, would leave the country time to lick its wounds and rebuild as an

economic power.[10] Loosely termed the "Yoshida Doctrine," this vision of a neutral, pacifist, and economically resurgent Japan, closely aligned with Western security policy, came to define a political center that Keiko Hirata calls the 'mercantilist' camp, in Japanese politics.[11] This presence of Japanese and American leaders committed to preventing the renewal of militarism, combined with Japan's partial insulation from the maneuvers of initial Cold War strategy, helped to institutionalize the notion of a "peaceful state" in the early postwar years.

The third and perhaps most important circumstance that shaped the development of Japanese antimilitarism was the way in which Japan dealt with the guilt and pain of its wartime role. Unlike Germany, where the revealed extent of Nazi atrocities horrified the nation and engrained a deep sense of social guilt and self-recrimination, Berger attests that "… in Japanese historiography, the military was usually singled out as the chief villain responsible for leading Japan into a disastrous war against the West, conveniently ignoring the role played by civilian leaders."[12] For the most part, this was a result of SCAP's decision to retain the emperor and governing political establishment largely intact. Many members of this elite had been heavily involved in the war effort and even those who had lobbied for peace, like Yoshida Shigeru and Ishibashi Tanzan, were more interested in rebuilding the country than assigning war guilt. This was an interest overwhelmingly shared by Japan's exhausted population, so Japan's ruling elite encouraged the narrative of a peaceful nation lamentably hoodwinked by the machinations of a perfidious military cabal. As a result, over 117,000 former military officers were banned from political office during the postwar purge but only 2,000 Japanese businessmen and 2% of the hundreds of thousands of bureaucrats investigated were censured.[13]

Accompanying this narrative of a military clique gone rogue was the widely held belief across Japan's political spectrum that the country had, at least in part, been forced into war by the racist and imperialist policies of Western powers in Asia. Specifically, the American oil embargo of 1941, which was designed to encourage a more moderate Japanese foreign policy but instead convinced Japan's leaders that America would stop at nothing to curtail her growth. This resentment of American imperialism was violently reinforced by the atomic bombings of Hiroshima and Nagasaki. Thus, rather than engage in a process of national introspection, much of Japanese society "…felt doubly victimized. First by the West, which they felt had cynically refused to respect Japan's right to defend its legitimate interests… [and also] by their own military for having dragged them into a war that rationally could only end in tragedy."[14] On the one hand, this narrative of national victimization played beautifully into the hands of the former

army officers and regime officials who sought to sanitize their role in the war and stage a return to politics during the 1950s. However, that reading of history also managed to instill a virulent antimilitarism in Japanese society which, activated by bitter war memories, the issue of nuclear armament, and the aggravation of continued US military presence on the island, would enjoy an unparalleled ability to mobilize popular sentiment for decades to come.

Defending the Peaceful State: Development of the Japanese Peace Movement

Much as it was the desire of Yoshida and his fellow centrists to minimize Japan's involvement in international disputes, this antimilitarist sentiment would soon be put to the test. By 1949, US policymakers had decided that building a bulwark against Communism trumped the democratization mission in Japan and thousands of former army officers and regime officials – including class A war criminals like future Prime Minister, Nobosuke Kishi – began their return to the political arena. The outbreak of the Korean War in June of 1950 only added fuel to this fire, and Prime Minister Yoshida's government was soon put under enormous pressure to rearm and take its place in the United States' vision for an East Asian security bloc. Indeed, John Foster Dulles made Japan's rearmament an explicit condition of the country's return to independence and participation in a mutual security pact during his trip there in January of 1951. In the end, Yoshida's dogged resistance stymied US plans for full rearmament, but he was still forced to order the creation of a 75,000 man "National Police Reserve" (*Keisatsu Yobitai*) – an early precursor to the Japan Self Defense Forces – and agree to the continuation of US bases in Japan and Okinawa in order to receive post-independence protection under the US-Japan Mutual Security Pact.[15]

More worrying than this first abrogation of the spirit of Article 9, however, was the formation of a new right wing political grouping, which Berger terms "right idealism," that condemned the pre-war militarists as foolhardy but advocated the revision of Article 9 and a return to the national pride and more centralized authority of the Meiji period.[16] This grouping found its center in the flood of nearly 200,000 former regime officials, including prominent conservative politicians like Hatoyama Ichiro and Nobosuke Kishi, who were "de-purged" and allowed to return to active public life in 1951 and 1952. As a result of their release, nearly 42% of the seats in the first post-Occupation Diet election held in October 1952 were won by former "purgees."[17] This developing faction of right idealists took issue with Yoshida, Hayato Ikeda, Miyazawa Kiichi, and others of the mercantilist bent. They saw independence as a chance to rebuild a strong, proud, and militarily

potent Japan like that of the prewar Meiji period. For Saburo Ienaga, a prominent educator and activist against textbook censorship in Japan, "it even seemed for a while that the clock would be turned back to the military norms taught in prewar Japan."[18]

Despite this, the mercantilist position held throughout most of the 1950s. For conservative-leaning politicians on the Left, Yoshida's argument that Japan needed US help and cooperation to rebuild its still-weak economy was enough to convince them that the goal of Cold War neutrality should be postponed. At the same time, many right-leaning politicians, sympathetic to rearmament, saw dire warning in the violent anti-American and anti-rearmament "Bloody May Day" protests of May 1, 1952, which took place in response to concessions of the San Francisco peace treaty.[19] However, after the formation of a unified "Liberal Democratic Party" (LDP) from the different conservative parties in 1955, the right idealist camp managed to wrest control from Yoshida and the centrists. Under the leadership of Prime Ministers Hatoyama and Kishi, the right idealists "tried the lay the groundwork for a major expansion of the armed forces, a reversal of some of the more liberal reforms of the American Occupation…and a fostering of national pride."[20] Yet few in the right idealist camp could foresee the intense popular reaction these moves would evince.

Anpo Toso: 1960 and the Rise of the Japanese Peace Movement

Prefaced by strong trade union opposition to the "Police Duties Law" of 1958, the true extent of popular opposition to rearmament became apparent in 1960 when the Kishi government's attempt to negotiate a revision of the US-Japan Mutual Security Treaty sparked some of the largest mass protests in Japanese history.[21] The proposed revisions granted, among other things, greater concessions to the Americans on base issues and allowed the use of those bases to launch combat operations unrelated to the defense of Japan. In return, the Kishi government negotiated greater independence to pursue its program of remilitarization, as well as an explicit commitment from the US to defend Japan in the case of attack.[22] Affronted by the gall of a former war criminal negotiating unpopular concessions to an unpopular superpower, with the aim of rearming a nation only recently devastated by war, protesters gathered in their hundreds of thousands to besiege the Diet building and demand a rejection of the treaty revisions. Representing a loose conglomeration of established Socialist and Communist parties, trade and labor unions like the *Sohyo* federation, and powerful new grassroots movements like the anti-nuclear *Gensuikyō* (Japan Council Against Atomic and Hydrogen Bombs), the "anti-security treaty struggle"

(*Anpo Toso*) was the most spectacular display yet of the existence of a widespread and powerful "peace movement" in Japan.

Though the revisions did eventually pass, the ferocity of the *Anpo Toso* protests forced President Eisenhower to cancel his planned trip to Japan and triggered a rout of LDP centrists, which led to the fall of the Kishi government. This step too far towards a militarist past had touched a raw nerve in Japan's political consciousness. Fueled by still-recent war memories, and focused by the ongoing insult of an unapologetic US military presence on the islands, the multi-faceted peace movement that thronged the streets in 1960 may, according to Totten and Kawakami, "...be considered…the greatest grass roots movement in Japanese history."[23] Somehow, this loosely organized peace movement was able to demonstrate a durable ability to mobilize popular action and political will in protest against a wide range of security issues.[24] Especially after episodes like the "Bikini Islands" accident of 1954, in which fishermen on board the trawler *Luck Dragon #5* were accidentally irradiated by American nuclear testing in the pacific, organizations like the anti-nuclear *Gensuikyō* were able to mobilize and maintain steady popular support for a wide range of antimilitary initiatives.[25] Indeed, the combined role of such grassroots political movements proved instrumental in giving the opposition 40% of the popular vote in the November 1963 election.[26]

What Japanese conservatives and US security planners learned from these experiences is that there was a clear political red line on the issue of military rearmament in Japan. The double victimization encouraged by Japan's postwar narrative had worked too well. Deep resentment of American imperialism and its nuclear legacy, combined with a fundamental distrust of the Japanese military, had imbued the postwar generation with a powerful instinct towards antimilitarism.[27] This confirmation of public resistance to remilitarization prompted a return to the mercantilist center and established a legislative pattern whereby LDP centrists would defect in support of the opposition if they smelled any hint of rebellion against the Yoshida doctrine.[28] The centrist Hiyato Ikeda replaced Kishi in 1960 and, until the 1990s, successive prime ministers were forced to renounce any intention to revise the constitution on threat of filibuster by the then-powerful Japan Socialist Party (JSP). Indeed, so toxic were the topics of constitutional revision and the Self-Defense Forces that "security policy…became a 'holy issue' that neither LDP nor the JSP wanted to raise in the Diet." [29] When leaders did try to raise security issues in the public sphere they often faced a firestorm of opposition, as Prime Minister Nakasone found in his failed attempt to encourage nationalist sentiment and raise the defense-spending rate above 1% of GNP in 1986.

Of course, this doesn't mean that changes weren't made to Japanese security policy in the decades following 1960. A process of slow, incremental alterations to defense policy called *kiseijijitsu no tsumiage* evolved, whereby areas of consensus on defense between the mercantilist center and the right idealists were quietly advanced without debate or discussion through the Diet. For instance, only one year after Nakasone's failed bid to fatten the defense budget, defense spending did actually increase to over 1% of GNP through the administrative instrument of the 1978 Guidelines for US-Japanese Defense Cooperation.[30] However, at each step forward civilian authorities were careful to place strict civilian safeguards on the defense establishment.

As Peter Katzenstein observed in 1996, "...in its purely domestic aspect, the military is subordinated to economics and politics. To this end the ministries of Foreign Affairs (MOFA), International Trade and Industry (MITI), and Finance (MOF) have penetrated the Defense Agency (JDA)."[31] In fact, the JDA filled a number of its senior roles with members of other ministries so the security departments of each civilian ministry enjoyed a wide scope for intervention in military affairs. And, when dealing with transnational issues, centrists were careful to lock any expansion of the military's international role into the existing hierarchy of allied partners in order to curtail the JSDF's scope for independent action. Even this role as what one Japanese foreign policy analyst called "a piece of furniture that any modern house or nation has, a chair for the American visitor to sit on," often represented the Japanese military's greatest opportunity for political clout.[32] Domestically, the JSDF and JDA traditionally remained strictly separated from the political leadership by overlapping layers of civilian bureaucracy. Similarly, in the arena of public opinion, a deep suspicion of the JSDF and its motives has traditionally defined the relationship of media and the general population with Japan's defense establishment. Indeed, according to one comparative study run in the 1970s, Japanese dailies devoted nearly three times as much space to disarmament issues as international papers like the *New York Times*.[33]

Land of the Rising Sun: From Pacifism to Remilitarization

Despite this history, these dynamics are rapidly changing. In 1985, Prime Minister Nakasone's visit to the controversial Yasukuni shrine – where a number of Japanese war criminals are interred – helped spark widespread public and political opposition to his rule. Yet annual visits by Prime Minister Junichiro Koizumi until the end of his term in 2006 sat much easier with the domestic audience, even as they enraged former victims of Japan's military conquests in Asia.[34] More recently, Prime

Minister Shinzo Abe's visit to the shrine in December 2013 provoked a similarly apathetic response at home, amidst outrage abroad. This shift in the domestic significance of Yasukuni shrine helps mark a pointed decline in the strength and cohesion of the Japanese peace movement as a political force. This decline is mirrored in the inertia behind Japan's incremental process of remilitarization.

There are several reasons for this weakening of the peace movement and of the anti-armament, "pacifist" bloc that gained ascendance in the period after 1960.[35] First among them is the generational aspect of this social phenomenon. The sentiment of antimilitarism, instilled by early Occupation policy and a postwar narrative of national victimhood, was most powerfully reinforced by vivid personal memories of either the war itself, or the difficult path to recovery in its aftermath. By the 1990s, this generation began to age out of the political scene and, today, most Japanese are too young to be influenced by a personal experience of the war.

This would not make much difference if the Japanese education system had been trained to teach the atrocities of World War II as honestly and self-effacingly as the German system does today. However, educators like professor Saburo Ienaga have observed "an increasing pro-military slant in education" throughout the 1980s and 90s, a troubling trend accompanied by "the rebirth of popular veneration for the emperor… and an increase in authoritarianism, evidenced by the government forcing schools to display the *Hinomaru* ("Sun Flag") and students to sing "*Kimigayo*" (official anthem of the Empire of Japan) as the national anthem."[36] This long process of sanitizing war guilt from education and resurrecting a positive narrative of the military, most notable in the Ministry of Education's constant revision of the official textbooks, has continued to the present day and has left new generations with little concept of the misery that Japan's fifteen-year "Pacific War" inflicted.[37] Consequently, the strongest pillar of Japanese peace sentiment has a generational half-life that is almost up. At the same time, the so-called "realignment of US force posture in Japan" has, through deals like the 2009 relocation of 9,000 marines to US bases in Guam, reduced the US military's visible presence on Japan's main islands in recent years, thereby diminishing their political role as a focal point for popular opposition.[38]

Finally, the rise of China as an economic juggernaut and burgeoning military power over the past two decades has increasingly lent legitimacy to right idealists' argument that a realistic Japanese security policy relies on strengthening the US alliance with greater "burden-sharing" and eventually revising the constitution to allow the creation

of an internationally competitive military. As Kuni Miyake of Tokyo's Canon Institute for Global Studies puts it: "Before Abe and the new era we were day-dreaming. We thought we could follow pacifism, not threaten anybody, have no army, and the world would leave us alone. [Now] people are aware that prayers for peace are not enough."[39] Miyake's view meshes with the overwhelmingly negative popular perception of China, which currently has a 94% disapproval rating in Japan.[40] Worryingly, it also dovetails with the viewpoint of a new "nationalist" faction in Japanese politics that has gained prominence recently, especially among Japanese youth, with a conservative and highly jingoistic message focused on historical recidivism and the need to restore Japanese pride in its armed forces and Imperial past.[41]

These fundamental shifts in the makeup of Japanese society and its immediate security environment, combined with the disintegration of support for pacifist political organizations like the Japan Socialist Party (JSP), have left pacifism as a political force largely absent from the present security debate. This state of affairs is underlined by the fact that only 30 members of the 2008 Diet could be called pacifists, a dramatic reduction from nearly 150 pacifist members in the 1960s.[42]

Kiseijijitsu No Tsumiage: Incremental Remilitarization Since 1976

In contrast to the present weakness of Japanese pacifism, the accumulation of incremental military expansions since the late 1970s has already managed to stretch the interpretation of Article 9 and quietly build a large military establishment in the form of the JSDF and the JDA – reorganized into the Ministry of Defense (MOD) in 2007. Japan's first real post-war military doctrine, articulated in the 1976 National Defense Program Outline (NDPO), advocated only enough rearmament to survive attack until American help arrived.[43] However, even this small measure helped lay the groundwork for a succession of further changes to Japanese security policy.[44] Following intense US pressure to stop "freeriding" and shoulder a share of the security burden in the 1980s, Japan began to play with the constitutional definition of "self-defense" to include some issues of "collective-defense," which bolstered the legitimacy of US security cooperation and helped convince opposition parties to at least partially accept the JSDF's legality.[45] After 1990, this process accelerated. The new Peace Cooperation Law allowed the first international dispatch of JSDF peacekeepers to Cambodia in 1992.[46] While, in 1999, the Diet passed legislation to implement 1997 Guidelines for US-Japan Cooperation, again expanding the international "collective security" role of the JSDF.[47]

Building on these incremental changes, the government of maverick Prime Minister Junichiro Koizumi "embarked upon a rapid, even radical, development of its security policy…between April 2001 and September 2006."[48] In response to the terrorist attacks of September 11, 2001 the charismatic, lion-haired Prime Minister was able to push through shocking new defense and security measures. These included the dispatch of Maritime Self Defense Forces (MSDF) to support coalition forces in the Indian Ocean, the revision of national defense guidelines to encourage international military deployment capabilities in 2004, and even the commitment of ground and air elements of the JSDF to assist coalition forces on non-combat reconstruction missions in Iraq.[49]

Such reforms in the role of Japan's security forces during this period were also accompanied by a startling erosion in the strength of civilian controls over the JSDF and JDA (later MOD). To a certain extent, this was the result of bureaucratic infighting between the JSDF, JDA, and civilian bodies like the Ministry of Foreign Affairs (MOFA) over control of defense policy.[50] However, after a scandal concerning MSDF's misreporting of fuel usage in 2003, improving the operational efficiency of the JSDF became a priority. This sentiment culminated in the Ministry of Defense Reform Council's report of 2008, which recommended more frequent and direct meetings between the prime minister, cabinet secretary, and military officials from the JSDF and the Ministry of Defense.[51] Implemented in December of 2008, this seemingly innocuous reform represented an unprecedented shift in the way that Japan's political leaders could deal with the defense community, cutting out the civilian middleman and allowing Japan's military establishment far more political influence and independence in its actions.

Surprisingly, these pro-military and pro-American policies failed to inflame Japanese public opinion as the actions of Nakasone and Kishi had in the past. According to a 2005 Nikkei telephone poll, 54% of respondents even supported the revision of the constitution and 44% continued to support the Koizumi government.[52] This popular ambivalence to policies that promoted both military rearmament and the near-complete subordination of Japanese security policy to the desires of the Bush administration seemed to indicate the death of political antimilitarism in Japan. To many, Japan looked poised to establish itself as a more "normal" regional military power, especially as Kishi Nobosuke's markedly right-wing grandson, Shinzō Abe, prepared to succeed Koizumi in 2006. However, much like his grandfather, Abe quickly alienated the electorate and the political opposition by trying to move too far, too fast towards rearmament. His "forceful promotion

of constitutional revision and his decision not to collaborate but to compete with the opposition parties" had the adverse effect of making the "Japanese electorate more cautious toward constitutional reform" and lost him the premiership in 2007.[53] By 2008, Abe's rule had led popular support for constitutional revision to fall by nearly 18 points to 36.2%.[54]

The Prodigal Grandson Returns

This episode seems to have taught Abe an important political lesson. Antimilitarist sentiment is not entirely dead in Japanese society and, if they wish to reshape Japan as a military power, conservative politicians must come at the issue sideways, backed by strong popular and parliamentary support. This is one prism through which to view Abe's triumphant and improbable return to the premiership in 2012, after a landslide LDP victory over the Democratic Party of Japan. Though he was previously slowed by ill health, the new Abe is energetic, charismatic, and an active presence on traditional and social media platforms.[55] More importantly, his return to power came with a radical "three arrows" plan, which advocated a series of monetary easing, fiscal stimulus, and structural economic reform policies designed to restart the long-stalled Japanese economic engine.[56] Though the second and third "arrows" of his plan have yet to fully materialize, the increased monetary base encouraged by "Abenomics" has already led to a depreciation of the Yen, a bump in Japanese exports, and a roughly 65% rise in the Nikkei Index since November of 2012.[57] As a result, Abe currently enjoys a 57% approval rating according to an October 2013 *Asahi Shimbun* poll.[58]

Predictably, Prime Minister Abe has been quick to introduce a tranche of ambitious new security policies on the wave of his new popularity. Pointing to a series of recent Chinese provocations in the Senkaku-Diaoyu contested islands dispute and the continued threat of North Korea's nuclear and ballistic missile capabilities, Abe has set out to expand nearly every area of Japan's defense policy. Supported by majorities in both houses of parliament, the Abe government raised the military budget for the first time in 11 years by 0.7% to roughly $46 billion dollars.[59] In line with this increase, Japan has put in orders for advanced weapons systems, such as the F-35 stealth fighter jet – previously considered too offense-oriented for defensive deployment – and has ramped up participation in joint military exercises with the US and other allies.[60] In addition, the Abe government signed a new bilateral security agreement with the United States in October 2013, which will expand Japan's role in the alliance and specifically included a commitment to create a US-style National Security Council.[61] Finally,

the cabinet ordered a study of the defense guidelines last year, which is expected to recommend further widening the interpretation of Article 9 to include the right to "collective self-defense" when it is released this April.[62]

What Does Shinzo Abe's Japan Look Like?

Building on 66 years of effort, Shinzo Abe now appears only steps away from finally realizing the conservative dream of reforming Japan's American-imposed constitution and restoring the threat of hard power to the nation's arsenal. To his American counterparts in the Obama administration, Abe's new assertiveness seems just the trick to take some of the pressure off Obama's lukewarm "pivot to Asia" policy. In domestic political terms, Abe's steps toward a redefinition of Article 9 aren't radical enough to stir much opposition. As *The Diplomat*'s John Traphagan points out, "Japan has already interpreted itself so far away from the meaning of Article 9 that it is in pretty clear violation of its own constitution," why would Abe expect substantial opposition to a few more tinkers?[63] All this need not be a bad thing. Given that China has posed the country with what Richard Samuels, a Japanese security expert at MIT, calls "the first militarized challenge that Japan has seen since the war," there seems no logical reason why Japan should not build up its defense.

However, the ideological and political form that Japanese remilitarization is currently taking should raise warning flags for Japanese and US security interests. First, the recent rise to prominence of a new Japanese nationalism that advocates rapid remilitarization, the acquisition of nuclear weapons, and a far more aggressive stance toward China, is a dangerous accompaniment to Japan's remilitarization. This group is represented in politicians like former Tokyo Governor, Shintaro Ishihara, whose attempt to buy the Senkaku islands in 2012 forced the Japanese government to nationalize them, triggering a tense standoff with China. According to *The Daily Beast*'s Kathryn Ibata-Arens, "Ishihara and his ilk are gaining popularity within the Japanese electorate, including a young generation of disenfranchised men" who are still feeling the economic pain the last decade.[64] Recently merged with Hashimoto's "Japan Restoration Party," Ishihara and his "Rising Sun" party now carry a disturbing weight in Japan's parliament.[65] To be sure, Mr. Abe's governing coalition currently relies on the relatively pacifist New Komeito party for support. However, the new influence of Japan's nationalists in parliament could give Abe a conservative majority to tap in the event of a falling out with New Komeito over an amendment to Article 9.

So far, Abe has been careful to keep his distance from the kind of overtly nationalist rhetoric that he knows could alienate the general electorate. Nevertheless, he has embraced widespread xenophobia aroused by the islands dispute as a chance to appeal to these new nationalists through tough talk on China. Expressing concerns that "China is attempting to change the status quo by force," Abe cautioned in October of last year that, "if China opts to take that path, it won't be able to emerge peacefully."[66] Barbed statements like these, combined with the blunt symbolism of including island-invasion scenarios in Japan's military training exercises with US Marines last spring, are clear attempts to signal a much more assertive Japanese security policy to the world. However, such provocative moves also underline an attempt to build domestic support for remilitarization through the medium of nationalist sentiments aroused by the dispute with China.

This leads to a second danger. Abe's efforts to play up the China dispute on the home front, combined with his controversial international image as a military hardliner in the mold of his grandfather, might drag the US into a deeper political, or even military, confrontation with China than American policymakers intended. So far, Abe has refrained from revisiting inflammatory statements on the innocence of Japanese class A war criminals or his ridiculous first-term claim that the 200,000 "comfort women" – women forced into sexual service by Japanese Imperial forces – serviced Japanese soldiers "voluntarily."[67] However, his visit to honor Japanese war dead at Yasukuni shrine, just after the establishment of China's air identification zone over Senkaku-Diaoyu, was a worrying sign. Prime Minister Abe is barely one year into his term and these issues are extremely sensitive in formerly occupied countries of Imperial Japan's "Greater Asian Co-Prosperity Sphere." Any move on his part toward recidivist rhetoric concerning Japan's war role has the potential to further inflame public opinion in both China and South Korea, a key US ally in the region. Furthermore, if Abe's economic plans fail to deliver real change, he may turn to intentional provocation in order to squeeze domestic support from heightened tensions with China. Ironically, where Japanese pacifists once protested closer security cooperation with the US out of fear that Japan would be dragged into Cold War conflicts, it is now a more assertive and unpredictable Japan that threatens to pull America into unwanted disputes.

As things stand, we can only speculate as to how these relationships will develop and whether such fears are justified. What is not speculation is that Japan has come out of its shell as a regional player, and that the decades-long right-wing quest for constitutional reform and the "normalization" of Japan's military is very near to fruition. What is worrying about this transition is not that it is happening; Japan has a right

to provide for its own protection and probably should have reformed its constitution a long time ago. The issue is the flawed historical process that has led to this point. In the decades of struggle between Right and Left over the issue of security and rearmament, Japanese society has never truly faced the realities of its own war guilt in either national education or public debate. The narrative of postwar victimhood at the hands of the Imperial military and Western powers managed to slow the process of remilitarization for a time, but it also allowed the same conservative right-wing elite that had supported Imperial Japan's aggressive cultural exceptionalism and rabid militarism to survive and thrive in Japanese political society. To a great extent, the ideological (and genetic) descendants of this elite have defined the pro-militarization camp in Japan's security debate since the end of the Occupation. Consequently, Japan's choice in this debate has historically been a maximalist one between reviving the military institutions that caused the war, or maintaining the ideals of the peace constitution. Over the last few decades, that fundamental choice has simply been sidelined by the incremental expansion of these military institutions. However, until Japan faces its war guilt and engages in honest and public debate over the place of the military in Japanese society, it will never truly be a "normal" state with a "normal" military.

Fritz Lodge is an M.A. candidate concentrating in Strategic Studies at the Johns Hopkins University School of Advanced International Studies. He is a graduate of St. Andrews University, and spent the last three years working in Cairo, primarily as research assistant to Nabil Fahmy, the former dean of the School of Global Affairs and Public Policy at the American University in Cairo and Egypt's current Foreign Minister.

Notes:

1. Ikuhiko, Hata, "The Post War Period in Retrospect," *Japan Echo*, Issue 11, (1984), 13-14.
2. Article 9, The Constitution of Japan, http://www.kantei.go.jp/foreign/constitution_and_government_of_japan/constitution_e.html.
3. The SIPRI Yearbook, *Stockholm International Peace Research Institute*, (April, 2013), http://books.sipri.org/product_info?c_product_id=458#.
4. Tisdall, Simon, "Is Shinzo Abe's 'New Nationalism' a Throwback to Japanese Imperialism?", *The Guardian*, (November 27, 2013), http://www.theguardian.com/world/2013/nov/27/japan-new-nationalism-imperialism-shinzo-abe.
5. Berger, Thomas U., *Cultures of Antimilitarism: National Security in Germany and Japan*, (The Johns Hopkins University Press, 1998), 31.
6. Ibid, 32.
7. Schaller, Michael, *Altered States: The United States and Japan Since the Occupation*, (The Oxford University Press, 1997), 30-31.
8. Ibid, 26.

9. Berger, *Cultures of Antimilitarism*, 34.
10. Shuichi, Wada, "Article Nine of the Japanese Constitution and Security Policy: Realism Versus Idealism in Japan Since the Second World War," *Japan Forum*, (22: 3-4), 409.
11. For a review of the literature defining ideological segmentation in Japanese politics see Hirata, Keiko, "Who Shapes the National Security Debate? Divergent Interpretations of Japan's Security Role," *Asian Affairs: An American Review*, (35: 3), 124-127.
12. Berger, *Cultures of Antimilitarism*, 29-30.
13. *Ibid*, 27.
14. Berger, Thomas U., "From Sword to Chrysanthemum: Japan's Culture of Anti-militarism," *International Security*, Vol. 17, No. 4, (Spring, 1993), 135-136.
15. Shuichi, "Article 9 of the Japanese Constitution and Security Policy," 409-410.
16. Berger, "From Sword to Chrysanthemum." 137-138. Also see Hirata, "Who Shapes the National Security Debate?" 142-143. She splits the "right idealists" into two groups termed "normalists" and "nationalists."
17. Schaller, *Altered States*, 38.
18. Ienaga, Saburo, "The Glorification of War in Japanese Education," *International Security*, Vol. 18, No. 3 (Winter, 1993-1994), 117.
19. Dower, *Embracing Defeat*, Epilogue.
20. Berger, "From Sword to Chrysanthemum, "140-141.
21. Gibson, Ian, "Japan's Peace Actors and Their Sociopolitical Origins," *Peace and Conflict Review*, Vol. 7, Issue 1, (Fall, 2012), 7.
22. Hook, Glenn D., "The Erosion of Anti-Militaristic Principles in Contemporary Japan", *Journal of Peace Research*, Vol. 25, No. 4, (December, 1988), 383.
23. Totten, George O, and Kawakami, Tamio, "Gensuikyō and the Peace Movement in Japan," *Asian Survey*, Vol. 4, No. 5 (May, 1964), 839.
24. *Ibid*, 840.
25. *Ibid*, 834.
26. *Ibid*, 833.
27. Takeshi, Igarashi, "Peace-Making and Party Politics: The Formation of the Domestic Foreign Policy System in Postwar Japan," *Journal of Japanese Studies*, Vol. 11, No. 2, (Summer, 1985), 355-356.
28. Berger, "Sword to Chrysanthemum," 141.
29. Shuichi, "Article 9 of the Japanese Constitution and Security Policy," 418.
30. Berger, "Sword to Chrysanthemum," 142.
31. Katzenstein, Peter J., *Cultural Norms and National Security: Police and Military in Postwar Japan*, (Cornell University Press, 1996), 100.
32. Bobrow, Davis B., "Playing for Safety," *Japan Quarterly*, Vol. 31, No. 1, (January-March), 37.
33. Okimoto, Daniel I., "Ideas, Intellectuals, and Institutions: National Security and the Question of Nuclear Armament in Japan," (University of Michigan PhD Dissertation, 1978), 466.
34. Faiola, Anthony, "Koizumi Stirs Anger with War Shrine Visit," *The Washington Post*, (August 15, 2006).
35. Hirata, "Divergent Interpretations", 129-136.
36. Ienaga, "Glorification of War in Japanese Education," 133. The "Kimigayo" is the Japanese national anthem and was one of the symbols of the Japanese Empire during World War II. After the war it was abandoned and has only recently reinstated as the official national anthem by the "Act on National Flag and Anthem" in 1999.
37. *Ibid*, 124-132 for a summary of Ienaga's dispute with the MOE's textbook censors.
38. "The Japan-US Security Arrangements," *The Ministry of Foreign Affairs of Japan*, (July, 2012), http://www.mofa.go.jp/region/n-america/us/security/arrange.html. Though it should be noted that Okinawans retain a deep popular resentment of the US military presence on the island.
39. Quoted in Tisdall, Simon, *The Guardian*, (November 27, 2013), http://

www.theguardian.com/world/2013/nov/27/japan-new-nationalism-imperial-ism-shinzo-abe.

40. *Ibid.*
41. Hirata, "Divergent Interpretations," 142-143.
42. *Ibid*, 136.
43. Mochizuki, Mike, "Japan's Search for Strategy," *International Security*, Vol. 8, No. 3, (Winter, 1983-1984), 156.
44. Hook, "Erosion of Anti-Military Principles," 383-384.
45. *Ibid*, 386-387.
46. Shenon, Philip, "Japan's New Troop Role in Cambodia," *The New York Times*, (September 27, 1992).
47. Shuichi, "Article 9 of the Japanese Constitution and Security Policy," 419.
48. Hughes, Christopher W., *Japan's Remilitarisation*, (Routledge, 2009), 11.
49. *Ibid*, 11-12.
50. *Ibid*, 55-58.
51. *Ibid*, 58-59 and 60-61.
52. Nikkei Regular Telephone Opinion Poll, *The Mansfeld Asian Opinion Poll Database*, (April, 2005), http://www.mansfieldfdn.org/backup/polls/2005/poll-05-8.htm.
53. Shuichi, "Article 9 of the Japanese Constitution and Security Policy," 423-424.
54. 2008 *Yomiuri Shimbun* poll quoted in Shuichi, "Article 9, 424.
55. "Why Did Prime Minister Abe Shinzo Resign? Crippling Diarrhea," *Japan Probe*, http://www.japanprobe.com/2008/01/12/why-did-prime-minister-abe-shinzo-resign-crippling-diarrhea/.
56. Hayashi, Yuka, "In Quest for Japan's Revival, Abe Secures his Own Come-back," *The Wall Street Journal*, (Updated July 22, 2013), http://online.wsj.com/news/articles/SB10001424127887324783204578619293878667764.
57. Ranasinghe, Dhara, "Verdict on Abenomics, One Year On," *CNBC*, (October 30, 2013).
58. *Asahi Shimbun* Opinion Poll, *The Mansfeld Asian Opinion Poll Database*, (October 5 and 6, 2013), http://mansfieldfdn.org/program/research-educa-tion-and-communication/asian-opinion-poll-database/listofpolls/2013-polls/asahi-shimbun-regular-public-opinion-poll-10713/.
59. Hayashi, Yuka "Japan Raises Alarm Over Defense," *The Wall Street Journal*, (July 9, 2013), http://online.wsj.com/news/articles/SB1000142412788732382300457859470368129544 8.
60. Fackler, Martin "Japan Shifts From Pacifism as Anxiety in the Region Rises," *The New York Times,* (April 1, 2013), http://www.nytimes.com/2013/04/02/world/asia/japan-shifting-further-away-from-pacifism.html?pagewanted=1&_r=1.
61. Steinhauerr, Jennifer and Martin Fackler, "US and Japan Agree to Broaden Mili-tary Alliance," *The New York Times,* (October 3, 2013), http://www.nytimes.com/2013/10/04/world/asia/japan-and-us-agree-to-broaden-military-alliance.html?pagewanted=1&emc=eta1.
62. "A Collective US-Japan Defense," *The Wall Street Journal,* (February 5, 2014), http://online.wsj.com/news/articles/SB10001424052702304680904579364302718785842.
63. Traphagan, John W., "Revising the Japanese Constitution," *The Diplomat*, (May 17, 2013), http://thediplomat.com/2013/05/revising-the-japanese-constitution/.
64. Ibata-Arens, Kathryn, "Why Japan's Right Turn Could be Trouble for the US," *The Daily Beast*, (December 16, 2012), http://www.thedailybeast.com/arti-cles/2012/12/16/why-japan-s-right-turn-could-be-trouble-for-the-u-s.html.
65. "Parties of Ishihara, Hashimoto Announce Merger," *The Asahi Shimbun*, (No-vember 17, 2012).
66. Saul, Heather, "Japanese Prime Minister Shinzo Abe Says Country is Ready to be More Assertive Against China", (October 26, 2013).
67. "Shinzo Abe's Double Talk," *The Washington Post*, (March, 2007).

Stalemate in the South China Sea: Implications for ASEAN and the Region

China's rise is causing a major upheaval in international relations. The South China Sea is one of the major theatres where a rising China is confronting the existing status quo, threatening not just the Association of Southeast Asian Nations (ASEAN) countries' maritime claims but also the influence of the US and Japan in the region. What is at stake is not just the territorial claims but also potential hydrocarbon resources, security of international maritime trade and local fishing economies. But despite rising tensions, common interests remains in ensuring that the sea trade remains unaffected. China is still ASEAN's largest trading partner. The involvement of third parties, while complicating the situation, will help keep conflicting interests in check.

Jagabanta Ningthoujam

Introduction

As China rises and begins to exert its political, economic and military influence, other countries in the region are increasingly feeling threatened. Territorial claims are constantly being challenged both at land and at sea. Using the ongoing tension over territorial claims in the South China Sea as a canvas, this analysis aims to understand the development, intrinsic motivations, and consequences of China's rise on the ASEAN region and other associated actors.

Background

The backdrop to the tension in the South China Sea is the overlapping maritime territorial claims by China, Taiwan, Vietnam, the Philippines, Brunei, and Malaysia. The most contentious territories include the Spratly Islands, Paracel Islands, Pratas Island, Macclesfield Bank, and Scarborough Shoal. While no country is completely blameless in the escalation, China remains the largest aggressor with the most extensive territorial claim: its "9-dash line," which covers all of the most contentious islands.

China has cited 2,000 years of history in laying its claim to the region. In 1947, China issued a map to illustrate its position and in late 2012, Beijing started producing new passports with these areas highlighted on the map, drawing fresh criticism. Vietnam has countered the Chinese,

saying that Beijing never claimed the Spratly and Paracel islands until the 1940s and that it had ruled over the islands since the 17th century. In 1988, 70 Vietnamese soldiers were killed in a naval battle with the Chinese near the Spratly Islands. The Philippines' position is based on geographical proximity, and they have engaged in minor skirmishes in the past with Vietnam, Malaysia, and the Chinese. Both China and the Philippines lay claim to the Scarborough Shoal. Unlike the Chinese, however, the rest of the claimants have cited exclusive economic zone (EEZ) rights according to the UN Convention on the Law of the Seas (UNCLOS) as the basis for their argument.

As a way to exert sovereignty, claimant countries have tried occupying various islets and rocks over the decades. Major claimants, including China, Vietnam, and the Philippines, have built military installations on some of the islands.[1] There have been steady increases in the military budgets of the Philippines and Vietnam. China has been enhancing its military muscle in the region and in July 2012, the Chinese Central Military Commission approved the formal establishment of a military garrison in Sansha City in the Paracel Islands. Further, a new regulation was issued allowing Chinese maritime border patrol authorities the right to board and search foreign ships in some of the disputed waters.

Key Motivations – What is at Stake?

Beyond just maritime territorial grabs and power projection, three things are at stake.

First of all, the South China Sea is one of the busiest shipping routes linking the Pacific to the Middle East through Asia. It sees three times more tanker traffic than the Suez Canal and over fives times that of the Panama Canal. Vital energy commodities, including oil and liquefied natural gas (LNG), pass through the region daily. As the major LNG consumers are located in East Asia, two-thirds of global LNG shipping passes through the South China Sea. The volume of shipping trade is only expected to rise in the future, given projected economic growth and industrial development.

Secondly, and more importantly, the need for resources is the driving force behind much of the tension. The area is potentially home to large untapped oil and gas reserves. Hydrocarbon resource estimates have varied. While China National Offshore Oil Corporation (CNOOC) estimates reserves at 125 billion barrels (bbl) of oil, the US Energy Information Administration (EIA) estimates around 11 billion bbl.[2] Despite disagreements about estimates, most interested parties agree that reserves are extensively large to warrant their interest. Gas resources

are estimated to be almost 266 trillion cubic feet (TCF) by the EIA, and CNOOC's estimates go as high as 500 TCF. Both China and the ASEAN countries anticipate growing demand for energy, meaning the region's potential to produce oil and gas provides a powerful incentive to control the region.

Fishing resources are also an important prize. An estimated 500 million people live within 100 miles of the South China Sea coast and depend on the sea for their livelihoods. In the absence of frontal military conflicts, smaller-scale fishing incidents have instead become the hub of maritime confrontation as declining fish stocks have driven fishermen farther into disputed areas to search for supply.

For China, energy resources are of paramount importance, but it is not likely that China would endanger the sea trade with an open conflict any time soon when it depends so heavily on that trade to power its burgeoning economy. China's move to establish a fishing regulation under the jurisdiction of the government of Hainan, requiring all fishing vessels operating in its territorial claim area to secure approval from the relevant Chinese authorities, is seen as a move to exert sovereignty over the region and has drawn criticism from both ASEAN and international parties.[3] China's position on conflict resolution has been to try and settle these issues through background bilateral negotiations as opposed to any multilateral regional forum.

For the other players, hydrocarbon resources and access to sea-lanes remain extremely important. Beyond these factors, they are also wary of China flexing its muscles and dictating terms, and therefore wary of bilateral negotiations with China. The position of Vietnam and the Philippines is to solve this problem through a multilateral dialogue using an international forum. They have tried to use ASEAN, so far unsuccessfully, as a collective face to challenge China's position.

ASEAN and Conflicting Geopolitical Interests

The failure of ASEAN was evident in the 2012 summit in Phnom Penh, at which China used its influence over Cambodia to thwart an attempt to present a united ASEAN effort on the issue. Cambodia managed to block a final communiqué that would have called for a code of conduct in the South China Sea, a document intended to prevent or limit any military confrontation. 2012 marked the first time in ASEAN's history that the body failed to issue a closing statement.[4] This led to some observers questioning the strength of ASEAN, its aim to transform into a EU-like regional bloc, and its ability to negotiate as a group.

Cambodia, and to a lesser extent, Laos, have served as China's proxies in ASEAN. Increased investment and military cooperation have been provided to Phnom Penh to reward its cooperation with Beijing, and China remains Cambodia's biggest foreign investor.

Beyond Cambodia, individual countries also have an economic interest in maintaining good relations with China. Most of the ASEAN countries still have a large Chinese diaspora engaging in business and trade who will not be in favor of any escalation. Nearly all ASEAN countries have close and important economic relationships with China, and would be wary of the effects of escalation on their domestic economies.[5]

In the absence of the ability to build a common consensus, the Philippines made a risky move in 2013, raising the issue before UNCLOS in an effort to force a ruling on China. Such a ruling will be immaterial if it cannot be enforced on the ground. Additionally, it could also derail any hope of an ASEAN-negotiated code of conduct.[6]

External actors and their motivations

As China's clout grows, the South China Sea issue is becoming less of a regional issue and more of an international one. This is further complicating the issue and making a successful resolution more challenging.

China's military superiority has led Vietnam to explore cooperation with India. ONGC Videsh, the international arm of India's national oil company ONGC, began oil and gas exploration in two offshore blocks in the disputed region in the summer of 2011. As expected, China objected to this move. India tried to withdraw from one block in May 2012 because it was seen as commercially unviable, but in a more strategic move, Vietnam provided OVL with more incentives to stay. India's Naval Chief, Admiral DK Joshi, also stated in 2012 that the Navy is willing to provide protection to India's economic assets in the South China Sea, signaling seriousness in India's involvement in the region. For India, improving relations with ASEAN is seen as an important part of its "Look East" policy as it tries to extend its influence, expand trade, and balance China's rising clout.[7]

Japan is also skeptical of Beijing's intentions in the region. With ongoing tensions from the Senkaku/Diaoyu Island dispute and a nationalist Prime Minister, Shinzo Abe, Japan is increasingly adopting a more aggressive posture against China. Mr. Abe's first few foreign visits were to Indonesia, Thailand and Vietnam, and he dispatched Deputy Minister Taro Aso to Myanmar and Foreign Minister Fumio

Kishida to Australia, Brunei, the Philippines, and Singapore. Despite memories of the Japanese occupation during World War II, even the Philippines agreed to cooperate more closely with Japan on maritime security. Japan is also at the forefront of investment in Myanmar where it counters an existing Chinese presence.

In an article in *Project Syndicate* before his re-election, Shinzo Abe highlighted his views on the South China Sea: "…the South China Sea seems set to become a 'Lake Beijing'… a sea deep enough for the People's Liberation Army's navy to base their nuclear-powered attack submarines, capable of launching missiles with nuclear warheads." To counter China's growing clout, Japan has called on Asia's Democratic Security Diamond - Australia, India, Japan, and the US.[8] Mr. Abe's recent presence as the chief guest on India's Republic Day celebration was seen by some as a sign of deepening relations between Japan and India. Japan's interest in keeping the South China Sea out of Chinese control remain strong, as the sea plays an important role in the country's trade and energy imports.

As for the United States, the Obama Administration has recommitted itself to the region as part of its "pivot to Asia." Southeast Asia is seen as an area where Chinese power and ambitions confront an established US. But while some Southeast Asian countries have been trying to get the United States to play a more forceful role in the region, other more important US-China bilateral issues will challenge any deeper engagement. It is unlikely that China will easily accept any US-led solution, but the US may be able to help strengthen the position of the smaller claimants while preventing the tension from escalating into a serious military confrontation.

Impact on Exploration & Production (E&P) activities

The increased tensions are bound to affect exploration and production of hydrocarbons in the region. Already, Vietnam and the Philippines are having problems drilling in the disputed territory without incurring Chinese opposition. Vietnam also recently launched a protest against Taiwan's state-owned CPC Corporation's plan to conduct oil and gas exploration in the Spratly Islands. Drilling of appraisal wells in the Philippines' Sampaguita natural gas field on Reed Bank has been delayed. Further, in December, the Philippines temporarily suspended the process of awarding contracts to companies interested in conducting oil and gas exploration in the Northeast Palawan Basin. There is a possibility that China and the Philippines could cooperate for joint exportation, which could decrease some of the tension. But, with the recent decision by the Philippines to raise the issue at the UN, there is a potential challenge to

such cooperation. Overall, E&P activities are likely to remain delayed in the South China Sea as exploration in contested areas comes with significant risk. These delays have led countries like the Philippines and Vietnam to reevaluate their energy planning, sparking consideration of importing LNG and coal, and diversifying the fuel mix away from gas.

Chance of military confrontation or resolution

Despite rising tensions, common interests, primarily in open sea-lanes, remain between the parties. ASEAN and China remain deeply entrenched in a trade and investment relationship and there is much to lose if tensions escalate. Both parties recognize this fact and their leaders will need to take caution to prevent nationalist sentiments from boiling over. Finally, the involvement of third parties, while complicating the resolution of the situation, helps to keep conflicting interests in check.

With the ASEAN nations' unwillingness to negotiate bilaterally and with China refusing to cooperate with ASEAN, a definite solution is not likely to emerge any time soon. But, to quote Singapore's Prime Minister Lee Hsien Long, "…though we cannot solve the problems, we can manage them and keep them under control."[9]

Jagabanta Ningthoujam is an M.A. candidate concentrating in International Economics and International Development at the Johns Hopkins University School of Advanced International Studies. A native of India, Jagabanta previously worked as an energy consultant with IHS Cambridge Energy Research Associates (IHS CERA) in Singapore where he was the regional analyst for gas and power covering Asia.

Notes:

1. "A game of sharks and minnows," Jeff Himmelman, Jowel Lovell, The New York Times Magazine, October 27, 2013, http://www.nytimes.com/newsgraphics/2013/10/27/south-china-sea/
2. "South China Sea," EIA, February, 2013, http://www.eia.gov/countries/analysis-briefs/South_China_Sea/south_china_sea.pdf.
3. "Hai-handed," The Economist, January 13, 2014. http://www.economist.com/blogs/banyan/2014/01/south-china-sea
4. "South China Sea Dispute," Wall Street Journal, http://stream.wsj.com/story/south-china-sea/SS-2-35607.
5. Ben Cahil, "Geopolitics of the South China Sea," Energy Intelligence, February 21, 2012, http://c299791.r91.cf1.rackcdn.com/bencahillv2.pdf.
6. "Divided we stagger – Can Indonesia heal the deepening rifts in South-

East Asia," The Economist, August 18, 2012, www.economist.com/node/21560585?zid=306&ah=1b164dbd43b0cb27ba0d4c3b12a5e227

7. "India's Look East Policy in the South China Sea," Rosaling Reischer, The Diplomat, August 31, 2012, http://thediplomat.com/2012/08/indias-look-east-policy-in-the-south-china-sea

8. "Asia's Democratic Security Diamond," Shinzo Abe, Project Syndicate, December 12, 2012, www.project-syndicate.org/commentary/a-strategic-alliance-for-japan-and-india-by-shinzo-abe.

9. "Transcript of Prime Minister Lee Hsien Loong's remarks at the APEC CEO SUMMIT 2013 Panel Discussion," Lee Hsien Loong, Prime Minister's Office Singapore, August 6, 2013, www.pmo.gov.sg/content/pmosite/mediacentre/speechesninterviews/primeminister/2013/October/transcript-of-prime-minister-lee-hsien-loong-s-remarks-at-the- pa.html#.UvpN10JdX5I.

Interview: Ahmed Rashid

Ahmed Rashid is a Pakistani journalist based in Lahore, who writes for The Daily Telegraph *(London),* The Washington Post*,* The International Herald Tribune*,* The New York Review of Books*,* BBC Online, *and* The Nation*. He appears regularly on NPR, CNN, and the BBC World Service. He is the author of several books including* Taliban*,* Descent Into Chaos *and* Pakistan On The Brink*. We spoke to him about the geopolitics of South Asia, relations between India and Pakistan, and the future of Afghanistan after the withdrawal of American forces in 2014.*

Editorial Staff

In November 2013 Prime Minister Nawaz Sharif named General Raheel Sharif the new Chief of Staff of the Pakistani Army. What is your understanding of the current state of relations between the civilian government and the military?

Both sides have approached this issue very cautiously and carefully because of the bad blood between the military and the former government of Asif Ali Zardari. There seems to be a rift developing as the military is increasingly frustrated with the civilian government's desire to open talks with the Taliban, while the military would like to go in and punish them much more severely. We have now a ceasefire, which was recently ordered by the Taliban, but has since been broken following an attack in Islamabad. As long as these attacks continue, the military's position is that they want to go in and punish these extremists and I think they are very frustrated - a marked difference from when the former Army chief, General Kayani, was in power and he took very little action against the extremists. He saw his enemy more as the US than the militants. For about two years, at the end of his tenure, he did nothing. This chief looks much more committed to make sure that militancy does not spread.

Do you believe that Prime Minister Sharif is interested in coming to a negotiated solution with the Pakistani Taliban?

Ideally yes, but the big question is what would he negotiate? What is negotiable with a group that wants to overthrow the system? There is very little to negotiate. On the other front, the military keeps a veto on policy towards India. Prime Minister Sharif came in very adamantly wanting to improve relations with India immediately, and I think the Army vetoed that. Relations are improving with India, but very slowly.

The Army also has more direct control over Pakistani policy with respect to Afghanistan.

How would a victory for the Bharatiya Janata Party (BJP) in the upcoming Indian elections affect the future of Indo-Pakistani relations?

Pakistanis are quite concerned about the BJP's rise in India because of the BJP's traditional hard line against Pakistan, and particularly Narenda Modi's *[Ed. Note: the BJP's prime ministerial candidate]* attitude towards Indian Muslims. On the other hand, it has to be said that the big breakthrough with India in 2003 under Prime Minister Atal Bihari Vajpayee did occur during a BJP government. So, it is not entirely doom and gloom. It all depends on how Modi wants to deal with Pakistan and the Indian Muslim population. If this election campaign is going to involve a lot of Pakistan-bashing and candidates trying to score points by being tough on Pakistan, that would be a big mistake and make it harder to forge better relations between the two countries. I think basically people are concerned but there is a sort of wait and see attitude. I do not believe that any improvement in relations could come until after the elections are over, so we are now in a waiting mode for at least another five or six months.

Suppose there was momentum on both sides for an improvement in relations. Do you think such an agreement would be a comprehensive one that addresses the core issues, like Kashmir, or a smaller-scale accord that helps India and Pakistan normalize their relations while leaving the big issues for future discussions?

I think both sides recognize the need for a step-by-step approach. I do not think the Indians or the Pakistanis are ready for a major agreement on issues like Kashmir. The most important issues right now are trade liberalization and Afghanistan, where there is a need for greater transparency between the two nations. After those, negotiators could try to tackle other issues such as cooperation on issues like water or non-Kashmir territorial disputes. A step-by-step approach is much more likely than anything dramatic.

Is Prime Minister Sharif interested in moving forward on those limited steps?

Yes. He was the one who invited former Prime Minister Vajpayee to Lahore in 2003, and right after that, Sharif was ousted by the military over the Kargil War. I am sure [Sharif] remembers that very well and does not want to rub the military the wrong way or go too fast with India. I think he initially came into office thinking he could go very fast,

at least on issues like trade. But even on the smaller issues, the military has reined him in.

What is your understanding of Afghan President Hamid Karzai's vacillations over signing a Bilateral Security Agreement, and specifically an agreement that would keep American troops in the country after 2014? Does he genuinely want the Americans out, or is he holding out for a better deal?

I do not think it is really about the agreement itself. First, he wants to remain a player until the elections, and if he signed the agreement, he would be a lame duck president, no longer required by either the Americans or the Afghans. He wants to mediate the elections, and make sure that the person that comes in after him is someone he approves of. Second, he is also thinking about his legacy. When he looks back at Afghan history, he does not want to be considered the stooge who allowed American forces to remain in Afghanistan indefinitely. I think there is no question that he recognizes that the agreement has to be signed, and that if it is not, international money for Afghanistan will quickly dry up. I think these two considerations are foremost in his mind.

Is there the potential for the sort of fraud we saw in the 2009 elections?

I fear that very much. Many of the arguments that held in 2009 are still holding today. For example, there was a feeling among the Pashtuns, the largest ethnic group of which Karzai is a member, that the Pashtun vote was threatened by Taliban intimidation. If the Pashtun vote is threatened, it creates a temptation for officials to rig the elections in the Pashtun belt, to show a big turnout when in fact there was not one. This is what happened in 2009. Likewise, the Northern warlords may try to use fraud to inflate their own numbers. The main problem is that President Obama has made a terrible mistake by announcing this date of withdrawal at this very critical moment, when what is needed is an international troop presence and possibly international mediation in the event of a contested election. Karzai has thrown all that away. Clearly, everyone is feeling the sense of a growing vacuum in Afghanistan. The Americans are leaving at this critical juncture, and the UN is there but it has been wound down.

If the elections were widely perceived as rigged, would that put Afghanistan on a path towards civil war?

If you ask anyone in the US administration or in Kabul about what is going to happen after the elections, nobody knows. The degree of

uncertainty is enormous. This is a very tragic reflection of the American occupation of Afghanistan. 13 years, and no one is able to predict what will happen when the Americans leave. The worst-case scenario is certainly a multi-sided civil war, where Pashtuns are fighting non-Pashtuns, the Taliban is fighting the government, and there is infighting between the non-Pashtun warlords. This scenario is very grim indeed. We can guarantee that the elections will be controversial. Whether they are rigged or not, they will be controversial. Given that people don't trust Karzai's stamp of approval, who can certify the elections as legitimate in a way that all parties can accept? 2009 was stabilized because the Americans were able to mediate a solution, but that option will not exist this time around.

What are the prospects for the post-2014 US-Pakistan relationship? How does the US withdrawal from Afghanistan affect the American relationship with Pakistan?

I think the US-Pakistan relationship is definitely mending. There has been much greater intelligence cooperation lately. The US is frustrated, like the Pakistani military, by Prime Minister Sharif's refusal to go after the Pakistani Taliban. In the immediate term, we will not see a very marked retreat of the US from this region. But, I do believe that the era of the US giving Pakistan huge military and economic aid is now past. The two countries are now looking at how they might build a post-Afghanistan relationship that will not involve the sort of cash handouts that have characterized the relationship since 2001.

Are people in the region drawing analogies to the period after 1989, when US interest in the region dried up after the end of the anti-Soviet jihad in Afghanistan?

I think it is possible that it could become like that, especially if there is chaos in Afghanistan. If there is chaos in Afghanistan, the middle classes in both Pakistan and Afghanistan will blame the Americans for pulling out without a political settlement. My own view is that the Obama Administration is eager to turn its attention to other parts of the world, rebuilding ties with Iran and improving relations with India. This part of central Asia is not going to be viewed with the same importance. Both the Pakistani and Afghan governments now face the challenge of weaning themselves from dependence on American aid, which will not be easy. Both governments should be preparing for that effort.

The K Stands for Kashmir, But It Does Not Need To

The conflict over Kashmir is nearly 60 years old and continues with no end in sight. The Indo-Pakistani Wars of 1947, 1965, and 1999 were explicitly motivated by the Kashmiri conflict. Multiple outside efforts at mediation have failed. What makes the conflict all the more dangerous is that both Pakistan and India are nuclear-armed powers. In order to break this stalemate, a fundamental rethinking of Pakistan's concept of national identity is necessary. Although India can also take substantive steps to resolve the issue, it is Pakistan that holds the key to breaking the Kashmiri stalemate.

Anand Kandaswamy

Introduction

In a 1933 document with the somewhat apocalyptic title Now or Never; Are We to Live or Perish Forever? a young Cambridge student named Choudhary Rahmat Ali coined the term Pakistan. The name had a double meaning. In Urdu and Persian, it meant, "Land of the Pure." However, the name also functions as an acronym. As Ali laid out in his declaration, "...[t]his alternative is a separate Muslim Federation of at least our five predominantly Muslim units - Punjab, North-West Frontier Province (Afghan Province), Kashmir, Sind, and Baluchistan."[1]

Ali was an ambitious and controversial figure who is nearly forgotten in the land whose birth he sought. This is due in part to his disagreements with Muhammad Ali Jinnah, the Quaid-i-Azam who is regarded as the true founder of Pakistan, and other Muslim elites who made up the ruling class of the new nation state. Ali's obscurity is also due to the fact that he wanted to create a non-contiguous series of Muslim homelands within India, which was a non-starter for both the predominantly Hindu Congress Party and the All-India Muslim League. Although much of what Ali called for in his manifesto was politically unworkable, his idea of Kashmir as a natural part of Pakistan still holds a great deal of sway among many Pakistanis.

India's first Prime Minister Jawaharlal Nehru, a man from a Kashmiri Brahmin family, contested this Pakistani wish and saw Kashmir as an integral part of his country. In some ways, the fight by two large countries over the fate of Kashmir is odd. The land is geographically

remote, somewhat inaccessible, and sparsely populated. Although scenically beautiful, Kashmir does not possess huge stores of valuable raw materials or any sort of important industrial capacity.

The real reason each country wished and still wishes to possess Kashmir is ideological in nature, not economic or strategic. The All-India Muslim League believed that Indian Muslims would not be fairly treated in independent India.[2] Jinnah and his colleagues called for two nations – one for Hindus and one for Muslims. Jinnah knew that it was not practicable to rule over Muslim-majority territories within India, but he sought control over every Muslim population center in South Asia outside of India proper's borders – which meant Kashmir and what would one day become Bangladesh. If Pakistan did not possess Kashmir, then the project of Pakistan – the homeland of South Asian Muslims – would be called into question.

For Nehru and his colleagues, including Muslim Congress leaders like Maulana Azad who chose to stay in India, Kashmir also went to the heart of what their new nation meant. For the resolutely secular Nehru, India was a homeland for all – Hindus, Muslims, Christians, Sikhs, Jains, and others. Letting Kashmir go to Pakistan would implicitly mean that Jinnah had been correct and that India would not fairly treat its religious minorities. Beyond his personal connection to Kashmir, this was intolerable to Nehru and meant that he was willing to consider all sorts of actions, including military conflict, to keep it.[3]

The result was a stalemate. Although India and Pakistan have fought four wars, three of them explicitly over Kashmir (1947, 1965, 1999), any resolution of the Kashmiri issue sometime soon seems to be remote. In 1999, India and Pakistan fought their latest war over the issue, the Kargil War, which was made doubly dangerous by the fact that both countries were nuclear powers – the only "hot war" in human history to be fought by nuclear powers. More than 65 years after independence, Kashmir is divided between Indian and Pakistani forces, staring each other down over the Line of Control.

The Kashmiri issue goes to foundational questions and thus seems very difficult to navigate. Both countries have a stake in Kashmir because the territory goes to their self-images as countries, as noted above. But one must also realize that there is a fundamental asymmetry at work here as well.

It is clear that Pakistan needs Kashmir more than India does. As Stephen Cohen notes in his perceptive book, *The Idea of Pakistan*, "The staunchest advocates of the idea of Pakistan (in contrast to those who

take a more relaxed view as citizens of Pakistan) feel that their identity is wrapped up in the fate of Kashmir…"[4] Even a cursory reading of the relevant literature confirms Cohen's insight. The issue of Kashmir is existential to Pakistan in a way it is not for India.

Some of this is due to the trauma of the 1971 war with India, the one war that was not explicitly fought over Kashmir. The creation of the independent nation of Bangladesh (with help from India) was a huge trauma for most Pakistanis, but most especially, the elites.[5] A Muslim-majority territory had seceded from Pakistan by choice. To West Pakistan, or what is now Pakistan, this raised a frightening specter.

Pakistan became more homogeneous after the Bengalis left, but it still has a large number of tribal and ethnic divisions. Pakistani elites have appealed to a shared Muslim identity repeatedly throughout their national history, and even more so since the rule of Zulfikar Ali Bhutto and General Zia, to ease other tensions which threaten the integrity of the Pakistani state.

The resolution of the Kashmiri issue therefore should not be viewed in isolation. To solve the Kashmir conundrum requires policy makers to look outside the borders of that territory and to examine more closely the political situations of the two countries who contest it and the superpower that has tried, unsuccessfully, to resolve the issue at different times: the United States. By examining the political structures of each country, we might try to pose some tentative solutions to the Kashmiri issue. The Kashmir problem can only be resolved by answering the more foundational questions that plague India and Pakistan.

The Pakistani Past

Any analysis must start with Pakistan, the country which has more to lose with respect to Kashmir. Although there has not been any major fighting over Kashmir since 1999, the use of force has threatened to flare up several times since.[6] As noted above, Pakistani society is riven by ethnic divisions.

Pakistanis can be relatively easily divided into seven distinct groups, based on the languages they speak – Urdu, Punjabi, Sindhi, Pashto, Baluchi, Saraiki, and others.[7] Punjabis, who make up a little less than half of Pakistan's population, are the ruling caste – with a disproportionate share in the upper reaches of the political and military leadership.[8] The Pashtuns, Baluchis, and Sindhis have historically never gotten along with their Punjabi co-religionists, with enmities that go back decades and sometimes, centuries. The Pakistani central government has had to

spend a great deal of time and effort suppressing separatist movements among these three linguistic groups in particular.[9] In more recent times, many Pashtuns have been driven into the arms of militant groups.

This conflict is due in large part to Punjabi intransigence over sharing power. Not only are the Punjabis disproportionately represented in the leadership cadre of Pakistan, but they also control much of the economic life of the country. In India, discrimination against Muslims varies state-to-state and person-to-person, with discrimination being especially prevalent in the conservative Hindu states that make up what is sometimes derisively called the "Cow Belt." In India, it is possible for religious minorities to attain great power – as attested to by Prime Minister Manmohan Singh, a Sikh, and former President A. P. J. Abdul Kalam (a Muslim and India's most famous missile scientist).

In contrast, one cannot really point to Pashtuns or Baluchis who have played a major role in Pakistani politics (the Bhuttos are Sindhis). There have always been efforts to include these minority groups in the rule of the country, but most often, the major decisions of Pakistan have been made by Punjabi and Urdu speakers. Despite being a land that professes to elevate all Muslims, regardless of caste or background, this ideal has not been achieved.

To give another example, Baluchistan was pulled into Pakistan in 1958, against its will according to scholars George Perkovich and Selig Harrison.[10] Since then, the Pakistani army has ruled over the Baluchis with similar brutality to that which they accuse the Indians, often correctly, of using in Jammu and Kashmir. The Pakistani Inter-Services Intelligence has sanctioned the assassination of Baluchi leaders.[11] The Pakistani government has also spent a great deal of effort trying to prevent the Baluchis from forming an alliance with another oppressed Muslim Pakistani group – the Sindhis. Perkovich and Harrison also accuse Pakistan's government of economically exploiting the Baluchis for raw materials.[12]

So far, attempts to encourage greater power-sharing within Pakistan have come to naught. Punjabi and Urdu speakers do not seem to want to give up their privileged position and the central government, even under non-Punjabis like the Bhuttos, has not done much to force them to behave otherwise. Their continued grip on power makes a mockery of what Pakistan professes to stand for.

This explains why Pakistani elites feel they cannot compromise on the Kashmir issue. Doing so would mean that a greater focus would be brought to bear on the issue of minority rights in Pakistan. As long

as Pakistani elites continue to fight "the good fight" for their Muslim brothers in Kashmir, they can obfuscate the issue of why power is concentrated in the hands of the few. But as ongoing tensions in the tribal area prove, the Kashmir issue might not be enough to continue distracting the Pakistani populace.

Here, a parallel can be drawn between the United States and Pakistan. During the early Cold War years, the United States was in the odd position of advocating for (anti-communist) democracies (or quasi-democracies) abroad while denying its black citizens in the South fundamental rights, like to vote. This discrepancy was noted and harped upon, not only by the Soviet Union and its allies, but also by American diplomats. Even conservatives like John Foster Dulles lamented the effect segregation was having on America's ability to find allies in the Third World. Eventually, the tension was too much to sustain and the United States had to take steps to make its African-American citizens full and equal members of the country. Pakistan's government should not have to wait for the Baluchi or Pashtun Martin Luther King Jr. to start taking action to extend the full benefits of Pakistani citizenship to its minorities. Distracting people with the Kashmir issue is not enough. Indeed, the central government might find that if it starts taking steps to redress minority grievances, then solving the Kashmir issue might become simpler.

The issue of Kashmir, of course, does not hinge only on minority rights in Pakistan. Much more complicated, and more difficult to discern, is the issue of political Islam, which I will refer to here as Islamism (a not uncontroversial nomenclature). To understand the role Islamist tendencies have played in Pakistan, it is necessary to go back to the founding of the country.

Although Jinnah and his supporters wanted a Muslim nation, they were basically secular in orientation and outlook. Jinnah, who ate pork and drank wine, was no religious fanatic and he did not want Pakistan to go down the fundamentalist route. What he wanted was essentially an Islamic market-oriented nation where that identity was important but not all-consuming.

The Slide into Islamism

Although Pakistan had stability problems from the beginning, its early leaders eschewed political Islam because they were conscious that it was a double-edged sword. That changed with the rise to power of Zulfikar Ali Bhutto. Bhutto was an outsider in many ways, not only by virtue of his Sindhi (and Kurdish) heritage but because he was the first

Pakistani leader who sincerely wanted to take on the political elites – the landowners and factory owners who were the major beneficiaries of the Pakistani state. Bhutto was considered a "leftist" in his country for these reasons and because he had a genuine interest in socialist economics.

However, he faced a major problem. Given Pakistan's ethnic and linguistic diversity, it would be difficult to rally the population around a common cause. There was no common identity, except for one – political Islam. Thus Bhutto can be credited (or blamed, depending on one's perspective) for injecting Islamist tendencies into the Pakistani body politic. As Stephen Cohen notes, "Bhutto took on the Establishment by cynically merging the two ideologies that had been anathema to it, socialism and Islam, proclaiming a vision of Pakistan as an Islamic and Socialist state."[13]

Bhutto was an idealist in many ways, but he also knew how to appeal in a base fashion to his constituents. He knew a divided country needed a common ideal to rally around and he chose Islam, which had been previously eschewed by the political leadership as too risky. The effects of this decision would profoundly affect Pakistan's political future. A vicious circle was created whereby rising politician in Pakistani society had to rely on Islam to compete with the more populist parties.[14] Whatever taboo had been in place about invoking Islam was thrown to the wind and there was a movement to codify Sharia law by some powerful, peasant-backed political leaders.[15]

Bhutto's successor (and the man who ordered his execution), General Muhammad Zia-ul-Haq, was less scrupulous than his predecessor had been about using political Islam. As Navnita Chadha Behera notes in a Brookings Institution study, "While the Bhutto government began the process by according greater importance to the ulemas (Islamic legal scholars), sectarianism took root during the Zia regime."[16] Zia took steps not previously tolerated in Pakistani political life, like taking Saudi money to help support more fundamentalist elements in Pakistani society.[17] He discriminated against minority Shiites and aided Sipah-e-Sahaba, a fanatical anti-Shia group.[18] In 1979, he introduced an Islamic Penal Code – something that would have greatly displeased Jinnah.

Zia seems to have been more genuinely devout and devoted to Islamic thought than the more cynical Bhutto. Whatever his motivations, however, he did a great deal of damage to Pakistan's civil fabric. Aiding and abetting him was an American policy championed by the Reagan White House. During the last decade of the Cold War, the Reagan administration's policy was to help anti-Communist forces wherever

they might appear in the world – be it in Central America, Africa, or South-Central Asia.

Zia, whatever his many faults, knew how to appeal to American public opinion. He jettisoned the socialist aspect of Bhutto's platform and focused largely on the Islamist part. Because he made himself into a valuable ally in America's struggles against the Soviet Union in Afghanistan, American policy makers gave him the benefit of the doubt when skepticism was warranted.

This was a mistake. The Iranian Revolution was destined to exacerbate Shia-Sunni tensions in Pakistan, but Zia stoked anti-Shia feelings to cover up for Pakistan's inadequate provision of social welfare services. The combination of huge amounts of illiteracy and Islamist instruction are not a recipe for social tranquility. But the elites who could have checked Zia were supine in their protestations against the Islamist tide.

Why was this? Because they were playing one of the oldest games in the book. By complying with their ruler, the privileged classes were able to claw back some of the privileges they had lost under a genuine reformer like Zulfikar Ali Bhutto. This model can be seen in other societies.

Consider Japan after World War II. To preserve their privileges, the Japanese elites, taking the advice of leaders like Shigeru Yoshida, complied with some fundamental changes to their society, acquiescing when they needed to and resisting when they saw the opportunity.[19] In Pakistan, the owners of capital and the army and the intelligence services, some of whom disdained political Islam, decided they could benefit materially and politically from a more Islamic state.

Zia died in a plane crash in 1988, but his legacy has long outlasted him. Although none of his successors have matched him in devoutness, with the possible exception of Nawaz Sharif, they have all, at times, had to adopt the banner of political Islam to navigate the tensions in Pakistani society. Besides ceding power to unelected ulemas and imams, Zia's policies have had other unintended consequences, particularly in Kashmir.

Islamic thought is rich and varied and there have always been clashes in interpretations among scholars and religious figures. Zia and others ignored the fact that religious clashes are often settled with violence and not always during infrequent (or rigged) elections. Without a viable state mechanism to channel some of the Islamist thought, it fed on itself and grew to encompass and create pockets of fanaticism throughout the

country, particularly the disadvantaged sectors.

The effect of all this is obvious. When the Kashmir issue began to be seen in more religious and foundational terms, it made compromise with the Indians much harder. Compromise, the heart of politics, becomes a dirty word in a fight against Hindu infidels for part of God's own country. The Pakistani elite, by exploiting extreme religious sentiment or keeping quiet when it reared its head, created a monster they could only imperfectly control later on. In the years since, some Pakistani leaders, like General Musharraf, have tried to find a viable compromise with India over the issue of Kashmir, but find themselves checked or thrown out of power by more fundamentalist forces.

Going Forward

To solve the Kashmiri stalemate, the process of Islamization must be reversed. A settlement cannot be reached on Kashmir without solving the fundamental problem of Pakistani society – the use of Islamism to cover up domestic economic and social failures. What can be done to undo the process? In some ways, the repair project is underway. There have been some efforts in the past decade to cut down on religious-based laws. The ISI has become more aware of the dangers of stoking religious sentiment and the new army chief, Raheel Sharif, seems less likely to stoke religious tensions to achieve his goals, unlike his predecessor General Kayani.[20] But the damage done by Islamism is substantial and Raheel Sharif's decision to minimize (for the time being) the army's outward support for Islamism will not be enough to undo the damage on its own.

There is a country that does offer a model for Pakistan going forward, but it is a country that the Pakistani elites despise, according to former ambassador Husain Haqqani.[21] That country is Bangladesh. Born out of Pakistan in 1971, Bangladesh had a tumultuous birth and a period where the military was excessively involved in civilian affairs. For the last twenty years, Bangladesh has been on a shaky but stable course of democratization with relatively minimal military interference.

Bangladesh is a Muslim country that has found a way to keep its Islamic identity without excluding everything else that is not related to that identity. An analysis of Bengali politics over the past ten years shows that the elites have made a determined effort to keep political Islam out of the political arena. For that reason, Bangladesh is much more stable today than Pakistan is. Bangladesh shows that one can obey secular laws and still be a good Muslim. Bangladesh has many issues with India, but the more secular outlook of the country makes it easier

to negotiate on those issues. The Pakistanis might look down on the Bangladeshis, but they do so at their own cost.

Besides looking at the Bangladeshi model, the Pakistanis need to go further. If they want to decrease religious influence in politics, then they should attack the root causes of what led Bhutto and Zia to bring up Islam in the first place. Namely, a sustained effort is needed to respect minority rights. The Army is very resistant to this notion, but the Pakistani government needs to consider devolving more power to the Baluchis, Pashtuns, and Sindhis. If those groups can have some measure of autonomy without fearing ISI reprisals, then they will feel more in control of their own destinies and thus be less susceptible to religious fanaticism or appeals from groups like the Taliban.

The Role of the United States

It is here that the United States can play a small but positive role. America, quite justifiably, had been concerned with terrorist attacks since 9/11. The Obama administration has made extensive use of drone strikes to kill high value al-Qaeda targets. But these drone strikes are also politically toxic for the Pakistani government. Furthermore, they embitter those groups – the Pashtuns and Baluchis – from whom Pakistan is already most estranged. If the US wants Pakistan to take small steps towards devolving power to the regions and becoming more secular, then it needs to stop using drones in such an extensive manner. The Republicans might criticize the Obama administration for this move, but it will greatly help the Pakistani government in maintaining better relations with those minorities and eventually devolving power to them once they can be trusted. The US should reserve drone strikes only for the most high-value targets.

The United States should also change its negotiating posture with the Pakistanis. Too often, American policymakers have neglected Pakistan when pressing US interests were not on the line. This neglect has understandably made Pakistani politicians wary of the US, which seems to come to Pakistan only to achieve short-term American interests.

Americans must also realize that their goals are often divergent from Pakistani ones. As former ambassadors Howard B. and Teresita C. Schaffer note in their 2011 study, *How Pakistan Negotiates with the United States,* "…[t]here is also a more troublesome asymmetry between the two countries' objectives. During their periods of most intense collaboration, Pakistan and the United States have decided to disregard significant differences in their strategic goals and priorities."[22]

Ignoring this asymmetry in goals has been in no one's interests. On the issue of the future of Afghanistan, there are real and perhaps unbridgeable differences between the United States and Pakistan. Kashmir is not one of those issues. Although the US does not seem to have the same stake in the issue that Pakistan and India do, the Obama administration knows that having two nuclear-armed powers fighting over land is a dangerous situation. Tensions in South Asia endanger US interests in that vital area of the world.

Instead of the cynical and self-defeating payments to Pakistan that often gets channeled to the worst elements, the United States should be willing to trade future drone strikes to get India and Pakistan to make significant concessions to each other in Kashmiri negotiations. It can also offer greater consultation on the issue of American raids on the Pakistani-Afghan border. The United States should also completely reevaluate its aid program to Pakistan and consider whether it wants to continue giving aid if that aid invariably ends up getting controlled, in large part, by the ISI or other entities that are most resistant to peace with India. It might be more useful to channel that aid to NGOs that are building secular schools and advancing progressive causes that will lessen the grip of the fundamentalist forces in Pakistan and that make a current resolution of the Kashmiri issue so difficult.

India's Responsibilities

There is a fundamental asymmetry at the heart of the Kashmiri conflict: Pakistan has more to lose than does India. That is in large part because India is more prosperous and more stable. Thus, India should be willing to accommodate Pakistan more than Pakistan should accommodate India, because it is much harder for Pakistan to negotiate. India, unlike Pakistan, can be much surer of its future territorial integrity.

The Pakistanis were deeply traumatized by the loss of Bangladesh and there is an elite consensus among the Pakistanis that no more territory can be relinquished. Indian elites are often blithely indifferent to these concerns. The Indians develop good relations with Hamid Karzai, educated in partly in India, and do not seem to understand why the Pakistanis feel threatened. Pakistani elites have a fearful view of the world and believe that enemy powers are seeking to dismember their country. That might seem like paranoia to an outsider, but India must understand and counter that belief if it wants to negotiate with the Pakistanis in good faith.

One tangible step that India can take would be to reduce the size of its defense budget. India spends more proportionately on defense than

China does. Pakistan knows that it cannot compete with India's military on conventional terms and it gets (rightly) agitated when it sees India building up its defense capabilities in ways that seem anathema to Pakistan's national interests. During the Kargil War, India was able to mobilize its superior conventional forces to recapture in a short period of time the strategic points that it had lost to Pakistan.

Prime Minister Manmohan Singh has already hinted that India's somewhat weak current economy might necessitate budget cuts.[23] India's defense budget should be the major source of those future cuts. The size and strength of India's forces are such that it can afford major cuts and still compete with Pakistan militarily. Indian policy elites might complain that the armed forces are actually being developed to check China, but the Chinese have a conventional force superiority that India would not be able to surmount, even with vast increase in the military budget. Indian policy makers have great ambitions for their country in the 21st century and budget cuts could be channeled into areas like infrastructure spending and education, which will have the benefit of boosting the Indian economy and relieving some of the tensions in Pakistan caused by India's conventional force superiority.

India also needs to take another step to resolve the Kashmir crisis. It needs to acknowledge in a forthright manner that it has not always lived up to the secular outlook of Nehru and that sectarian tensions in India have cost the lives of many innocent Indian Muslims. Indian policymakers need to let Pakistani leaders know that they understand the reasons for the Pakistani state and that Indian troops have often behaved badly in Kashmir toward its Muslim inhabitants. India could offer to recognize the existing Line of Control that demarcates the portions of Jammu and Kashmir that each nation controls and that future decisions about Kashmir will be the result of multiparty talks that take into account the voices of Kashmiri Muslims.

Conclusion

Although the United States and India should do a great deal more to resolve the Kashmiri issue, it is Pakistan that faces the greatest challenges (and rewards). For Pakistan to reach a settlement on Kashmir, it needs to reform its own society. It needs to do two specific things: repair its relations with its domestic minorities, and try to curb the influence of political Islam. Neither will be easy. Decades of Islamism have corroded Pakistani civil society, the press, and even large segments of the population.

However, for a nation often tottering on the brink of failed state status,

with restive minorities and a nuclear-armed enemy, the Pakistani elites have no choice. In the 21ˢᵗ century, Pakistan needs to be an Islamic nation with a secular civil sector. Pakistan needs to break out of the stalemate that it finds itself in and forge a new future for its large and growing population – one that incorporates the wishes of all its people and where power sharing among ethnic groups is not a fantasy. In other words, it might want to return to the precepts of Muhammad Ali Jinnah and ignore its ideological founder, Choudhary Rahmat Ali. The "K" may stand for Kashmir, but it does not have to.

Anand Kandaswamy is an M.A. candidate at the Johns Hopkins University School of Advanced International Studies. He holds a J.D. from Yale Law School and a B.A. from Rutgers College. He is a current and active member of the New Jersey state bar. After practicing law in Washington, D.C. and New Jersey, he decided to pursue a degree in international relations, and hopes to work in a field that combines his interests in international public policy and the law.

Notes:

1. Full text of "Now or Never" by Choudhary Rahmat Ali at http://www.columbia.edu/itc/mealac/pritchett/00islamlinks/txt_rahmatali_1933.html (28 January, 1933).
2. See The Idea of Pakistan by Stephen Cohen, 2004, 28-29.
3. See Nehru by Stanley Wolpert for a greater discussion of Nehru's general attitudes and the origins of his commitment to Kashmir.
4. The Idea of Pakistan, 52.
5. Ibid, 54-56.
6. See Kashmir in Conflict by Victoria Schofield, 2010, 220-224.
7. See Official Pakistani Census Data at http://www.census.gov.pk/MotherTongue.htm.
8. See "Will Pakistan Break Up?" by George Perkovich and Selig Harrison (10 June, 2009) at http://carnegieendowment.org/2009/06/10/will-pakistan-break-up/1rqf.
9. See The Idea of Pakistan, 177.
10. See "Will Pakistan Break Up?" by George Perkovich and Selig Harrison (10 June, 2009) at http://carnegieendowment.org/2009/06/10/will-pakistan-break-up/1rqf, paragraph 4.
11. See Admiral Mullen: Pakistani ISI sponsoring Haqqani attacks by Thomas Joscelyn, 22 September 22 2011, in The Long War Journal at http://www.longwarjournal.org/archives/2011/09/admiral_mullen_pakis.php#ixzz2yBuMBkde.
12. Perkovich and Harrison, paragraph 4.
13. See The Idea of Pakistan, 144.
14. Ibid,167.
15. Ibid.
16. See Demystifying Kashmir by Navnita Chadha Behera, 2006, 197.
17. Ibid.
18. Ibid, 198.

19. See Embracing Defeat: Japan in the Wake of World War II by John W. Dower, 2000, 364.
20. See Pakistan's Next Top General by Omar Waraich in The New Yorker at http://www.newyorker.com/online/blogs/newsdesk/2013/12/pakistans-next-top-general.html.
21. See Pakistan: Between Mosque and Military by Husain Haqqani, 2005, 62.
22. Ibid, 178.
23. See Government May Cut Down on Defense Budget by Rajat Pandit at http://articles.timesofindia.indiatimes.com/2013-11-23/india/44389011_1_defence-budget-south-china-sea-third-party-intervention.

"Peace is Costly, but it is Worth the Expense": Stalemate in Sudan - An Alternative Approach to Peace and Justice in Darfur

Is the legal maxim of "justice delayed is justice denied," frequently leveled against the International Criminal Court for its poor track record, an accurate description of the current situation in Darfur? Or, on the contrary, could the imperative of immediate justice, so often heralded as the sine qua non *of a durable reconciliation, be temporarily suspended in the interest of peace? With these questions in mind, this paper will explore what impact a temporary deferral of the International Criminal Court's (ICC) arrest warrant against Sudanese President Omar al-Bashir might have, and whether this "surrender of justice" could expedite the peace process. In short, could deferring the ICC arrest warrant against Omar al-Bashir lead to peace in Sudan?*

Nora Sturm

No Peace Without Justice

The ICC, created in 2002 through the ratification of the Rome Statute, is the only extra-territorial criminal court with both the authority and the responsibility to try alleged persecutors of genocide, crimes against community and war crimes. As its founding document clearly states, the ICC is first and foremost mandated to act in the interest of justice: "…the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured." The Court's founding documents also declare its goal "…to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes."[1]

One can also argue that the goal of punishing crimes and prosecuting war criminals contributes to a larger objective: achieving lasting, sustainable peace. Peace is not a negative condition that exists only in the interstices of violence or in the absence of conflict; on the contrary, for peace to truly take root, it requires that a strong sense of security be restored among the populations. Without it, there is no guarantee that individual, inalienable rights – to life, liberty, and security of person – will be protected. This security, in turn, depends wholly on the existence of an effective and impartial justice system that establishes equilibrium between victims and perpetrators and channels any desire

for vengeance through legitimate judicial institutions.[2] Indeed, by facilitating retribution for past crimes and delegitimizing violence as a tool of dispute resolution, international justice serves a crucial role in ending the suffering of the war's victims and preventing mass violence from reigniting.

In short, a crucial assumption underlying the ICC arrest warrant is that peace and justice sustain each other and are mutually reinforcing: if the truth is not told and accountability is not guaranteed, Bashir will not be deterred from committing further mass violence against his people, deep grievances on the part of the victims will remain unaddressed, and the embers of the long-standing crisis will continue to slowly burn, reigniting at the slightest spark. With the inherent complementarity between peace and justice in mind, let us now examine what the ICC arrest warrant could achieve in terms of promoting peace in Darfur.

The ICC Arrest Warrant: A Potential Boon for Peace

This broad argument – that justice is integral to peace – played a key role in informing the decision to refer the mounting violence in Darfur to the ICC in March 2005. Indeed, as outlined in UN Security Council Resolution 1593, the Prosecutor was tasked with "promot[ing] the rule of law, protect[ing] human rights, and combat[ing] impunity in Darfur…in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace."[3] Many in the international community, and particularly in the West, also hoped that the increased pressure placed on Bashir's National Congress Party as a result of the referral would lead it to take steps to cease all violence and implement genuine and credible measures to resolve the crisis. This sense of optimism was strengthened when Bashir was finally charged with war crimes (for directing attacks on the area's Fur, Masalit and Zaghawa peoples) and crimes against humanity (for overseeing murder, extermination, forcible transfer, torture and rape) in March 2009,[4] and with genocide in July 2010, when a second warrant was issued.[5]

At the time, many Western lobby groups and conflict analysis organizations conjectured that "…the prosecution may provide others with leverage to resolve the Darfur conflict, make Bashir a sufficient liability to his party to cause his resignation and possible exile, and possibly prevent further violence in Sudan by showing there is a price to be paid for heinous crimes."[6] As Human Rights Watch argued, "…an indictment is a deeply de-legitimizing thing. Being indicted for mass murder makes you someone that no one wants to be around… When someone is indicted for crimes against humanity or war crimes, that tends to marginalize them; it diminishes their power and it creates more

political space for moderate forces to come to the fore and those are the ones who are more likely to actually make peace. That's been the experience in Bosnia, in Yugoslavia, in Liberia, even to some degree in northern Uganda. And we expect it to be the case in Sudan as well".[7]

Indeed, by virtue of Article 86 of the Rome Statute, which stipulates that "States parties shall… cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court",[8] member states are under a legal obligation to cease all relations with the Government of Sudan, as well as to arrest Bashir and turn him over to the ICC if he sets foot on their soil. Since the indictment, his freedom of movement has become constrained to a few friendly Arab states and African neighbors. In July 2013, for instance, news of his presence in Abuja at an African Union summit spread quickly and led to calls for his arrest by human rights activists both inside the country and abroad, forcing him to return to Sudan to avoid being arrested by the Nigerian justice system. His indictment has also cost him a number of former allies. While Bashir used to enjoy the protection of Malawi's former head of state Bingu wu Mutharika, the current President Joyce Banda has not allowed him to set foot on Malawian territory.

This growing marginalization could have an important impact on Bashir's ability to wage war. First, Khartoum's sources of loans to finance its budget deficit and pay for the costs of fighting a war on multiple fronts are slowly drying up. Major international lending institutions have blacklisted the government, and many smaller national banks prefer to close their accounts with Sudan than risk incurring the wrath of the U.S. for making loans to the government. Having historically relied heavily on foreign direct investment as a source of wealth, the Khartoum government is now facing a steep decline in this important stream of external financing. Once the arrest warrant was issued, both public and private investors faced mounting pressure from advocacy groups and became increasingly reluctant to invest in projects in Sudan out of concern that their reputations would be tarnished by doing business with a government accused of war crimes. [9] The result is that only the Arab investment funds, the Islamic Development Bank, and a small number of Chinese entities are prepared to support Sudan financially. In short, the impact of the arrest warrant in terms of damaging the country's business climate, coupled with a devastating loss of oil revenue following the South's secession in 2011, could quickly deplete the Sudan's coffers and significantly hamper its ability to crush the rebellions as powerfully as before.[10]

Second, a lack of progress on the indictment front, caused by the Sudanese government refusal's to comply with the ICC and hand over Bashir,

could lead to the establishment of even more oppressive sanctions than those currently in place. This retaliation by the international community could further weaken the state and limit its ability to wage war by focusing selective pressure on Khartoum.

Although a number of individual countries have established unilateral sanctions on Bashir's regime (such as the U.S. government's Sudan Sanctions Program or the UK's Embargoes and Sanctions on Sudan Program), the most comprehensive regime system is the UN's Sudan Sanctions Committee, which attributes to all member states the responsibility to staunch the flow of arms and other war materiel to key actors operating in Darfur, to prevent them from travelling and seeking exile outside of the country, and to freeze the financial assets and economic resources owned by individuals designated by the Committee.[11] Both the international and unilateral sanctions schemes are remarkable for the conspicuous absence of Bashir's name on the list of people targeted by the asset freeze and travel ban, last updated in September 2013,[12] and for the number of loopholes that weaken the sanctions' potential impact on his movements.

It is conceivable that the longer Bashir evades justice and the arrest warrant remains unfulfilled, members of the international community will be compelled to increase the severity and reach of their sanctions until he has no more room to maneuver. As the International Crisis Group recently noted, "…lack of decisive sanctioning action by the Security Council arguably fostered conditions where the regime had more to gain by continuing down a path that involved war crimes and crimes against humanity than it did by dialing back and committing to a genuine peace process."[13] If these conditions were to change - that is, if governments were to increase the pressure on Khartoum out of commitment to the ICC's pursuit of justice (by adding Bashir to the travel blacklist, for example) - the arrest warrant may indirectly contribute to reduced violence and to increased prospects for sustainable peace.

In theory, therefore, the ICC arrest warrant could have the corollary effect of advancing peace in the region through the mechanisms described above. Given the experience in Uganda, where ICC arrest warrants for leaders of the Lord Resistance's Army played a key role in isolating them from their support base in Khartoum and thereby increased their interest in participating in the Juba peace talks, it is reasonable to hope that a similar outcome could be replicated in Sudan.[14] As the International Crisis Group anticipated in 2008, "…it may be the case that, in initiating this process [applying for an arrest warrant] the Prosecutor will be advancing the interests of peace…It may be that the increased pressure now placed on the NCP governing regime will

lead it to take long overdue steps to cease all violence and implement genuine and credible measures to resolve the Darfur crisis."[15]

The ICC Arrest Warrant: An Actual Bane for Peace

Bashir's indictment added fuel to the already fiery debate about the ICC's exclusive and, according to critics, disproportionate, focus on Africa. To date, all of the Court's investigations have involved abuses on African soil.[16] While most of these cases were referred by the national governments themselves, these accusations nevertheless tarnish the institution's reputation as a truly international and neutral tribunal. Given that the ICC has no police force of its own, cooperation by member states is crucial in enabling it to carry out its mandate. However, if African states, and in particular Sudan's neighbors, perceive the institution as unfair, selective or arbitrary – epithets that the African Union (AU) and Kenya, in particular, recently leveled against the court – they will be increasingly reluctant to collaborate and turn Bashir over should he enter their territory.

Indeed, with the exception of the few heads of state mentioned above, the arrest warrant has succeeded in coalescing support for Bashir among many African and Arab leaders, who took umbrage at the indictment of a sitting head of state and worried that such far-reaching jurisdiction could be used against them. The Arab League issued a statement in March 2009 expressing its solidarity with Sudan and rejecting the ICC decision against Bashir on the grounds that it undermined the country's sovereignty and set a dangerous precedent by targeting a current head of state. The Arab League also argued that the ICC's actions breached the 1961 Geneva Convention on Diplomatic Relations as well as customary international law.[17] Similarly, the African Union issued a resolution in 2009, which it reiterated in 2010, prohibiting its member states from cooperating with the ICC,[18] and in 2012 called on the court to drop its charges against Bashir.

In short, instead of marginalizing the leader in the region, the arrest warrant succeeded in achieving the very opposite, with a number of key regional organizations and individual countries aligning with Bashir and refusing to cooperate with the ICC on the pretense of protecting Sudan's national sovereignty against "...a non-democratic entity based on selectivity and double-standards that targets the weak and turns a blind eye to criminals."[19] If isolation on the international and African scenes was ever a factor in Bashir's decision-making, the mobilization of regional support behind him engendered by the arrest warrant removed that threat and allowed him to continue operating with impunity.

While it is impossible to definitively attribute particular actions to the ICC decision, it is nevertheless worth considering whether the arrest warrant actually prolonged the fighting in Sudan. It is arguable, in other words, that the principal Darfuri rebel groups were emboldened by the prospects of Bashir's arrest and became increasingly loathe to cooperate and commit to a cessation of hostilities.

Both the Justice and Equality Movement (JEM) and the Sudan Liberation Movement (SLM) have exploited the space created by the warrant to harden their positions and retreat from their initial willingness to engage with Khartoum. As the International Crisis Group notes, these groups saw the decision as further isolating and delegitimizing the National Congress Party and a sign of international support for the military option and regime change, and therefore continued to rearm and fight in the hopes of defeating the weakened state."[20] Given that their military escalation did not yield the desired results, they have shifted their approach and are now angling to obtain more from the negotiations than what they had initially hoped for. Indeed, perceiving Bashir and the NCP as being in no position to bargain, the principal rebel factions are currently demanding significant amendments to the Doha Document for Peace in Darfur (DDPD), which was signed into effect in July 2011 and constitutes the framework for the peace process in the region. The JEM has rejected the Doha Agreement and is insisting on a more comprehensive agreement that would include the SPLM rebels in South Kordofan and Blue Nile and bring about democratic change.[21] The other leading rebel group, the Sudan Liberation Movement–Minni Minawi (SLM-MM), is similarly exploiting the pressure on Bashir by refusing to take part in peace talks under joint AU-UN auspices and by asserting that regime change is the only viable option.

Neither the alternative proposed by the JEM, which would entail significant concessions to the rebels, nor the demand for regime change made by the SLM-MM is conceivable to Bashir and his government, a fact that the rebel groups are undoubtedly aware of. This political maneuvering allows them to continue attacking army positions in the west of the country and to bring their armed struggle closer to Khartoum, all under the pretext of a "true peace" for the people of Darfur. In reality, however, their obstruction of the process has resulted in high numbers of displaced people and casualties as the deadly fighting continues throughout the region and has put at risk the chances for a definitive and stable peace.

Third, the indictment has also changed Bashir's calculus, resulting in retaliatory action and a hardening of his grip on power. The day after the arrest warrant was issued, Bashir expelled thirteen international aid

organizations and three local agencies, which had been providing vital humanitarian relief throughout Darfur, on the grounds that they were spies working beyond their mandate and disrespecting the government's authority.[22] According to the UN, this step gravely affected the lives of more than 1.5 million people living in the region, whose access to food, water, and healthcare was severely compromised.

Today, the resurgence in hostilities between armed groups and government troops and among tribal forces has meant that the demand for humanitarian assistance has increased beyond anticipated needs. Indeed, aid workers reported that following South Sudan's independence in 2011, the Government of Sudan became even more opposed to the presence of international aid workers on Sudanese territory, and particular in rebel-held Darfur. In Bashir's mind, the presence of aid agencies contributed to the secession of South Sudan, to his indictment, and to the strengthening of rebel movements and therefore needed to be curtailed.[23] The result is that nearly all aid agencies have stopped providing assistance, and the few that remain have little support or security from the UN's mission on the ground. In addition to the immediate shortages in aid and protection, the expulsion also caused the remaining agencies to prioritize emergency assistance at the expense of long-term development initiatives, which has dire consequences for the region's long-suffering inhabitants.

Furthermore, rather than scale back his military operations, Bashir continued instead to sponsor aerial attacks against rebel positions in reaction to the ICC's decision. In May 2009, for instance, a few months after the warrant was issued and days after negotiations resumed between the two parties, UNAMID peacekeepers described seeing Sudanese government aircraft bombing suspected rebel outputs in the west of Darfur.[24] Similar provocations by the government were reported over the following months, leading to hundreds of reported casualties and thousands of displaced people. Just last month, the government announced a new offensive against the Sudanese Revolutionary Front, which combines the main Darfuri factions with rebel groups in the Blue Nile and Southern Kordofan states.[25]

According to Sudan expert Eric Reeves, "…what we are seeing in Darfur is rapidly increasing insecurity, greater danger for displaced persons and their camps, more attacks on relief supplies and humanitarians, increasing fighting among various armed parties (including Arab inter-tribal fighting), and unconstrained aerial bombardment by Khartoum wherever it thinks it gains military advantage against rebel groups, even if the only effect of the attacks is to kill civilians perceived by the regime as supporting these groups."[26]

In short, an overview of developments in the region reveals that the indictment did not result in an abatement of the hostilities on either side. The rebels, buoyed by the decision, have adopted increasingly hardline positions and refused to engage with Khartoum on terms other than their own. Bashir, in turn, has reacted to the warrant by entrenching himself, restricting UN and humanitarian operations, and continuing to defiantly launch deadly attacks in the region. The result has been incessant warfare, hundreds of thousands killed, millions displaced, and billions spent on aid. Given this miserable reality, one must ask whether focusing so intently on delivering justice and arresting Bashir is not in fact counterproductive, and, as a corollary, whether the most pressing need – to end the horrific suffering of the Sudanese and ensure that there is no new explosion of mass violence – might not be better met by temporarily suspending this pursuit of justice. In the words of Andew Natsios, former U.S. Special Envoy to Sudan, "…however much one may despise Sudan's regime for committing atrocities, moral outrage is no substitute for practical policies aimed at saving lives and promoting stability."[27] What other options are there?

An Actionable Alternative

As Alex de Waal contends in his authoritative analysis of political dynamics in Sudan, "…the long-standing rule of thumb for Khartoum elite politics should not be forgotten: the greatest threat to the president comes from those closest to him…" and not from external actors or disorder in the peripheries.[28] Based on this theory, Sudan's ruling class is constantly faced with challenges – bankruptcy, debt, war, international isolation, and an indictment by the International Criminal Court, to name a few – and has, by dent of its "hyper-dominance" over the rest of the country, become adept at weathering them. As a result, the only *real* threat to the regime's grip on power comes from within its inner ranks or from the capital's middle-income population, which has long benefited from the center's economic exploitation of the hinterland. Writing in 2007, de Waal predicted that it is only when Khartoum becomes unable to sustain its prosperity and relative social peace that "the chickens will come home to roost." Until then, having passed through the worst and facing a much more favorable economic and political environment, the regime would continue to manage for a while longer.[29]

Recent developments in Khartoum portend an imminent and important shift in this paradigm and thereby constitute a window of opportunity for the international community to finally influence the peace process in a positive way and break the cycle of violence in Darfur. In late September and early October, Bashir's government was confronted

with a new threat in the form of large-scale urban demonstrations protesting the regime's decision to slash subsidies on fuel and other essential commodities, which it responded to with brutal repression, resulting in an estimated 200 casualties and 800 arrests.[30] As John Prendergast notes, although rebellions have raged nonstop in Sudan since Bashir's coup in 1989, what has been missing is a corresponding urban uprising that complemented the rural wars. Without any pressure in Sudan's northern cities, the Islamist regime has remained somewhat comfortably in power. That is why, he notes, "…[that] week's violence [was] potentially so significant."[31]

Indeed, Khartoum's middle-class population, which had long reaped the benefits of the regime's marginalization and exploitation of the periphery, has become increasingly disillusioned with and affected by the government's corruption, mismanagement of the economy and consequent austerity measures, causing it to join forces with the poor in protest. Although the demonstrations quickly subsided, they nevertheless revealed widening cracks in the regime's Khartoum-based stronghold, which grew even wider as a result of the government's extreme reaction. For the first time in recent history, the center found itself on the receiving end of the regime's brutality, marking an important turning point in the dynamics that have kept it afloat for so long.

The demonstrations also brought to the surface growing divisions within the National Congress Party. Shortly after the unrest, more than thirty of the party's top figures collectively presented a memo to Bashir, criticizing his decision to remove the subsidies and condemning his forces' excessive use of violence against the protesters. They also urged Bashir to open up political space and create a mechanism for national reconciliation composed of various political forces, including members of the opposition, and outlined a series of steps that the government should take to find a political solution. They reportedly concluded by saying that "the legitimacy of [his] rule has never been at stake like it is today."[32] A number of these leaders, including the former adviser to the president and member of the party's Leadership Bureau Dr. Ghazi Salahuddin Atabani, have subsequently expressed their commitment to leave the party and form a new one to "bring new hope to Sudan."[33] This most recent challenge to Bashir's authority comes on the back of a coup attempt last year by elements within the army, the paramilitary Popular Defense Forces, the National Security and Intelligence Services and the ruling party itself. Though abortive, the plot revealed growing dissatisfaction with Bashir's leadership and paved the way for further dissent this past fall.

How this nascent internal opposition and widespread popular anger will

play out and impact Sudan's political landscape remains to be seen. What is clear, however, is that the international community can and should capitalize on this increased pressure if prospects for peace in Darfur are to stand a chance. Given that the current strategy has failed in this regard, it is time to devise and implement an alternative approach. Invoking Article 16 of the Rome Statute, a step which has never been used in the Court's history, could lead to the collapse of Bashir's power and, as a result, to a marked decrease in the violence plaguing Darfur.

By applying Article 16, the Court would grant Bashir a one-year deferral of the investigations and temporarily suspend the arrest warrant against him in exchange for specific and irreversible reforms.[34] Offering Bashir a strong incentive – a carrot rather than a stick – would increase the probability of a comprehensive and lasting ceasefire by his troops and militias, which would ensure a respite of the violence that has plagued Darfur for so long. Until now, Bashir has had nothing to lose; with his back against the wall, his options have becoming increasingly limited, which explains the desperate measures he has taken to maintain his grip on power. If he receives assurances that he will not be arrested and extradited the minute he sets foot on foreign soil, and if he sees in the implementation of Article 16 the possibility of regaining legitimacy on the international scene, Bashir may be willing to commit to a cessation of hostilities in Darfur. This, in turn, would open up space for the international community to provide much-needed assistance to the region's inhabitants and focus its attention on resolving the inter-tribal clashes.

Furthermore, in deferring the investigation, the international community would invalidate the principal argument that Bashir used to justify his actions and divert blame for his failures, namely external intervention in the sovereign affairs of his country. In a recent press conference, where he addressed his government's response to the street protests, he attributed Sudan's economic problems to outside factors and not to the mismanagement of Sudan's oil revenues in the lead-up to the secession of South Sudan, or on the high cost of the wars in Darfur, South Kordofan and the Nuba mountains.[35] No longer able to blame "the West" for the litany of woes that Sudan has experienced under his rule, Bashir would be revealed for who is truly is: a war criminal who has brutalized his people and squandered his country's resources. The ideological wall of protection that he has effectively built around himself would crumble, the rhetorical arguments he has so often advanced to justify his behavior would be revealed as baseless, and Emperor Bashir would be left, in effect, with no clothes.

This vulnerability would further undermine his position, weaken his

support base, and in the absence of the indictment, blame for crushing economic hardship and prolonged fighting in Darfur and elsewhere would be placed squarely on his shoulders. The costs that his cadre would have to endure, including popular anger and a discredited reputation, would quickly become unbearable and outweigh any benefits of remaining in an alliance with Bashir.

This theoretical scenario, whereby the indictment would be temporarily rescinded, could yield one of two outcomes. Bashir would either be sidelined by reformist elements within the NCP and, no longer able to ignore the deafening calls for his resignation, would be under great pressure to step down at the next elections. Alternatively, in order to stay in power he would have no choice but to significantly reform his government's judiciary and security services and provide transitional justice to the people of Darfur. Such reforms, which would be a precondition for Article 16 to be invoked, would ultimately lead to the emergence of greater accountability, promote reconciliation efforts, and ensure crucial improvements in the governance of the country – all of which are essential to the success and sustainability of the fragile peace process.

Conclusion

As the African proverb in the title suggests, "peace is costly – but it is worth the expense." Although it is impossible to predict with certainty what effect a deferral of Bashir's indictment would have on developments in Darfur, the costs associated with maintaining the *status quo*, and thereby fueling his growing desperation and perpetuating the violence on the ground, are increasing by the day. The pursuit of justice for his heinous crimes is undeniably important, but not if it comes at the expense of peace, which has been eluding Darfur for over a decade. By deferring justice, the international community can ensure that the most critical of all needs – to end the horrific suffering of the Sudanese people and prevent a new explosion of mass violence – is met today and that the groundwork is laid for accountability tomorrow.

Nora Sturm is a second year M.A. student at the Johns Hopkins University School of Advanced International Studies (SAIS), working toward a degree in International Relations with concentrations in Conflict Management and International Law. Prior to attending SAIS, she worked for the International Crisis Group in Brussels. After two years in this role, she launched an NGO whose mission is to integrate policymaking in the areas of democracy, development, rule of law,

and security in periods of political transition in fragile and conflict-affected states. She holds a B.A. in Sociology and Hispanic Studies from Columbia University.

Notes:

1. Rome Statute of the International Criminal Court, 17 July 1998, U.N. Doc. A/CONF.183/9
2. Grono, N. The Role of International Justice Mechanisms in Fragile States, Speech to the Overseas Development Institute, "Peace versus Justice? Understanding Transitional Justice in Fragile States", 9 October 2009.
3. United Nations Security Council. Resolution 1593 (2005) Adopted by the Security Council at its 5158th meeting, on 31 March 2005 (S/RES/1593). Official record, New York, 2005.
4. International Criminal Court, "Warrant of Arrest for Omar Hassan Ahmad Al Bashir", published by the Pre-Trial Chamber I on 4 March 2009. (ICC-02/05-01/09). Official record, The Hague, 2009.
5. International Criminal Court, "Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir", published by the Pre-Trial Chamber I on 12 July 2010. (ICC-02/05-01/09). Official record, The Hague, 2010.
6. International Crisis Group, Sudan: Justice, Peace and the ICC, 17 July 2009, p.26.
7. Human Rights Watch, Why Indictment Matters, Interview with Ken Roth, 3 March 2009 (accessed at http://www.hrw.org/video/2009/03/03/why-indictment-matters on 3 December 2013).
8. Rome Statute of the International Criminal Court, 17 July 1998, U.N. Doc. A/CONF.183/9
9. Reuters, "Interview – Sudan investors wary of war crimes case – minister", 22 February 2009.
10. According to a number of sources, including the International Monetary Fund and the African Development Bank, Sudan lost 75% of the oil production, 36% of budget revenue, more than 65% of foreign exchange revenue and 80% of total exports as a result of South Sudan's secession and the subsequent loss of major oil fields located below the border.
11. United Nations Security Council, "Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan". (Accessed at http://www.un.org/sc/committees/1591/ on 8 December 2013).
12. United Nations Security Council, "List of Individuals Subject to the Measures Imposed by Paragraph 3 of Resolution 1591 (2005). (Accessed at http://www.un.org/sc/committees/1591/pdf/Sudan_list.pdf on 8 December 2013).
13. Grono, N. The deterrent effect of the ICC on the commission of international crimes by government leaders, presentation for the conference 'The Law and Practice of the International Criminal Court: Achievements, Impact and Challenges", 26 September 2012.
14. Darehshori, S. and Evenson, E. "Peace, Justice and the International Criminal Court", Oxford Transitional Justice Research – Research Article 1, 19 March 2010.
15. International Crisis Group, New ICC Prosecution: Opportunities and Risks for Peace in Sudan, 14 July 2008.
16. The Office of the Prosecutor is currently conducting investigations in the Central African Republic, Côte d'Ivoire, the Democratic Republic of Congo, Kenya, Libya, Mali, Sudan and Uganda.
17. Arab League, "Doha Summit Statement Regarding Solidarity with the Republic of Sudan in rejecting the decision of the First Pre-Trial Chamber of the International Criminal Court against the Sudanese President Omar Hassan Ahmed Al-Bashir", (accessed at http://www.iccnow.org/documents/Arab_League_Summit_2009_-_SummaryFV.pdf on 14 December 2013).

18. African Union, "Decisions and Declarations, Assembly of the African Union, Thirteenth Ordinary Session, 1-3 July 2009", (accessed at http://www.africa-union.org/root/au/Conferences/2009/july/summit/decisions/ASSEMBLY%20AU%20DEC%20243%20-%20267%20(XIII)%20_e.pdf on 14 December 2013).
19. Arab League, "Doha Summit Statement Regarding Solidarity with the Republic of Sudan in rejecting the decision of the First Pre-Trial Chamber of the International Criminal Court against the Sudanese President Omar Hassan Ahmed Al-Bashir", (accessed at http://www.iccnow.org/documents/Arab_League_Summit_2009_-_SummaryFV.pdf on 14 December 2013).
20. International Crisis Group, Sudan: Justice, Peace and the ICC, 17 July 2009.
21. "Sudan says no talks on Darfur without Doha framework", The Sudan Tribune, 17 December 2013.
22. Rice, X. "Sudan's president orders all foreign aid groups to leave the country within a year: Bashir steps up defiance of international community and says he wants to 'clear out spies'", The Guardian, 16 March 2009.
23. Loeb, J. "The disappearance of cross-line aid in Darfur, Sudan", Humanitarian Exchange Magazine, Issue 58, July 2013, Humanitarian Practice Network.
24. Heavens, A. "Sudan govt forces bomb near North Darfur-UN", Reuters, 13 May 2009.
25. International Crisis Group, CrisisWatch, April 2009 – December 2013.
26. Reeves. E. "'They Bombed Everything that Moved'. Aerial military attacks on civilians and humanitarians in Sudan and South Sudan, 1999 – 2013". Sudan Tribune, September 2013 (Accessed at http://www.sudantribune.com/IMG/pdf/sept_13_bombing_update.pdf on 4 December 2013).
27. Natsios, A. Beyond Darfur. Sudan's Slide Toward Civil War. Foreign Affairs. 3 May 2008.
28. de Waal, A. "Sudan and the International Criminal Court: a guide to the controversy", openSecurity, 14 July 2008 (accessed at http://www.opendemocracy.net/article/sudan-and-the-international-criminal-court-a-guide-to-the-controversy on 17 December 2013).
29. de Waal, A. "Sudan: What kind of state? What kind of crisis?", London School of Economics, Crisis States Research Centre, Occasional Paper 2, April 2007.
30. "Sudan's Bashir: Protests sought regime fall", Al Jazeera, 9 October 2013.
31. Prendergast. J. "Is Sudan's Uprising the Beginning of the End of Omar al Bashir?", The Daily Beast, 28 September 2013.
32. "Sudan cabinet reshuffle expected this week: sources", The Sudan Tribune, 3 December 2013.
33. Ibid.
34. The Article, titled "Deferral of investigation or prosecution", reads "No investigation or prosecution may be commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect; that request may be renewed by the Council under the same conditions". ((http://legal.un.org/icc/statute/romefra.htm)
35. Shaib, A. "Is Sudan on the brink of another civil war?", Al Jazeera, 27 October 2013.

Interview: Serge Schmemann

Serge Schmemann is a member of the New York Times *editorial board and a Pulitzer Prize-winning journalist who has covered foreign affairs for the* Times *for more than 30 years. He served as the editorial page editor of the* International Herald Tribune *between 2003 and 2013, and has reported for the Times from Moscow, Bonn, Jerusalem and the United Nations. Schmemann is the author of two books about Russia, including* Echoes of a Native Land: Two Centuries of a Russian Village, *which explores his family's Russian roots. We spoke with him in the days following Russia's seizure of Crimea about Russian foreign policy and the chances for an Israeli-Palestinian peace agreement.*

Editorial Staff

How does Russia conceive of its interests in the Ukraine and the former Soviet sphere?

Russia has a term that it uses for the countries of the former Soviet Union: "the near abroad". The attitude of Russia in this regard is similar to the Monroe Doctrine, but even more so because the former Soviet states were once part of the same country and ruled from Moscow. So the Russians have a notion that they have a special interest in these regions and that the expansion of Western influence, whether through NATO or the EU, is tantamount to a provocation.

This sentiment is not shared universally. The Russian intelligentsia would probably disagree. But Putin represents the classic power structure, what the Russians call the *silovki* – the power brokers and power ministries – including the military, the interior ministry and the KGB/FSB. They have nurtured an imperial mentality, in which Russia is not to be trifled with. Even if they have very little specific interest in the country in question, there is a strong sense of humiliation or irritation when other countries move in, because they see it as a lack of respect for Russia as a great power.

This notion of humiliation and respect is critical to Russian international relations. Since the collapse of the Soviet Union, Putin and many Russians have been motivated by the feeling that they were treated as a defeated nation by the US. There is real truth to that idea. They were in fact treated as a defeated nation and left out of deliberations. One reason they have been reluctant to assist the US with Syria and Iran is

that they do not feel like they are being treated as a partner, but instead being told what to do. This notion has played a very important role in Russia's foreign affairs, and especially in Russia's feeling that it has a special role to play and a special position in the former Soviet Union.

Is this idea of Russia as an aggrieved power popular with Putin's domestic Russian audience?

It is. There is more than one Russia. Many Americans think of the country as a monolith, but in fact Russia has a very strong business-intellectual class in the big cities. They are the ones we saw protesting against Putin, because they feel that Putin's form of politics is corrupt, authoritarian and wrong. But they, ultimately, are a small minority, and Putin understood from the outset that he had a majority of Russians firmly behind him. That's why, for example, he put television under government control. Putin understands that television affects the opinions of the people outside the major cities, while the opposition papers he has allowed to flourish are accessible only to the Europeanized intelligentsia that is not with him in any case.

He may have miscalculated. The intelligentsia now plays a larger role because the Russian economy has grown more complex. For example, I don't think Putin expected the Ruble to fall and the Russian economy to suffer as a result of [the invasion of Crimea]. But I'd say that the large majority of Russians is firmly behind him, and does share this notion that the US has somehow humiliated them.

Are there demographic and economic limits to the current Russian strategy?

Yes, I think there are economic barriers. Russia is rich in resources, but the Russian economy has also become globalized to a much greater degree. It is not expanding and has to an extent become dependent on oil and gas. This is already hurting them and will continue to do so.

Europe has had a warm winter and has stockpiled a lot of gas, so any sanctions imposed are likely to hurt Russia much more than Europe. If Europe were to impose sanctions, Russia stands to lose a huge amount of money from gas exports to Europe. Germany is Russia's biggest trading partner and Russia needs these imports more than Germany needs the Russian market. So, serous sanctions imposed by Europe (not the US since it does not trade much with Russia) could hurt Russia signifcantly.

What Putin doesn't sufficiently understand, but is constantly compelled to understand, is that the Russian economy can be hurt simply by

Russian unpopularity. If Russia becomes a pariah, it can hurt their economic growth, and Russia cannot afford for that to happen.

It's an interesting juxtaposition that Putin's decision to seize Crimea came immediately after the Sochi Olympics, which was a grand and expensive attempt to burnish Russia's international reputation.

The Olympics also betray a certain 1980s Soviet mentality, or the current Chinese one, that if you throw a great show everyone will be impressed. It is an authoritarian notion that we also saw with Hitler and the Berlin Olympics, the idea that you can fool the world through an enormous show of strength. A lot of sophisticated Russians now understand that. Putin was very angry with the sniping from within Russia about things like the huge cost of the Olympics. But that is very much the Soviet mentality. The juxtaposition of the Sochi Olympics and the seizure of Crimea capture Putin's mentality.

You were in Jereusalem in the 1990s as the Oslo process collapsed. What are your thoughts on the current Israeli-Palestinian peace negotiations?

S: It's pure process. After watching the Oslo process collapse, it is difficult not to be cynical for a number of reasons. One is that Israel is quite prosperous right now. They have found a huge market in things that don't rely on geography or a big labor force, things like software and medical technology. Therefore, there is not a strong feeling in the internal Israeli media that they need to make peace. They need to keep the process going because nobody wants to antagonize the US, but right now there is no sense of crisis in the US or in Israel. The West Bank barrier has more or less put a stop to terrorism.

So on one side, Israel is relatively secure and prosperous. On the other side, Palestinians are completely divided. There is nothing in common between Fatah in the West Bank and Hamas in Gaza. There may never have been anything in common, but at least there was the myth of one Palestinian people. Gaza is an enclave that is perhaps more linked to Egypt than the West Bank, and Gazans have never really shared a culture with the West Bank. And in the West Bank there is really no leadership. Mahmoud Abbas is an old man, and the one Fatah leader who could make a difference, Marwan Barghouti, is serving a life sentence in an Israeli prison. I think he is a "reserve weapon," and that the Israelis could release him if they really needed to make a deal. But he has been in prison for so long now that he has been forgotten in the West Bank. So there is really no leader who can actually cut a deal, and no leverage to achieve one without the help of the US. This is why the Palestinians

are trying gain some legitimacy through the UN.

There simply is not much pressure to make a deal now. There is a divestment campaign [against Israel] that's gathering steam in Europe, but it is very weak in the US. All the previous moments of progress have unfortunately happened after outbreaks of violence, like the intifadas. Everybody tells the Palestinians to remain non-violent, but if there is no bloodshed the negotiations go nowhere. I don't think Netanyahu takes Kerry seriously, and he distinctly dislikes Obama and feels he can disregard him. So I see little chance for any meaningful progress in these negotiations.

But Netanyahu still recognizes the need for at least the public appearance of a peace process.

S: Yes. He is a very sharp guy, with a good understanding of the politics on both sides. He is not personally popular, but like [former Israeli Prime Minister Ariel] Sharon, he is somebody that the Israeli public comes back to because this is exactly what they want. The business elite wants to say all the right things but wants to maintain the status quo. This unsettled state of affairs suits them well. They were very much concerned about the Arab Spring, but now they have a military government in Egypt and Syria is effectively non-existent as a threat, as is Jordan.

In the case of Iran and the nuclear bomb, it is very hard for me to tell from a distance whether Netanyahu's constant focus on the bomb is a political gimmick to create a threat for domestic and American audiences, or a genuine concern. There is obviously a certain danger to them if Iran were to develop a nuclear bomb, but even that right now is essentially under control.

The current framework for Israeli-Palestinian peace talks is essentially the same as it has been for twenty years: small confidence building steps meant to enable the parties to settle to the conflict on a "land for peace" basis. If your pessimism about this round is vindicated, do you see a need for a new framework for these negotiations? What might that look like?

Anyone who has ever been to Israel can tell you what a "land for peace" settlement should look like. We know which land goes where and which settlements will have to be surrendered and what kind of defenses Israel will require. These things have been worked out. It's a very small country and it is not too hard to figure out what is needed. Israel is overwhelmingly militarily dominant. It could counter any conventional

threat, and it has the region's only nuclear weapons.

So the basic outlines of a settlement are obvious. The problem is that there is no power that can force it to happen. The Israeli public never feels sufficiently secure to go for it. They have no idea how to clear out the settlements, and doing so would take enormous political courage. Sharon had that courage; you can love him or hate him, but Ariel Sharon was a remarkable man, and he was able to clear settlements, as he did in Gaza and the Sinai.

Right now, nobody has that kind of authority. On the American side, there is still not a sufficient constituency for peace. There is an incredibly strong pro-Israel constituency, but there is no support for the kind of tough moves that would be required in order to dictate to Israel how to end the conflict. Kerry may be prepared to present a concrete plan for how to end the conflict, but as soon as that happens, Israel can simply build another settlement, creating more facts on the ground, and the hardliners on both sides have any number of ways to make any talks collapse immediately.

So, unless there is a strong constituency for peace in America and unless the Obama Administration is strongly backed by the Congress and the public, there will be no push for peace. For now, there is an absence of will and leverage on all sides; the Palestinians, Israelis and the Americans. I don't see this changing any time soon, despite the fact that everyone knows what needs to happen.

Stalemate: The PKK as a Symbol of Identity and Insurgency in Modern Turkey

The conflict between the Turkish government and the Partiya Karkeren Kuridstan, or PKK, has persisted with varying degrees of intensity since the latter's founding in 1978. Over this time, tens of thousands have been killed on both sides. This devastating death toll combined with the litany of failed peace processes along the way have culminated to cement a stalemate with deep mistrust on both sides. Though the most recent peace overtures from the Erdogan government and subsequent withdrawal of PKK fighters from eastern Turkey brought hope of a breakthrough, that progress has now stalled as both sides look set to retrench against the perceived insincerity of the other. While the conflict is complex and dynamic, one aspect is often written off: the nature of the PKK itself. Many governments and analysts simply write the group off as a mere militant group, terrorist organization, or band of freedom fighters. This paper, argues that the current stalemate is precisely because policymakers have failed to realize the true nature of what the PKK has become. Indeed, rather than conforming neatly to any one label, the PKK has transformed into a symbol of Kurdish ethno-nationalism. Only when the peace process takes this into account will the stalemate truly have a chance to be broken.

Andrew Watkins

The emergence of an ethno-nationalist challenge to state authority in modern day Turkey by members of the state's Kurdish minority has given rise to a vast array of scholarship. Many have attempted to examine the emergence of this challenge by focusing on static causal relationships based on issues of economic marginalization (Van Bruinessen), violent state repression (Taspinar), or historic grievances (Mousseau). Others have broken down the conflict by combining aspects of these factors into a broader framework that, importantly, conveys an array of underlying social, economic, and political dynamics in the evolution of the conflict (Romano). As analysis continues, so too does the stalemate between the Turkish government and the ethno-nationalist Kurdish movement in Turkey. However, in searching for a single or set of lenses through which to view the stalemate, one central component is often overlooked as a mere symptom of the wider conflict: the symbolic nature of the *Partiya Karkeren Kuridstan* or PKK.

Rather than existing as one in a litany of semi-legitimate insurgent forces vying for power against the central state, the PKK, since its inception in 1978, has been the main driver of the conflict as the power center of Kurdish nationalism in Turkey. What makes its position in this respect so perplexing is the nature of the PKK itself. It never managed to field a force that legitimately threatened the central government, coerced only minor changes to government policies that were in turn implemented only sparingly, did little to improve the daily lives of ordinary Kurds, attacked other Kurdish nationalists aligned in the fight for Kurdish rights, and greatly increased the overall hardships faced by the local Kurdish population. It would seem to follow that an insurgent group with such a record would find little sympathy amongst the local population for which it was fighting. Yet to this day, the PKK retains broad support both at home and in the neighboring Kurdish populations of Iraq, Iran, and Syria. Indeed, the PKK was able to not only cultivate support for the expression of Kurdish nationalism but also to focus that support through its guerilla war in Turkey. How has this been possible?

Analysis begins with a breakdown of ethnicity and identity as central forces in the creation of a 'constitutional identity' in the Turkish context and the parallel development of Kurdish ethno-nationalism. This is followed by a study of the structural composition of the PKK as an organization. After critiquing a number of the most frequently given explanations for the PKK's continued dominance as the leader of the Kurdish nationalist movement in Turkey, the paper synthesizes the available literature in support of the main argument: that the conflict has reached a critical stalemate principally through the PKKs ability to survive and thrive as a symbol of Kurdish ethno-nationalism rather than simply an insurgent group.

Setting the Stage - Constitutional Identity in Modern Turkey

The expression of Kurdish identity in Turkey is inextricably bound to the development of the Turkish state beginning in 1920. By extension, the rise of the PKK as a political and military force cannot be truly understood outside the context of this process. There exists an extensive literature on Kurds in the former Ottoman empire and how inter-communal relations developed up until the outbreak of World War I.[1] However, for the purposes of this paper, the focus is on examining how these themes came to be dominated by and expressed through the PKK in opposition to the Turkish state. As such, the story begins neither in the Ottoman Empire nor in 1921 with the promulgation of a relatively inclusive Turkish constitution that placed sovereignty in the hands of the people, but rather with the passage, three short years later, of the

1924 constitution. In this later version, Mustafa Kemal Ataturk, after winning the war of independence in 1922, instituted a constitutionally defining view of the country's inhabitants.[2] Particularly galling for Turkey's twenty percent Kurdish minority was the provision that, "... [w]ithout religious and ethnic difference, every person of the people of Turkey who is a citizen is regarded as a Turk."[3] This constitutional definition included legislation for Turkish to be the country's sole language and for religion to be largely excluded from the center of state power. Differing substantially from Ottoman rule that emphasized religious observance for defining ones position in the empire, this new constitution was the first attempt by the nascent Turkish state to universally define its citizens as exclusively Turks. It also served as the first instance that Kurdish activists and political institutions were able to coalesce around opposition to a central state that many viewed as discriminatory and unrepresentative. In short, it marked the formation of a basis for political opposition in the state making process.

Following the implementation of the constitution in 1924, a host of Kurdish uprisings flared throughout the southeast of the country. These uprisings were brutally repressed by Ankara in a constitutionally sanctioned process of subverting Kurdish identity in favor of a definitively Turkish one. Aliza Marcus, in her study of the PKK's founding, outlines how during the 1930s, Turkey "…implemented a host of laws to wipe out Kurdish history and identity."[4] She notes that Kurdish villages were given Turkish names, the word "Kurdistan" was expunged from textbooks, and the Kurdish language was essentially banned. In a nod to the Kurdish nationalism brewing in neighboring Iraq, Marcus offers the story of a British diplomat travelling in southeastern Turkey in 1956. "I did not catch the faintest breath of Kurdish nationalism which the most casual observer in Iraq cannot fail to notice."[5] Such were the successes of Turkish policies aimed at subsuming the Kurdish minority within the Turkish state. The importance of Kurdish identity in other regions of the Middle East, particularly Syria, Iraq, and Iran, though not the main focus of this paper, nonetheless play an important role in the development of the PKK and are discussed later in this analysis.

The period from the mid-1920s through 1960 was one marked by the clear dominance of the Turkish state. Dissenting voices were largely silenced and freedom of expression curtailed. However, the vicissitudes of Turkish politics would change this in 1960 when a military coup ousted Prime Minister Adnan Menderes and ushered in a more liberal period of Turkish politics. This in turn led to a relative proliferation of formal Kurdish political organizations. The socialist Turkish Workers Party (TIP) was founded in 1961 and cultivated a large following. In 1965, the underground Kurdistan Democratic Party of Turkey

(TKDP) was formed as the first nationalist Kurdish Party in Turkey since the crushed rebellions of the 1920s.[6] M. Hakan Yavouz discusses the construction of Kurdish political identity in relation to the state during this period by noting the centrality of socialist themes in the secularization of the Kurdish issue.[7] The emphasis here is placed on the manner by which ideas of a unique Kurdish identity were framed against the then dominant Kemalist project put in place by followers of Turkey's founding father. Gunes extends this focus on the relationship between socialist discourse and Kurdish identity politics in the early 1960s by noting that the former, "…led to the ideological condensation of the national liberation discourse. It characterized the Kurds as a colonized people…and nationalist unification could be achieved only under the leadership of a revolutionary movement led by the Kurdish working class."[8] From this reading of the Kurds position in modern Turkey grew an array of activists and political organizations that recoiled at the hegemonic discourse of the state which, in attempting to solidify a unified Turkish identity, sought to portray the Kurdish population as "mountain Turks" who had lost touch with their linguistic and ethnic heritage.[9] In the evolution of a national discourse, Kurdish leaders and activists increasingly realized that their vision of an inclusive Turkish state could not be accommodated within the Kemalist framework being implemented from Ankara.

By the mid-1970s, the near constant friction between Turkish military leaders, political elites in Ankara, and Kurdish leaders in the southeast was becoming ever more combustible. The Turkish military, facing the emergence of leftist Turkish groups espousing violent socialist revolution, staged yet another coup in 1971 reversing the previous freedoms enshrined in the 1961 constitution. Kurdish political parties were shut down and leftist organizers were again arrested. It was in this milieu of uncertainty and repression that the seeds for armed resistance were planted and, during a meeting in the southern Turkish town of Fis, eventually culminated in the founding of the PKK in 1978. Over the next decade, the PKK would go from basement meetings in rural Diyarbakir to operating training facilities and bases in multiple countries, mobilizing a fighting force in the tens of thousands, and even maintaining a diplomatic presence in Europe. In order to make this transition, the PKK undertook a strategy that would rattle Ankara and cement itself as the dominant fighting force in southeastern Turkey.

A Structural Analysis of the PKK

The organizational structure of the PKK has largely been defined and organized by its leader: Abdullah Ocalan. Ocalan has monopolized the leadership of the PKK since its inception. Taken to longwinded

treatises on the nature of war, the legitimacy of rebellion, and the righteousness of the Kurdish cause in Turkey, Ocalan has assumed an almost messianic status in the PKK. His military designs were beyond criticism and any failures were pushed on the inadequacies of those in the field empowered to implement them. The PKK would hold party conferences where fighters from across the region would meet and discuss events of the past year. These meetings were often a farce since Ocalan's successful strategies were lauded and his failures placed on subordinates who were then humiliated and scorned.[10] In this way, Ocalan was able to denigrate those subordinates he felt were growing too strong within the organization. Their redemption in the eyes of the PKK movement would only come by the grace of the leader's leniency. He was thus able to cultivate a fiercely loyal organization. Some who found such authoritarian tendencies unsettling were cast out as traitors and either fled Turkey or were murdered.[11] Such violence within the organization has become a trademark of an organization that puts party discipline and unquestioning obedience above all else.

Where Ocalan did build internal structures, he made sure that such sub-groups were inline with his own way of thinking. Formally, the PKK has three standing committees within its organizational structure. The first is the central committee, headed by Ocalan, and charged with the overall leadership of the organization. The second is the mass support committee, which focuses on cultivating Kurdish support for the PKK in both the domestic and international arenas. The third is the military committee, which oversees the guerilla war.[12] Ocalan is the dominant force in all of these committees. As a result of these inner dynamics and Ocalan's effective control over them, the PKK has remained a complex entity prone to dramatic internal organizational change amongst Ocalan's subordinates. By manipulating those under him, Ocalan is able to keep any one member from gaining enough power to threaten his overall control.

One area of little current scholarship that deserves further investigation is the role that PKK members, in the period just following the group's creation, played in committing violent acts on their own initiative without consulting local PKK committees. Some see this as a product of the chaos then enveloping Turkey, chaos that made communication and consultation impractical. Others see it as a more genuine expression of anger taken by individuals against the state with only nominal adherence given to PKK directives. Further research on this point could clarify these early relationships between leaders and fighters in the evolution of the PKK. Regarding the role of leaders and elites in shaping and mobilizing ethnic identity, the instrumentalist framework outlined by political scientists Ted Robert Gurr and Barbara Harff is of particular

relevance. The PKK, in particular Ocalan and his deputies, has been at the forefront of shaping the identity of Kurdish ethno-nationalism in Turkey. They have done this through publicity campaigns, the dissemination of nationalist literature, and most importantly, the use of violence.

Warfare and Tactics

The PKK exhibits a shrewd understanding of the symbolic importance of its violent acts. This symbolism is central to understanding the fighting strategies it undertook. Formally unveiled in 1978, the PKK began its military operations not by attacking the Turkish state, but rather by focusing its arms on leftist opposition movements and Kurdish rivals.[13] Through force of fist when called for and force of arms when necessary, the PKK went about clearing a political space over which it could assert control. Initially, its political objective was to carve out an independent Kurdish state in southeast Turkey. The PKK's strategy for achieving this goal was the defeat of Kurdish and Turkish political, military, and economic elites who supported the Turkish government. The tactics it used in furtherance of this strategy varied based on the groups it was fighting but largely centered on targeted assassinations, bombing campaigns, and guerilla warfare.

Initially, the primary tactical targets of the PKK were the Kurdish and Turkish elites in southeastern Turkey. Marcus offers a telling example of how the PKK, after one of its fighters was killed by a member of the powerful, land-owning Suleymanlar tribe in the Kurdish town of Hilvan, was unable to muster local support for a revenge attack. Two months later, Ocalan's forces killed the tribe's leader and eventually won widespread support in both the town and surrounding area.[14] Such attacks were a mainstay of initial PKK tactics to hallow out a sphere of local power and legitimacy in which it was the sole representative of the Kurds in Turkey.

Another tactic of the PKK's military activity in southeastern Turkey included the assassination of village guards. Initially created in 1985, the village guard program was implemented by the Turkish government through the recruitment of villagers to protect areas in southeastern Turkey and provide intelligence on the movements of the PKK.[15] At its height in the 1990s, the guards numbered more than 90,000. These guards posed a direct challenge to the legitimacy of the PKK in that they were members of the local communities they were guarding and thus served as an extension of Turkish state control into areas the state would otherwise be unable to project power. In accepting money from the state in the name of protecting local populations from PKK violence, the

guards positioned themselves as legitimate local actors cast opposite the 'illegitimate' PKK fighters. In response, the PKK undertook a targeted campaign against the village guards whom they deemed traitorous to the Kurdish cause. Thousands of these guards have been killed over the course of the conflict.

A third pillar of the PKK's coercive actions is the undertaking of symbolically powerful attacks against Turkish military forces in southeastern Turkey. In contrast to the sporadic attacks that took place across the Turkish countryside through the late 1970s and early 1980s, Ocalan decided to target Turkish military forces as an expression of the PKK's growing power. The guerilla war against the Turkish military began in earnest on August 15, 1984. On this day, three separate PKK units each consisting of between ten and thirty fighters infiltrated three villages guarded by Turkish military barracks in southeastern Turkey. The focus of the attacks was not to kill Turkish soldiers but rather, "…to break the links between the soldiers and the people and to read the announcement [of the formation of the armed groups]."[16] While a number of soldiers were killed, the PKK fighters focused and holding off the remaining forces during which time a proclamation was read from the village mosques. The message was clear: the PKK possessed both the capability and the will to face the full might of the Turkish military. The symbolism of the act was more important than the tactical gains that victory would bring. Over the course of the conflict, these symbolic attacks would grow far more deadly. One of the most spectacular such attacks took place in May 1993 when PKK fighters killed 33 unarmed Turkish soldiers caught unaware at a PKK blockade.

Mustafa Cosar Unal, an agent in the Turkish national police department of intelligence explains these PKK tactics as exhibiting characteristics of both an insurgency and a terrorist campaign.[17] He notes that as an insurgency, the PKK aimed to achieve the specific political goal of creating an independent Kurdish state, which directly challenged the political legitimacy of the Turkish republic. It attempted to achieve this goal by mobilizing irregular fighters in a protracted Maoist campaign of People's War.[18] At the same time, the PKK employed tactics characteristic of terrorist groups. Realizing that its forces would not easily be able to defeat entrenched Turkish military forces that could bring overwhelming force of arms and troop strength to the field of battle, the PKK began targeting non-combatant civilians through bombings and suicide attacks on tourist sites and metropolitan centers. The hope of this tactical shift was to break the military's focus on the PKK's southeastern positions and force it to maintain a more defensive posture, thus allowing PKK guerillas to operate more freely. This shift in tactics would have dramatic consequences for the group in that it

would lead to its designation as a foreign terrorist organization by both the United States and the European Union.

The PKK in Regional Geopolitics

The strategic logic of the fight that the PKK undertook against the Turkish state and the extent to which that fight was and has been successful cannot be disentangled from its geopolitical context. Two important currents inform this perspective. The first is the fact that Turkey, since it's founding, has experienced military coups in 1960, 1971, and 1980 as well as softer military intervention in 1997 following the Islamist Welfare Party's victory in national elections.[19] These tumultuous periods left the Turkish state internally weak and externally vulnerable. The second is the existence of large Kurdish minority populations in three of Turkey's neighbors: Iran, Iraq, and Syria. The importance of these Kurdish communities outside Turkey cannot be understated since it has allowed for the internationalization of what was previously a Turkish-Kurdish conflict. Central to the PKK's ability to maintain its forces inside Turkish territory was the accessibility of bases and support facilities outside it.

The 1980 coup, in particular, was a response by the Turkish military to the increasing challenge of securing the southeast of the country and the government's perceived inability to do so. Leading up to and then after the coup, the military undertook a sweeping campaign of arrests targeting Kurdish nationalists. One prisoner caught in the dragnet was PKK central committee member Sahin Donmez. With extensive knowledge of the PKK's hideouts, Ocalan and others viewed themselves vulnerable and so took to flight. They found refuge in Syria. Through contacts in Syria, Ocalan met with the Syrian-backed Democratic Front for the Liberation of Palestine (DFLP), which agreed to take a small number of PKK fighters for training in guerilla tactics at the DFLP base in the Bekaa valley. The PKK struck similar deals with other Palestinian factions. Syrian dictator Hafaz Assad had a number of reasons to allow the PKK to operate, if not officially, within his borders. First, Turkish-Syrian relations remained cool from their split during the Cold War.[20] Further, the two sides had a continued border dispute over the former Syrian province of Alexandretta, which Turkey absorbed in 1939. In conjunction with these disputes, the issue of water rights was growing increasingly contentious at the time. This provided a powerful incentive for the PKK to be accommodated as a proxy through which Damascus could antagonize its larger neighbor.

The second major geopolitical issue involved the evolution of the Kurdish movement in northern Iraq. Unlike the Kurds in Turkey, Iraq's

Kurdish minority had been fighting the central government in Baghdad for decades. War between Iraq and Iran from 1980 to 1988 and Saddam Hussein's positioning of the majority of his forces in the country's south allowed greater mobility for the main Iraqi Kurdish groups (the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP) to better position themselves in the north. In 1982, still reeling from the crackdown by Turkish forces in southeastern Turkey, Ocalan made a deal with KDP leader Mulla Mustafa Barzani that would allow the PKK to maintain bases in the Qandill mountain range straddling the Turkish-Iraqi border.[21] Attacks from fighters entering Turkey from these bases would eventually bring Turkish military reprisals into Iraq and lead to a breakdown of the PKK-KDP relationship. Still, without access to these neighboring sanctuaries, it is unlikely the PKK could have maintained anywhere near the capabilities they were able to in the Turkish theater.

It is important to note the symbolic importance that this spread throughout the region had on the PKK's ability to project power. Rather than being a primarily local group operating in a local context as the Kurdish groups in Iran, Syria, and Iraq were, the PKK—forced to cultivate other avenues in light of Turkish military actions—was able to broaden the scope of its message to a far greater audience. This elevated the status of the PKK both domestically and abroad. Further, its ability to cultivate relationships with other, far more established fighting groups in Iraq, Syria, and Lebanon allowed it to develop a greater institutional capacity for guerilla war and publicity than it ever would have been able to from the mountains of eastern Turkey.

Ethno-nationalist Mobilization and Explaining Support for the PKK

As the PKK was cultivating alliances and spheres of power in neighboring countries, Kurdish identity as an ethno-nationalist discourse was growing increasingly strident within Turkey. While initially garnering little support, the PKK eventually came to dominate the Kurdish issue in Turkey. How did this happen? Scholars have taken a number of positions to answer this question. Explanations include the extreme socio-economic changes taking place throughout Turkey at the time including the fact that in the late 1970s, the Turkish economy was battling inflation that measure over 90%. These authors point to increasingly rapid urbanization, increased links to the global economy, and rising levels of education as key factors that led to the, "…growth of [Kurdish] nationalism by making available new forms of consciousness and creating new opportunities for Kurds to form links with and associations with other progressive forces."[22] In further examining the influence of economic dynamics on the increase of support for the

PKK, Demet Mousseau integrates both split labor market theory and ethnic competition theory to explain how the modernizing economy in the west of the country created a split market that pushed relatively menial jobs in agriculture, manufacturing, and simple services to the Kurdish areas in the east. He notes that this lack of jobs and increasing economic insecurity and inequality along ethnic lines, "…increase the likelihood of politicization of ethnicity and mobilization of ethnic groups."[23] The socialist tenor of domestic politics at the time only further fed this feeling of economic disenfranchisement. While these economic motives offer a convincing analysis of initial support for the PKK, they fall short in explaining how the PKK was able to maintain this support even as the economic situation in eastern Turkey improved considerably over the past three decades. They also fail to explain why much of the Kurdish population would continue to support the PKK even as the latter's actions only increased the economic marginalization of the Kurdish areas by turning the southeast into a war zone.

Another explanation is that the extreme coercive force used against the Kurdish population by the state was the determinate factor that pushed the population to mobilize in support of the PKK. Kurdish political identity was gaining ground and increasingly mobilized as a subset of global political phenomena such as Marxist liberation theory. Indeed, much of the most vocal pro-Kurdish groups were led by Marxist-inspired students who increasingly demanded the Turkish state end its policies of, "…repression, terror, and assimilation."[24] As state authorities continued with a state-building enterprise based on Turkish ethnicity and identity, the voices of the Kurdish minority were increasingly and coercively pushed to the margins. Particularly in the early 1980s, the Turkish state, then run by a military regime, unleashed a wave of indiscriminate violence and widespread torture against civilians and activists in pursuit of its "Turkification" polices.[25] It is often posited that this violence only further pushed Kurdish nationalists to mobilize behind the PKK. Surely elements of this thesis ring true. The levels of violence employed by the Turkish state had an intensely galvanizing impact on the allegiances of the Kurdish population. In combination with the PKK's attacks on oppressive Turkish (and in some cases Kurdish) landlords in defense of the rights of the Kurdish lower classes, this went a long way in garnering the sympathy of the Kurdish population in the face of state sanctioned violence.[26] This is the principal argument of renowned Kurdish historian David Romano. However, this theory does not explain why support for the PKK did not decline when the group itself targeted Kurdish political opponents or civilians. It also does not explain the fact that though still oppressive, the Turkish military action in the Kurdish areas has—since the late 1990s—been drawn down considerably from what it once was. It would seem that if violence by the Turkish military were the cause

of support for the PKK, the absence of such state-sanctioned violence would coincide with a decline in Kurdish support for the group. This has not been the case.

A third causal factor offered in explanation of the PKK's dominance of the Kurdish political sphere relates back to the constitutional identity imposed on the whole of the country by successive military regimes. By imposing a monolithic ethnic identity, the Turkish government forced the Kurds to view their ethnicity not as a composite piece of a multi-ethnic state but rather as an identity opposed to the one represented by the state. Politically, this entailed the widespread marginalization of Kurdish political rights in Turkey based on exclusive state policies. Such policies were only further institutionalized by the prohibition of Kurdish cultural and linguistic rights. Since this political agency was lacking, so the argument goes, the Kurds turned to the one organization that firmly fought for their rights. The background offered in the beginning of this piece gives more detailed insight into the impact of constitutional identity structures on the development of the Kurdish polity in Turkey. But, if this were indeed the driving force behind the support and mobilization of the Kurdish public for the PKK, it does not explain why this support continued even as more Kurdish political parties began to form as legitimate representatives of Turkey's Kurds in the Turkish government. The first Kurdish political party to compete in national elections was the People's Labor Party (HEP) in the 1991 national elections. The People's Democracy Party (HADEP) competed in the 1995 national elections. Indeed even after political parties such as the Democratic Society Party—a Kurdish party with close links to the PKK—were shut down, others came to fill their places. In 2008, the Peace and Democracy Party (BDP) took over as the main legal Kurdish political party in Turkey. The party's co-chair, Zubeyde Zumrut, in a telling comment on the PKKs continued dominance of the Kurdish issue, explained, "...[t]he PKK has become part of the people. You can't separate them anymore. [This] means if you want to solve this problem, you need to take the PKK into account."[27] So, there was some degree of political consolidation taking place within the Kurdish political sphere that both supported Kurdish interests and was viewed as legitimate in the eyes of the Turkish government. The RAND corporation puts it even more succinctly. "Even though most of the restrictions on Kurdish language and expression of Kurdish nationalism are now gone, public support for the PKK does not seem to have diminished."[28]

The PKK as a Symbol of Resistance

The argument of this paper is that current explanations of the PKK and its centrality to the Kurdish issue in Turkey do not account for the

group's continued levels of support through space and over time. Rather than attempting to single out one particular catalyst, it is important to view a host of intertwined issues that have culminated in elevating the PKK from an insurgent group to something more: a symbol of Kurdish ethno-nationalism in Turkey. This is not a stylistic metaphor and is not meant to imply a metaphysical transition. Rather, it is the result of a number of very real processes that have evolved and culminated to modify how the PKK has been perceived over the course of the conflict. These varied processes are discussed below.

The most important aspect of the PKK's emergence as the definitive symbol of Kurdish nationalism in Turkey was its symbolic use of violence. Kurdish nationalism, as a pillar of Kurdish identity, was a fixture of Kurdish activist discourse prior to and then following the creation of the Turkish state. While some groups advocated the use of violence over this period, no group was able to engage the Turkish military for so long, so relentlessly, or over so great a space. In monopolizing the use of force in what it called "protection" of the Kurdish population, the PKK was able to rightfully claim that it was the only group willing and able to stand up to the Turkish army. This had a tremendous psychological impact on the way the PKK was viewed in southeastern Turkey. Further, it was not simply the fact that the PKK was attacking the state but rather the symbolic manner by which it undertook these attacks that accelerated its transformation into a symbol of resistance. Two examples stand out. The first was a series of events that involved the assassination of Kurdish tribal leaders who both dominated the local economy and remained steadfastly aligned with the state. The PKK, rather than engage the armed tribal groups that protected these leaders, instead sought the elimination of their leaders through targeted assassinations. This had the symbolic impact of showing the local Kurdish populations, previously dominated by these powerful tribes, that an alternative group existed that was powerful enough to touch those previously deemed untouchable. Second, in 1979, the PKK attempted to assassinate Mehmet Celal Bucak, a powerful Kurdish parliamentarian who had joined forces in government with the Turkish ultra-nationalist MHP party. Though it failed, the attempt received widespread notice and was contextualized by leaflets distributed throughout the southeast outlining the PKK's goals. These violent acts were powerful symbols to a population unaccustomed to armed resistance on its behalf. The staying power of the PKK over the next four decades only further enhanced its evolution as a symbol of Kurdish ethno-nationalist resistance.

Another important characteristic of the PKK as a symbol is the importance of myth. The concept of myth, argues Laclau, places

a crucial role in the institution of hegemony.[29] "Myth fulfills an important function by providing a surface on which dislocations and social demands can be inscribed."[30] The dislocations faced by Kurdish society in modern Turkey included economic marginalization, political disenfranchisement, and continued social oppression. Against this backdrop, Kurdish nationalists resurrected the creation myth of *Newroz*.[31] Simply, the myth is based around the uprising of the Medes—ancestors of the Kurds—against the tyrannical Assyrian King Dehak. A local blacksmith named *Kawa* is told to have lead the Medes people in a popular uprising that culminated in the defeat of the Assyrian army, the death of King Dehak, and the liberation of the Medes people. This myth was employed in Kurdish ethno-nationalist discourse well before the creation of the PKK, but Ocalan's group—through its armed resistance to the "tyrannical" government in Ankara—was unique in its ability to position itself as a modern day *Kawa*. It did this by remaining constantly in news headlines for brazen attacks against the government, by resisting the temptation to completely flee the country when military reprisals were at their worst (though some surely repositioned in northern Iraq), and by embodying the tenacious spirit Kurds have become famous for. The resonance of this *Kawa* comparison in the highly traditional culture of the region cannot be understated. For many Kurds, *Kawa* is a symbol of justice, equality, and the lifeblood of the Kurdish nation. Through its use of violence for what it called the "freedom of the Kurdish people," the PKK was able to attach itself to this myth and become an elevated entity in the same vein as *Kawa*.

The use of violence and engagement of myth were central components in elevating the PKK from simply a fighting force to a symbol of resistance. However, these forces would not have been nearly as powerful were it not for the PKK's strategic use of the media in cultivating its image. Without the ability to publicize its message and successes to the local population and the international community, the PKK would have very likely remained an obscure force fighting a forgotten insurgency in the mountains of southern Turkey. Instead, it was able to slowly build what, by insurgency standards, represents a media empire replete with satellite television stations, newsletters, publications, and websites. Through these means, the PKK was able to both publicize its actions and, more importantly, frame these actions in its own terms. This allowed the movement to counter the "terrorism" narrative that was central to the Turkish government's coercive policies in the region. Further, its ability to reach populations who may not have been directly involved in the fighting but were nonetheless curious about the group and its aims was a pillar of the PKK's ability to foster widespread support and admiration. Its defeats could be minimized as its successes were lionized thus feeding into the public perception of the

PKK as the symbol of the ethno-nationalist struggle above all others.

Conclusion

Over 35 years after its founding and with its leader held in isolation on an island off the coast of Istanbul, the PKK is still at the center of Kurdish nationalism in Turkey. In 2012, it was revealed that the Turkish government had undertaken secret negotiations with Abdullah Ocalan in an attempt to broker a peace deal and an end to the PKK guerilla war.[32] Hopes were initially high but have since been marred by mutual suspicion and a perceived lack of commitment to peace on both sides.[33]

The fact that the expression of Kurdish nationalism in Turkey, as articulated through the PKK, has remained and grown over time is in part due to the exclusively Turkish constitutional identity of the state and the opposition this has cultivated amongst Turkey's Kurds. Many also believe it is due in part to the continued economic dislocation of southeastern Turkey and the legacy of violence left behind by the Turkish military. However, these specific causal explanations do not explain the trajectory of the conflict and miss a crucially important point. By engaging the forces of Kurdish ethno-nationalism and channeling the discontent derived from the forces described above, the PKK was able to transform itself into something much more than a guerilla organization. Employing symbolic acts of targeted violence, engaging the Kurdish creation myth of *Newroz*, and promulgating its own version of Kurdish identity all combined to elevate the PKK to become the symbol through which Kurdish ethno-nationalism has been expressed. The PKK as a symbol, much like the people and forces it represents, is not a single monolithic force but rather a constantly evolving and changing set of interpretations of the past, perceptions of the present, and projections of the future.

With little other outlet for the expression of Kurdish identity, the PKK has become a visceral expression of that identity in Turkey. Decades of fighting on both sides have failed to produce anything other than anger and resentment while simultaneously pushing mutual accommodation and peace further out of reach. In order to break the stalemate, the Turkish government must see the PKK for what it is: a symbol of Kurdish ethno-nationalism. As such, the government must aim to cultivate an open political space into which a more democratic, legitimate, and representative voice of Turkey's Kurds can be heard and have their grievances addressed. It could do this in a number of ways. First, the recent abolition of specially authorized courts (OYM) that were endowed with special powers and used to prosecute those suspected of serious criminal offenses including terrorism and organized crime is a

positive development for the peace process. These courts were often used to prosecute those suspected of supporting the PKK and were loathed by the Kurds. Ankara must make sure that the procedures and effective powers of these abolished courts do not become incorporated into Turkey's judicial system. The Turkish government could also undertake steps to elevate the position of the Kurdish language in Turkey by recognizing it as an important part of Turkey's multi-cultural modern identity. Politically, President Erdogan could seek out Kurdish representatives to take more public and powerful positions within his administration, especially in areas concerning the provision of services for the country's Kurds. This political opening could be undertaken in conjunction with an increased focus by the government in Ankara on economically developing the country's largely Kurdish populated southeast. Finally, the Turkish government could halt any moves to censor or intimidate journalists reporting on the Turkish-Kurdish issue in Turkey. The Committee to Protect Journalists notes that over the past two years, Turkey has been the world's leading jailer of journalists. This, in combination with the blocking of popular sites such as YouTube and Twitter, only weakens the democratic foundations of the Turkish state. In sum, by opening the political, economic, and social space for Kurdish representation, the Turkish government will be much more effective in weakening support for the PKK.

Viewing the PKK monolithically as a terrorist group and battling it with coercive force alone only increases its symbolic power while pushing the more moderate voices within the Kurdish community to the sidelines. By allowing the Kurds a more definitive hand in shaping their own destiny as a constituent part of the Turkish state, Ankara can at once weaken the grip of the PKK and gain a powerful ally in its quest to make Turkey a secure, prosperous, and democratic country. History offers a bloody reminder of what could come if the stalemate persists.

Andrew Watkins is an M.A. candidate in International Security Policy at Columbia University's School of International and Public Affairs. He has spent the last five years living and working in the Middle East, including conducting research in the eastern Turkish city of Malatya. He has previously worked as a lecturer at the American University of Iraq-Sulaimani in the Kurdish region of Iraq. He has previously published research on the Israeli-Palestinian conflict, Sudan, and South Sudan for the Middle East Institute and the Sudan Tribune, *and currently serves as an Editorial Assistant for the* Columbia Journal of International Affairs.

Notes:

1. These sources include Janet Klein's, "The Margins of Empire: Kurdish Militias in the Ottoman Tribal Zone," (2011) and "Understanding Turkey's Kurdish Question," by Fevzi Bilgin (2013).
2. Henri Barkey and Direnc Kadioglu, "The Turkish Constitution and the Kurdish Question," The Carnegie Endowment for International Peace, 2011, http://carnegieendowment.org/2011/08/01/turkish-constitution-and-kurdish-question/4el4.
3. Ibid.
4. Aliza Marcus, "The PKK and the Kurdish Fight for Independence," NYU Press, 2007, 18.
5. Recounted by David McDowall, "A Modern History of the Kurds," I.B. Tauris & Co, 1996, 402.
6. Marcus, 19-20.
7. M. Hakan Yavouz, "Five stages of the construction of Kurdish Nationalism in Turkey," Journal of Nationalism and Ethnic Politics, December 24, 2007.
8. Cengiz Gunes, "Explaining the PKK's Mobilization of the Kurds in Turkey: Hegemony, Myth, and Violence," Journal of Ethnopolitics, October 2013.
9. W. G. Elphinston, "The Kurdish Question," The Royal Institute of International Affairs, Vol. 22, No. 1 Jan. 1946, 101. http://www.jstor.org/stable/3017874?seq=13.
10. Aliza Marcus, "Blood and Belief," NYU Press, 2007.
11. Martin Van Bruinessen, "Between Guerilla Warfare and Politcal Murder: The Workers' Party of Kurdistan," Middle East Research and Information Project, http://www.merip.org/mer/mer153/between-guerrilla-warfare-political-murder#11.
12. "Kurdistan Workers Party," Institute for the Study of Violent Groups, 2012, https://vkb.isvg.org/Wiki/Groups/Kurdistan_Workers_Party.
13. Marcus, 40.
14. Marcus, 200-259.
15. Sevim Songun, "The First Village Guards," Hurriyet Daily News, September 15, 2009, http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=the-first-village-guards-2009-09-15.
16. Marcus, 81.
17. Mustafa Cosar Unal, "The Kurdistan Worker's Party (PKK) and popular support: counterterrorism towards an insurgency nature," Small Wars and Insurgencies. June, 2012, 432-438.
18. Ibid.
19. "Timeline: A history of Turkish coups," Al Jazeera, April 2012, http://www.aljazeera.com/news/europe/2012/04/20124472814687973.html.
20. Alan Makovsky, "Diffusing the Turkish-Syrian Crisis," The Washington Institute for Near East Policy, January 1999, http://www.washingtoninstitute.org/policy-analysis/view/defusing-the-turkish-syrian-crisis-whose-triumph.
21. Michael M Gunter, "The Kurds of Iraq: Tragedy and Hope," Palgrave Macmillian, 1993, 37-39.
22. M. Van Bruinessen, "Shifting national and ethnic identities: the Kurds in Turkey and the European diaspora," Journal of Muslim Minority Affairs, 1998, 39-52.
23. Demet Yalcin Mousseau, "An inquiry into the linkage among nationalizing

policies, democratization, and ethno-nationalist conflict: the Kurdish case in Turkey," The Journal of Nationalism and Ethnicity, Feb. 2012.

24. Igor Lipovsky, "The Socialist Movement in Turkey: 1960-1980," Brill, 1992, 78.

25. Omer Taspinar, "Kurdish Nationalism and Political Islam in Turkey: Kemalist Identity in Transition," Routledge Publishing, 2005, 97.

26. David Romano, "The Kurdish Nationalist Movement: Opportunity, Mobilization, and Identity," Cambridge University Press, 2006, 73.

27. Aliza Marcus, "The Kurd's Evolving Strategy: The Struggle Goes Political in Turkey," World Affairs, December 2012, http://www.worldaffairsjournal.org/article/kurds'-evolving-strategy-struggle-goes-political-turkey.

28. "Public Support for the Kurdistan Workers' Party (PKK) in Turkey," The National Defense Research Institute, 2005, 113.

29. E. Laclau, "The New Reflections on the Revolution of Our Time," London: Verso, 1990.

30. Ibid, 64.

31. D. Aydin, "Mobilizing the Kurds in Turkey: Newroz as a Myth," Dissertation, Ankara: Middle East Technical University, 2005.

32. "Secret talks reported between Turkey and imprisoned PKK leader Abdullah Ocalan," Kurd.net. July 2012, http://www.ekurd.net/mismas/articles/misc2012/7/turkey4017.htm.

33. "PKK 'halts withdrawal' from Turkey," Al Jazeera. September 2013, http://www.aljazeera.com/news/europe/2013/09/201399724433841.html.

Lebanon's Cabinet Crisis and the Syria Spillover

As the conflict in Syria enters its fourth year, comparatively little is written about the stalemate the crisis has caused in neighboring Lebanon, where the ramifications of the Syrian Civil War go beyond the refugee crisis and spillover violence. The resignation of Lebanese Prime Minister Najib Mikati in March 2013 initiated a ten-month government collapse, paralyzing Lebanon's political system as the country became further entrenched in Syria's conflict. Although the Cabinet crisis was resolved in mid-February, Lebanon still faces electoral gridlock and political divisions. Despite formalizing a policy of "disassociation" from the Syrian crisis, the conflict has left Lebanon unable to tackle pressing concerns and fully end the resulting stalemate. This paper will analyze the impact of Syria on Lebanon's political stalemate, the reasons behind the Cabinet "breakthrough," and the prospects for ending this prolonged political gridlock.

Marc Sabbagh

Introduction

Lebanon's domestic policies are inextricably linked to a competition between political groups on issues that go beyond the country's borders. Since 2005 and the withdrawal of Syrian President Bashar al-Assad's forces from Lebanon, the two main political alliances in Lebanon have defined themselves by reference to opposing regional positions: one pro-Assad, pro-Iranian camp and one anti-Assad, pro-Saudi grouping. The posturing of both groups is visible even in their names: the March 14 political bloc is named after the massive rally in Beirut against Assad on March 14, 2005, while the March 8 alliance evokes the massive pro-Syrian rally led by Hezbollah's leader Hassan Nasrallah that same year.

Despite formalizing a policy of "disassociation" from the Syrian crisis, Lebanon's stalemate, which encompasses a Cabinet crisis, the postponing of parliamentary elections, and the uncertainty surrounding the upcoming presidential elections is driven by lingering divisions over Syria. Because the Syrian crisis has persisted, Lebanese political instability has not only continued, but been compounded.

Although Lebanon successfully formed a Cabinet in mid-February,

the emerging consensus is that the Cabinet effectively guarantees government paralysis. Further, as stipulated by Lebanon's constitution, the recently formed government will have to resign after Lebanon's planned presidential elections, making the breakthrough a stopgap measure, not a solution. The country's ongoing stalemate reveals that, despite the withdrawal of Syrian forces from Lebanon in 2005, events in Syria retain significant influence over Lebanon.

From Political Disputes to Political Paralysis

In 2012, Lebanon adopted the Baabda Declaration, which endorsed neutrality regarding the Syrian conflict. However, since the agreement, events on the ground have further tied Lebanon to the outcome in Syria. In May 2013, Hezbollah openly announced its military involvement in the Syrian crisis on the side of President Assad, which led the March 14 alliance to protest Hezbollah's violation of Lebanon's disassociation policy.

After Prime Minister Mikati resigned – a decision he explicitly tied to the impact of Syria on Lebanon – a hardening of bargaining positions between March 14 and March 8 occurred over Baabda.[1] The disassociation policy served as the main obstacle to Cabinet formation, since the March 14 alliance initially refused to join a Cabinet with Hezbollah unless they withdrew from Syria. As late as December 2013, parliamentary leaders like the head of the Al-Mustaqbal bloc, Fouad Siniora, were still insisting that forming a Cabinet would be impossible in light of Hezbollah's deep involvement in the Syrian crisis.[2]

The Cabinet formation thus started as an existential fight over control of Lebanon's position toward Syria and as an attempt to prevent the opposing coalition from defining the agenda of subsequent government policies and elections. The Cabinet in Lebanon is not all-powerful, but the ten-month stalemate and result of the discussions are a useful illustration of the effect of the Syrian crisis on Lebanese politics.

Underlying Rifts

In a speech in January, Saad Hariri, head of Lebanon's Future Movement within the March 14 alliance, highlighted the main points of contention between March 14 and March 8 on the Cabinet issue. On the surface, the various disputes regarding Cabinet portfolios and ministries, the distribution of political parties and sects, and the Cabinet's policy statement and agenda appear to be strictly related to domestic politics. In reality, though, the issues are more closely tied to Syria.

After the March 8 alliance dropped their demands for veto power in the Cabinet, Hariri announced he would reciprocate by backing off his position of not joining a Cabinet with Hezbollah and postponing his demand to support the Baabda Declaration. Responding to claims that March 14's willingness to share power would cover Hezbollah's military involvement in Syria, Hariri said: "We definitely will not cover Hezbollah's participation in Syria…we are against a blocking third [veto power]. We support the rotation [of ministerial portfolios]. I reject outright the tripartite formula and I will never compromise on this matter."[3]

The first point of contention Hariri highlighted was the amount of Cabinet seats designated to each political bloc. A majority of ministers from a certain bloc not only provides more avenues for political influence, but also guarantees "veto power" and the potential to initiate a government collapse in protest of policies. The likelihood that this would occur undeniably increases with the added tensions over Syria, which is why distributing the 24 Cabinet seats became a contentious issue. The March 8 alliance pressed for a 9-9-6 Cabinet formula that would grant over a third of the seats to both camps, giving each alliance veto power. The second option, which was adopted after Hezbollah agreed, was an evenly divided 8-8-8 formula split between March 8, March 14 and centrists appointed by the Prime Minister.

Veto power would have increased the likelihood of a government collapse. Hezbollah's main interest was to have a bargaining tool against any backlash or increased pressure over their role in Syria. After all, in 2011, Lebanon's government collapsed after Hezbollah's Cabinet members resigned in opposition to the UN investigation of the assassination of former Prime Minister Rafik Hariri.

A second point of contention in the formation process was the question of Cabinet minister portfolios. Tammam Salam, Lebanon's new Prime Minister, opted for a portfolio rotation system, which prevents a sect or party from dominating the agenda of a ministerial portfolio. Hezbollah conceded by granting the March 14 coalition the Justice, Interior and Telecommunications seats, portfolios that influence Lebanon's security and intelligence sectors. This is important not only because it gives March 14 a greater role in security and bolstering the armed forces, but also because General Ashraf Rifi, who had served as Director General of the internal security forces, was approved as Minister of Justice. Rifi helped prompt Prime Minister Mikati's resignation after Hezbollah opposed renewing his appointment as director general. Hezbollah also opposed appointing Rifi as minister of the interior given his opposition to Hezbollah's military intervention in Syria, but he was still appointed

minister of justice, where his responsibilities will include curtailing growing Sunni extremism in Lebanon.[4]

Finally, the disagreement over the Baabda Declaration extended to the government formation process through the policy statement issued by the Cabinet, which defines government priorities. Less than a month before the Cabinet was formed, the Future parliamentary bloc continued to demand the inclusion of the Baabda Declaration in the ministerial statement as a precursor to joining the Cabinet.[5] March 8, on the other hand, argued that the Cabinet statement should not be discussed until after the Cabinet was formed, shielding Hezbollah from further political pressure. March 8 secured victory on this point, potentially indicating that March 14 will remain quiet on the issue in exchange for Hezbollah's weakened influence in the Cabinet.

Favorable Outcome or Façade?

The fact that Lebanon has emerged from the longest government collapse in its history despite the crisis in neighboring Syria would seem to indicate that the stalemate facing the country is over. However, this is far from the truth. The fragile Cabinet simply obscures the continuing pressures Lebanon faces from the Syrian crisis.

For one, the debate over the Baabda Declaration was not resolved and became a point of conflict in the crafting of the ministerial statement. In addition, March 14 pushed for the removal of the "tripartite equation" from the statement. Supported by March 8, the reference to "the Army, the people, and the resistance" is an ode to Hezbollah's resistance movement against Israel and was part of the previous Cabinet agenda. Hezbollah and its allies likely believed that their acceptance of a "consensus Cabinet" would grant them leverage on both of these issues.[6] In the end, the ministerial statement adopted in early March validated both the Baabda Declaration through its commitment to "disassociation" and removed the tripartite formula in favor of a general mention of the rights of Lebanese citizens to "resist the Israeli occupation and repel its attacks and recover occupied territory." This compromise undermined both March 14's insistence that possession of weapons be restricted to the state as well as Hezbollah's demand for the tripartite formula.[7]

Additionally, while the Cabinet distribution compromise seems to be aimed at maintaining stability, it has effectively guaranteed government paralysis by denying the quorum needed to pass significant legislation. Further, there have been claims that the Cabinet, which has been publicly portrayed as an 8-8-8 consensus body, actually has a 9-9-6 distribution, with two ministers from the centrist bloc serving as "moles" who could

prompt a government collapse by siding with their respective blocs.[8]

Finally, because Saudi Arabia and Iran give approval to the Cabinet, the formation likely signifies a regional decision to shield Lebanon from the crisis in Syria. The influence of these regional rivalries on the Cabinet is surreptitious, but it is speculated that Hezbollah's acquiescence on several positions was the result of Iranian pressure. Some argue that a "regional entente" between Saudi Arabia and Iran may be a contributing factor to the resolution of the Cabinet crisis, but collaboration is more likely a temporary effort to spare Lebanon from greater instability.[9]

Conclusion: Breaking the Stalemate?

Given these positive developments, one would expect further breakthroughs, particularly on stability and security issues. However, the latest compromise is fragile at best, and the Lebanese government has so far been unable to separate domestic and regional issues in order to address growing instability. If Lebanon is truly locked in a stalemate, why did Cabinet formation succeed?

The answer may be that the moment was ripe for a compromise to take place between March 14 and March 8 and their respective regional patrons, Saudi Arabia and Iran. Mediation literature focuses on "mutually hurting stalemates," in which parties agree to come to the table because neither thinks it can win without incurring a greater loss.[10] In this case, March 8 and Iran were pressured to compromise due to Hezbollah's ongoing involvement in Syria, which has created new security challenges and vulnerabilities for Hezbollah and its constituents within Lebanon. Additionally, Hezbollah's members are increasingly divided on the group's involvement in Syria, thereby undermining Hezbollah's, and Iran's, bargaining position.[11]

At the same time, March 14 is seeking compromise as Lebanon's Sunni population becomes increasingly disillusioned with the political bloc and begins to turn to extremist groups to counter Hezbollah. Saudi Arabia, which has all but given up on international military support for the Syrian opposition, understands that Hezbollah and Iran are behind the Assad regime's staying power. Fearing increased violence by Sunni extremist groups in Lebanon that could further bolster Hezbollah and Iran in Lebanon, Saudi Arabia is lending greater support to March 14 to secure its position by working through the system to resolve Lebanon's political stalemate.[12] Coupled with the deadline imposed by Prime Minister Mikati, the upcoming presidential elections, and the "expiration" of Assad's presidential term in July, the moment was ripe for compromise.[13]

Constituents of both the March 14 and March 8 alliances have so far scoffed at the concessions their political blocs made, but this signals that each side gave something up for the greater goal of forming a government.[14] Still, the governmental stalemate in Lebanon, which will now be seen in the upcoming parliamentary and presidential elections, will continue as long as the Syrian crisis continues. A few days after the Cabinet was formed, two suicide bombs were detonated by Sunni extremists, targeting Hezbollah's involvement in Syria and adding to Lebanon's instability.

Lebanon's constitution stipulates that the government must resign after a new president is elected, adding another complication to an already complex political situation. And while both Lebanese political blocs have voiced support for holding elections on time without external interference, regional players seem to prefer maintaining a Lebanese stalemate for the time being, ostensibly in order to preserve Lebanon's stability and security. Fearing further destabilization in Lebanon, Saudi Arabia recently pushed for an extension of the president's term.[15] Hezbollah and its benefactors, as they showed by their decision to boycott April's National Dialogue, may prefer stalling until a regional balance between Saudi Arabia and Iran is restored, especially if Assad is able to organize and execute a presidential election in Syria later this year that reasserts his authority.[16]

As former Prime Minister Mikati noted a week before the Cabinet was formed, Lebanon's fate is "…largely intertwined with the complexity of the situation in Syria."[17] Therefore, while domestic policy considerations make up part of Lebanon's contentious politics, external influence remains the decisive factor, with the Syrian crisis playing the leading role. Ultimately, Lebanon's problems will not be solved until the Syrian Civil War is resolved, an idea far removed from the hopeful ideals of the 2005 protests that ousted Assad's military from Lebanon. As long as political blocs are determined by their postures toward Syria, Lebanese politics will be defined by Syrian issues. Still, there is some hope – while President Assad was the first to congratulate Lebanon's newly formed Cabinet in 2011, which was created under his direction and with his approval, this cabinet was formed without direct interference from Damascus.[18]

Marc Sabbagh is an M.A. candidate in Middle East Studies at the Johns Hopkins School of Advanced International Studies in Washington, DC, where he focuses on Lebanon and U.S. policy in the Middle East. He

is also a research and communications intern at the Arab American Institute and has previously worked at the Carnegie Middle East Center, The Woodrow Wilson International Center for Scholars and the James A. Baker III Institute for Public Policy.

Notes:

1. Bilal Y. Saab, "Why Lebanon's Prime Minister Mikati Resigned," Foreign Affairs, March 26, 2013, http://www.yalibnan.com/2013/03/26/why-lebanons-pm-mikati-resigned/.
2. "Saniora: Hizbullah's Involvement in Syria Impedes Cabinet Formation," Naharnet Newsdeck, December 14, 2013, http://www.naharnet.com/stories/en/109838.
3. Hussein Dakroub, "Hariri: Cabinet initiative aims to safeguard Lebanon," The Daily Star, January 21, 2014, http://www.dailystar.com.lb/News/Lebanon-News/2014/Jan-21/244749-hariri-cabinet-initiative-aims-to-safeguard-lebanon.ashx#axzz2tv5rcgy1.
4. Nesrine Hatoum, "The Long Road to Lebanon's New Government," Al-Arabiya, February 15, 2014, http://english.alarabiya.net/en/perspective/analysis/2014/02/16/The-long-road-to-Lebanon-s-new-government.html.
5. "Future: Hezbollah in Syria disrupting life in Lebanon," The Daily Star, January 22, 2014, http://dailystar.com.lb/News/Lebanon-News/2014/Jan-22/244913-future-hezbollah-in-syria-disrupting-life-in-lebanon.ashx#ixzz2tWYQmxmQ.
6. Hussein Dakroub, "Cabinet formed, Salam's real work begins," The Daily Star, February 17, 2014, http://www.dailystar.com.lb/News/Lebanon-News/2014/Feb-17/247577-Cabinet-formed-salams-real-work-begins.ashx#ixzz2tbewFeSQ.
7. "Lebanese Cabinet Statement in full," Executive Magazine, March 28, 2014, http://www.executive-magazine.com/economics-policy/lebanese-cabinet-statement-2014.
8. "Lebanon's New Government (Feb 15, 2014)," Qifa Nabki, February 15, 2014, http://qifanabki.com/2014/02/15/lebanons-new-government-feb-15-2014/.
9. Nesrine Hatoum, "The Long Road to Lebanon's New Government," Al-Arabiya, February 15, 2014, http://english.alarabiya.net/en/perspective/analysis/2014/02/16/The-long-road-to-Lebanon-s-new-government.html.
10. I. William Zartman, "Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," The Global Review of Ethnopolitics 1, no. 1 (2001): 8-18.
11. "How a Syrian crisis will affect Lebanon," Stratfor Analysis, March 2012.
12. "In Lebanon, Hezbollah's Challenge Grows," Stratfor Analysis, January 2014.
13. Aryn Baker, "Syria's Assad Prepares for Sham Elections Despite Endless War," TIME, March 26, 2014, http://time.com/38696/syria-assad-elections-war/.
14. Joyce Karam, "Lebanon's new cabinet: A modest compromise," Al Arabiya, February 16, 2014, http://english.alarabiya.net/en/perspective/analysis/2014/02/16/Lebanon-s-new-government-A-compromise-for-stability.html.
15. "International, regional division over Lebanon presidential elections," Al-Monitor, March 11, 2014, http://www.al-monitor.com/pulse/politics/2014/03/lebanon-international-regional-debate-presidential-poll.html.
16. Hussein Dakroub, "Dialogue precarious after Hezbollah boycott," The Daily Star, March 31, 2014, http://www.dailystar.com.lb/News/Lebanon-News/2014/Mar-31/251771-dialogue-precarious-after-hezbollah-boycott.ashx#axzz2xUaAE8Iz.
17. "Mikati: Lebanon problems 'intertwined with Syria'," The Daily Star, February 5, 2014, http://www.dailystar.com.lb/News/Lebanon-News/2014/Feb-05/246395-mikati-lebanon-problems-intertwined-with-syria.ashx#ixzz2sxnTThdd.
18. Laila Bassam and Yara Bayoumy, "Lebanon gets Hezbollah-led cabinet after 5-month lag," June 13, 2011, *Reuters.*

Greener Trade at the WTO: How Shifting the Focus from Products to Processes Could Save the Environment

The World Trade Organization is hindering the ability of member countries to pursue green growth policies. As the nature of international trade evolves, the emergence of global supply chains has forced us to measure trade in value added rather than goods produced. These same trends demand a more nuanced and accurate assessment of costs, both economic and environmental. By modernizing its rules governing fossil-fuel subsidies and unincorporated production processes, the WTO can usher in a new era of freer, "greener" trade.

Allison M. Carragher

The nature of international trade is changing. The emergence of global value chains is transforming the conventional definition from trade in goods to trade in tasks. It is becoming more difficult, and less meaningful, to pinpoint the country of origin of a product. The iPhone in your pocket may have been designed in the United States, but assembled piecemeal in Thailand, Malaysia, South Korea, Singapore, China, and the Philippines. This evolution has inspired the World Trade Organization's (WTO) "Made in the World" initiative, which measures trade in terms of value added.

The same trends that oblige new measures of value also demand a more nuanced and accurate assessment of costs—both economic and environmental. The consequences of traditional, fossil fuel and resource-driven growth on the environment have been harsh, with export industries contributing a substantial share of contamination.[1] As countries develop, governments are increasingly seeking to adopt green growth strategies and more environmentally friendly policies. Today, it is no longer adequate to consider only the environmental impact of an import on the consuming economy, but also the producing one. As environmental degradation is pushed further down the value chain, the environmental costs of each stage of production need to be weighted into the final price. In order to assess more equitably the environmental costs of production and consumption, it is essential that this final price include externalities, such as fossil fuel use and production processes. Today's environmental concerns necessitate a shift in focus

from products to processes. Unfortunately, WTO rules are impeding governments seeking to adopt green growth strategies and should be modernized.

Environmentalism or Protectionism? Old Dog, New Tricks

Most of the "green" policies that have been challenged at the WTO are little more than thinly veiled protectionism. For example, when India announced its National Solar Mission, environmentalists applauded such an ambitious effort by a developing nation to combat climate change. In practice, however, Local Content Requirements mandating the use of Indian-manufactured modules for certain projects seem to discriminate against foreign manufacturers of solar panels. WTO rules prohibit such preferential measures, and will continue to do so, even if they are disguised as environmentalism.

Protectionism aside, however, outmoded WTO rules are impeding governments from enacting legitimate green agendas due to two key shortcomings. First, the inability to challenge fossil fuel subsidy programs under existing WTO rules produces price distortions that favor energy-intensive exporters, handicaps the renewable energy industry, and unduly incentivizes international production networks. Second, the WTO's lack of jurisdiction over unincorporated production processes and methods (PPMs), which relate to how products are produced and the inputs used to make them, undermines attempts by governments to adopt more sustainable production processes and misallocates emissions and environmental damages to the producer instead of the consumer. These limitations of WTO rules should be remedied in order to account more fully for the environmental costs of the international trading system.

Energy Subsidies: Running out of Gas?

From an economic perspective, energy subsidies are destructive because they cause price distortions that wrongly influence producer and consumer behavior. For example, one of the more popular programs, dual-pricing schemes, offers domestic consumers a rate that is lower than the traded price. These subsidies benefit energy-intensive industry, resulting in more competitive exports from countries with heavy fossil fuel subsidies. Cheaper fuel also incentivizes international production networks by reducing transportation and shipping costs. From an environmental perspective, overconsumption of these finite natural

resources leads to excess pollution. In fact, the chief economist at the International Energy Agency estimates that subsidies for coal, gas, and oil account for half the greenhouse gas emissions that would need to be reduced in order to keep climate change under two degrees Celsius, the scientifically-accepted threshold.[2] However, it has been difficult to apply existing WTO rules to fossil fuel subsidy programs, as only those programs under which the benefits are contingent upon export performance or the use of domestic over foreign goods are prohibited.[3] With some careful drafting, countries can easily elude WTO scrutiny, despite the clear benefit cheaper inputs afford exporters.

In contrast to fossil fuel subsidies, renewable energy programs often violate these prohibitions and thus have come under attack in recent years, including before the Dispute Settlement Mechanism. Part of this disparity stems from the fact that many renewable energy programs are conceived by state governments, which unlike national governments may not have the capacity or sensitivity to devise WTO-compliant programs.[4] The nature of the renewable energy sector also plays a role, as this industry trades in differentiated end products, like solar panels and wind turbines, rather than identical commodities. Furthermore, young companies with new technologies require direct subsidies, and simply setting a lower price for consumers will not suffice. As a result, clean energy cannot compete with fossil fuels. Instead of offering technical assistance to help countries design green subsidy programs to evade WTO rules, existing fossil fuel subsidies should be dismantled. By allowing green technologies to compete on a level playing field, we can bring down the price of these products and let markets allocate them where they are needed most.

Production Processes: Invisible but Important

According to the WTO, two tables are considered "like products" even if one was produced using fair labor and sustainably harvested wood, while the other was built by child workers and left the farmland desiccated.[5] But which table is more attractive to consumers, and is that table worth more? Unincorporated PPMs are those that have no effect on the physical characteristics or operation of a good. While governments can control production practices and emissions within their own borders, they cannot discriminate against exports from those countries that chose not to embrace such regulations. Economic reasoning surmises that each country's environmental decisions are a product of its unique absorptive capacity, endowments, income level, and preferences; and its choices translate into a comparative advantage or disadvantage.[6]

In reality, however, environmental degradation is not limited by national borders, and the decisions of one country affect them all. Consider the extreme case of China, where scientists have estimated that one-fifth of the air pollution released into the atmosphere can be linked to the production of goods for export. As a result, Los Angeles and other coastal areas realized at least one additional day of unsafe smog.[7] Critics may contend that labeling schemes can remedy this issue, but such programs are insufficient because they target consumer preferences instead of reflecting real environmental costs. WTO rules should permit countries to incorporate the environmental consequences of their imports into the final price, albeit in a manner that balances the rights of members and may not be used to discriminate arbitrarily.[8] By focusing as much on the process as the final product, we gain a more complete understanding of the costs of different environmental measures and can attribute increased emissions and pollution to the final consumer.

Conclusion: Greening the WTO

As international trade becomes more complex, a World Trade Organization that can recognize and confront these new challenges becomes more vital. International production networks have focused attention on processes rather than just products, and the need to consider the true cost of inputs, emissions, and environmental practices at every step of the way. WTO rules that allow for fossil fuel but not renewable energy subsidies are inefficient and counterproductive. WTO precedents that treat as like products goods which have dramatically different impacts on the environment are myopic and unjust. By modernizing these rules, producers and consumers see prices that place value on the environment, enabling markets to function and allowing green technologies and products to flow where they are needed most. Instead of hindering green growth, the WTO can and should usher in a new era of greener trade.

Allison M. Carragher is a second-year M.A. candidate in International Development the Johns Hopkins School of Advanced International Studies. She is a Thomas R. Pickering Graduate Foreign Affairs Fellow, Vice President of the SAIS student body, and Senior Editor of SAIS Perspectives, the annual publication of the SAIS International Development program. Before SAIS, she served as the Confidential Assistant to the Deputy U.S. Trade Representative. She has previously worked for the Overseas Private Investment Corporation, the US

Senate, and the 2008 Obama for America campaign. She holds a B.A. in political science from the University of Vermont.

Notes:

1. Tony Barboza, "China's Industry Exporting Air Pollution to U.S., Study Says," Los Angeles Times, January 20, 2014.
2. Timothy Meyer, "Energy Subsidies and the World Trade Organization" (American Society of International Law, September 10, 2013).
3. Ibid.
4. Ibid.
5. Peter Morici, "Reconciling Trade and the Environment in the World Trade Organization" (Economic Strategy Institute, 2002).
6. Ibid.
7. Barboza, "China's Industry Exporting Air Pollution to U.S., Study Says."
8. Peter Morici, "Reconciling Trade and the Environment in the World Trade Organization."

Explaining Breakthroughs in Climate Change Negotiations: Why All is Not Lost to Stalemate

More than twenty years of climate change negotiations have left many observers pessimistic about the prospects of reaching a meaningful global agreement. Despite the urgency of making deep reductions in greenhouse gas emissions, disagreements between parties seem to have led to stalemate. This paper takes a more optimistic view, examining two of the unexpected successes of the negotiations. The analysis suggests that while onlookers, in a realist mindset, predicted failure for both the Clean Development Mechanism (CDM) and Reducing Emissions from Deforestation and forest Degradation (REDD), negotiators used problem-solving to achieve consensus and concrete results. Based on the analysis of the integrative bargaining that led to these results, if negotiators and observers adopt the liberal "problem-solving mindset," a comprehensive agreement that creates value for all parties is more likely in the 2015 Paris negotiations.

Virginia Benninghoff

Surprises

It is tempting to characterize international climate change negotiations under the UN Framework Convention on Climate Change (UNFCCC) as a stalemate. Their signature achievement, the Kyoto Protocol (KP), was not ratified by the United States, the largest emitter of greenhouse gases at the time; the hype surrounding the 15th session of the Conference of the Parties (COP 15) in Copenhagen ended largely in disappointment; and every COP has been characterized by very late nights, impossible schedules, and extended deadlines to reach some sort of consensus. Despite the long days and hard work, the world is already starting to experience the effects of climate change; Parties' targets for reductions are not ambitious enough to stay below the stated goal of two degrees Celsius; and divisions between developed and developing countries still run deep.

After more than 20 years of formal negotiations on this issue, and without an achievable and agreeable solution in sight, it is no wonder that observers hold very low expectations. However, there are at least two examples where those expectations have been exceeded, and they

offer a glimmer of hope that stalemate does not have to be the norm. The first dates back to COP 3 in Kyoto. Less than seven months before the KP would be negotiated, Brazil put forward a "sweeping, radical" proposal.[1] With so little time left, skeptics highly doubted it would be incorporated into the agreement.[2] However, what became known as the Clean Development Mechanism (CDM) under Article 12 was later hailed as "one of the most notable developments at Kyoto," earning it the nickname "Kyoto Surprise."[3] It was the "result of an unlikely combination of motivations and interests which produced a dynamism that even the strongest opponents of participation of developing countries in joint implementation ultimately could not resist."[4,5]

The second example came just last year at COP 19. As the November meetings in Warsaw approached, observers were not optimistic that Parties would take meaningful steps to advance the concept of reducing emissions from deforestation and forest degradation (REDD+). Two months before, Jen Iris Allan and Peter Dauvergne gave a gloomy forecast: "…REDD+ seems unlikely to fulfill its early promise as a major international mechanism to improve both forest and climate governance."[6] In a pleasant surprise for REDD+ advocates, the decisions taken by COP 19 to further define the mechanism, known as the Warsaw Framework for REDD+, became its "singular achievement."[7]

This paper explores possible explanations for these unexpected outcomes, drawing examples from similarities in the two cases. The following analysis seeks to determine why predictions of the outcome of the negotiations were misguided, using P. Terrence Hopmann's framework for bargaining and problem-solving, as well as elements of liberalism and realism.[8] The results of this analysis suggest that Parties were in fact in a problem-solving mode, but a tradition of realism has made observers too quick to assume Parties are taking bargaining stances, which in a complex environmental negotiation are unlikely to yield meaningful results. When these negotiations are viewed through the problem-solving paradigm, successful results no longer seem so unlikely.

Review of Literature Analyzing the CDM Negotiations

Very little writing on the Clean Development Mechanism uses theoretical tools to analyze the negotiations. Most of the literature is focused on how to improve the functioning of the CDM.[9] Emma Paulsson, in her overview of CDM literature, finds that only a few authors have taken theoretical approaches. Among them are economic explanations (with Marxist elements) of the climate regime and the differences between the CDM and the voluntary carbon market. Another considers the

CDM as an example of the type of public-private partnership that will characterize future international treaties.[10]

Emma Lund's work is a step closer to explaining the outcome through a theoretical framework. She examines the structural influence of Business and Industry NGOs (BINGOs) over the CDM reform process, determining that they hold more clout than Environmental NGOs (ENGOs).[11] Irja Vormedal also concluded, in researching regulatory decisions on carbon capture and storage under the CDM, that BINGOs exert considerable influence through their formal and informal networks, possibly because of corporate technological power.[12]

Other treatments of the subject have considered the difficulties of negotiating the Marrakech Accords and attribute the drawn-out process to stringencies in the Kyoto Protocol, many uncertainties, and a few misunderstandings, rather than to the CDM itself.[13]

Review of Literature Analyzing the REDD+ Negotiations

Much has been written about the problems that REDD+ will face in practice, but few scholars have applied theoretical frameworks to the negotiations that produced the agreement. Some theoretical and analytical work has investigated the REDD+ negotiations, but most of it has scrutinized the key players. In surveying Nepali stakeholder perceptions of the inclusiveness of REDD+ consultations at the climate change negotiations, Tim Cadman and Tek Maraseni found that while respondents considered the talks to be inclusive, they also ran into barriers to meaningful participation, such as lack of resources and capacity-building.[14] Research on indigenous peoples' voices in REDD+ deliberations has shown that these stakeholders have limited, indirect influence on the outcomes.[15]

Allan and Dauvergne implicitly use coalition analysis to determine why negotiations on REDD+ have stagnated in the recent past. They assert that a unified G77/China position generally allows developing nations to win financial and technical resources from the developed world in the climate negotiations. Noting the shifting power asymmetries in the developing world, the authors suggest that the breakdown in a unified G77/China REDD+ position has delayed the establishment of the REDD+ mechanism.[16]

Phases of CDM and REDD+ Negotiations, As Viewed through Realist and Liberal Lenses

In considering the course of the CDM and REDD+ negotiations, one

is struck by the similarity between the paths followed in each case. The following sections summarize the history of these negotiations, dividing them by Lillian Randolph's "Suggested Model of International Negotiation."[17] In each stage, comparisons can be drawn using the different elements Randolph assigns to each of her phases. In addition, it is useful to consider the explanatory power of the realist and liberal theories of negotiations in each phase. The former is often in the form of a structural analysis, while the latter is characterized by process analysis.

Structural analysis examines the relative distribution of power among parties, defined by their means of attaining their desired outcomes. It predicts that the party with more power will achieve the better outcome for itself. The more powerful party has more means to exercise deprivation (threats and coercion for instance), which is characteristic of distributive or zero-sum bargaining, and gratification (promises or offers of better alternatives), which is associated with integrative or positive-sum bargaining. However, the actual means of parties are less important than the perceived means; a sense of equality and symmetry among parties facilitates movement toward an agreed outcome.[18] Parties with less means often attempt to achieve symmetry through their sheer commitment to the issue, aligning with third parties or forming groups in multilateral negotiations, and holding out for justice.[19]

The hallmarks of process analysis are its attention to the contextual details. According to Fen Osler Hampson, these are the organizational, bureaucratic, cultural, and institutional factors that weigh on actors' decisions. The analysis examines the development of trust within this context. Actors learn from previous experiences (especially with their negotiating partners) and are subject to human needs, motivations, biases, and expectations.[20] Therefore, imperfect information, mistaken estimates, and incorrect assumptions are integrated into the analysis. Furthermore, third parties or non-state actors, such as the epistemic communities that inform scientific aspects of environmental negotiations can be taken into account.

A number of stages (not necessarily linear) are identified in process analysis, including diagnosis and formula-creation. In diagnosis, parties concentrate on their own interests and position in the conflict and attempt to assess how the other parties' interests might differ from their stated positions. During the formula stage, parties come to a common definition of the problem/solution and a common sense of justice. Under a minimal agreeing formula, for example, parties only attempt to solve the most pressing and harmful issues, leaving the rest until later. A resolving formula, on the other hand, encompasses all of

the underlying problems.[21]

Both structural and process analyses can explain various elements of the CDM and REDD+ negotiations. However, the following examination of each phase of the negotiations suggests that the process approach can more aptly explain the interim outcomes during many years of negotiations, as well as the final outcomes.

Pre-negotiation Phase

According to Randolph, the pre-negotiation phase is characterized by both the ability and willingness to negotiate. The former requires the issue at stake to be negotiable and under discussion by two or more parties who have reason to believe their goals may be reached through negotiation. A degree of mutual trust, the capability to trade resources, and sufficient time are also important prerequisites for negotiations. The willingness to negotiate increases the chances that parties will commence formal negotiations. Willingness is stronger when parties have a direct interest in the outcome and when the certainty of achieving a solution is higher.

Before the CDM was even conceptualized, a long-running debate about joint implementation (JI) was taking place within the KP negotiations.[22] JI would allow countries to partly meet their KP commitments through offsets from projects in other countries. Some Parties strongly opposed such an allowance, concerned that it would shift responsibility for meeting emission reductions to developing countries. However, certain countries in the developing world's negotiating block (G77/China) started to drift from that position.[23] By virtue of being part of a larger negotiation process, and given the history of discussions on the issue, Parties' ability to negotiate on the CDM was firmly established. Furthermore, most Parties were deeply vested in the final decision, displaying a clear a willingness to negotiate.

Just like the CDM's pre-negotiation phase, the foundation for international consultations on REDD+ was laid in the early 1990s. Two culminating documents of the UN Conference on Environment and Development, followed by the establishment of several forest-related international bodies, are testament to both the willingness and ability of Parties to negotiate on forest issues, though no global agreement on forests resulted from these processes.[24] When the role of deforestation in climate change began to be discussed in the context of the KP, the issue was already controversial.[25] In particular, the disunion of the G77/China on REDD+ is reminiscent of its lack of unity around the CDM.

The development of the forests issue largely mirrors advancements in technical knowledge. Avoided deforestation was not made eligible for certified emission reduction credits under the KP—largely because poor information and limited technology made monitoring, reporting, and verification (MRV) of emission reductions nearly impossible. At COP_7 in Marrakech (2001), the technical impossibility of avoiding leakage and ensuring additionality was cited as another reason for excluding avoided deforestation from the CDM.[26] Not until 2005 at COP 11 in Montreal was reducing emissions from deforestation (RED) placed on the agenda again, this time at the request of the newly-formed Coalition for Rainforest Nations. General agreement among the Parties on the importance of the concept resulted in its being delegated to the Subsidiary Body for Scientific and Technological Advice (SBSTA) for study.[27]

The Bali Action Plan, agreed to at COP 13 in 2007, introduced the second "D" (forest Degradation) into official text, at the prompting of the Commission des Forêts d'Afrique Centrale (COMIFAC).[28] The "+" which stands for "conservation, sustainable management of forests and forest carbon stocks," also made a first appearance in the Plan. In 2008 the SBSTA presented its findings to the COP in Poznan and further advanced "REDD+" with all its component parts.[29]

From a realist point of view, the lack of cohesion among the developing country negotiating block on these issues weakens its position, allowing developed countries, already stronger in economic terms, to dominate. However, the lengthy debate around JI, which developed countries strongly supported, demonstrates that other forces must have been at play. The complexity of the issue, which involved creating ways to count and verify emissions reductions, defining what justice should look like, and determining the costs, made it harder for parties to properly complete a diagnosis stage. Without knowing how to calculate costs, how could they determine their true interests in the conflict? Without being able to verify emissions reductions, how could they know JI was actually a solution at all?

At first glance, the long delay on REDD+ might indicate that developed countries' power was influencing the outcome. Looking through a process analysis lens, though, highlights the other factors, such as technical complications, which could only be resolved through the work of epistemic communities. Furthermore, a structural take ignores organizations like COMIFAC that exert outside influence and often embody the specific cultural, environmental, and economic needs of countries. These organizations add weight to government negotiators' positions and help explain why the developing countries were often

more powerful than an assessment of their means might suggest.

Negotiation Phase

In the second phase of Randolph's framework, the shape of the negotiation forms; it might be unilateral, bilateral, polarized multilateral, or non-polarized multilateral. If the shape is symmetrical, parties are on even footing. Otherwise, a stronger party may create a hegemonic form of negotiations. (The other parties often reciprocate this with coalition building in an attempt to create symmetry.) Parties may form groups or choose to negotiate individually. Proposals are put forward and compromise may be reached. Both the CDM and REDD+ decisions resulted from a series of proposals put forward by Parties, resulting in compromises that were agreeable to the Parties, but, at least initially, contained little substance about actual implementation.

It was not until May 1997 that the CDM was extracted from the JI negotiations and was considered as a separate mechanism. Brazil's breakthrough proposal for a Clean Development Fund included a methodology for determining each industrialized country's emissions cap and an enforcement mechanism in the form of a fund to which non-compliant Parties had to contribute. The funds would be used for mitigation and adaptation projects in developing countries. The G77/China coalition, while not opposed to the idea, did not embrace it.[30] Developed countries were delighted at the prospect of "geographical flexibility" in fulfilling their commitments, but were unenthusiastic about a "fine" on each ton of carbon that exceeded their ceilings.[31]

Grasping that the Brazilian proposal could serve its interests, the U.S. re-crafted the proposal to its liking and began negotiating with Brazil. The two countries worked together to reach a mutually agreeable version. By the second week of COP 3, the CDM had been added to the negotiating text. The proposal resembled the U.S. version more closely, but it managed to win the necessary support from the G77/China, though a number of issues remained contentious.[32] Many of the details regarding the actual functioning of the CDM were left for further negotiation.

2009 was arguably the first time Parties started to truly negotiate how to put meat on the bones of REDD+. The Copenhagen Accord, which was only "noted" by COP 15, recognized the importance and challenges of REDD+. Safeguards for ensuring social and environmental responsibility in implementation of REDD+ were identified. The text suggested Parties use IPCC guidelines to start identifying drivers of deforestation and ways to address them. At COP 16 in 2010, this text

was officially adopted with a few minor amendments.[33]

And so, just like the CDM in 1997, REDD+ was generally agreed to in 2010, but the details of its implementation were left for later negotiations. Through 2012, the SBSTA worked on MRV, reference levels (against which future deforestation rates can be compared), safeguards, and drivers of deforestation, with the hope of completing its work by COP 19. Much progress was made at an inter-sessional meeting in Bonn in June of 2013. Three important decisions were drafted and a compromise on verification was bracketed into the text.[34]

As a structural analysis would predict, in the end, the CDM more closely resembled the position of the more powerful Party. Interestingly, though, many of the common elements of a structural description of bargaining were missing: threats and coercion were noticeably absent. Instead, elements of construction and concession were used to create a minimal agreeing formula. The agreed text had finally created a common definition of the problem and its solution. Both sides (developed and developing) were able to incorporate their definition of justice: developed countries would be able to use the most cost-effective means of reducing emissions, while developing countries ensured they would benefit from the CDM projects and that developed countries would pay the costs. Similarly, REDD+ was also intended to make emissions reductions more cost-effective for developed countries, but developing countries won the inclusion of safeguards to avoid exploitation. In both cases, only the minimum was agreed, without resolving the underlying issues that would complicate the roll-out of these initiatives in practice.

Agreement Phase

During the agreement phase, a settlement is reached on the obligations of parties, thus providing impetus for a change in the status quo. Ambiguity also decreases as accrual of benefits and other implications of any compromise become clearer.

Since the Kyoto Surprise emerged so quickly at COP 3, it is ironic that it took four years for the details to be determined.[35] Nevertheless, it was not until the Marrakech Accords in 2001 that the mechanism was fully fleshed out, and only in 2003 did Parties decide on rules for including land-use, land-use change, and forestry (LULUCF) in the CDM.[36] REDD+ now stands in a similar position to that of the CDM in 2001. Three years after Cancun, COP 19 gave REDD+ all the components needed to make it a functioning mechanism, including an indication that funds will be partially channeled through the Green Climate Fund (GCF). However, just as 2001 left a few issues on the table for the

CDM, 2013 did not resolve all the financial and institutional questions related to REDD+ implementation.[37]

The distribution of power in the climate negotiations is always hard to determine for any one particular issue, since at any one time there are numerous crosscutting issues being discussed. It is safe to say, however, that certain countries do dominate because of their large economies and weighty contributions to global greenhouse gas emissions. The "smaller" Parties (in terms of power, emissions, and economies) have counteracted this asymmetry by banding together, insisting on their right to develop as the developed world already has, and committing themselves fully to all aspects of the issue. They have been quite effective and the structure might be characterized as only a "small asymmetry."[38] This structure is said to be the most unproductive under realist theory, because parties will become entrenched in attempts to "upset (and therefore counter-maintain) the near-symmetry" rather than focusing on resolving the issue at hand.[39]

Despite small asymmetry, Parties managed to be quite productive in the agreement phase, moving from a minimal agreeing formula to a resolving formula, which allowed them to tackle the thorny areas of both the CDM and REDD+. The Parties recognized the basic issues that would prevent the CDM and REDD+ from being implemented and agreed to make substantive decisions on how to deal with those issues. Without such a formula, bottom-up efforts would have created ad hoc methods for starting projects (and did for some time), but Parties themselves would have failed at the intended coordinated global cooperation. They would have continued to agree to short-term fixes, which are meaningless when only long-term sustained action can avert the climate crisis.

Implementation Phase

In the last phase of negotiations, parties implement the agreement and benefits start to accrue. If parties are receiving positive benefits, the agreement is more likely to endure. If problems arise in implementation, or there is asymmetry in receipt of benefits, the implementation phase may spill over into a new process of negotiation.

The CDM market actually formed before the rules were finalized. So many projects were vying for verification in the early years of the program that the Executive Board faced a backlog. As these growing pains were mitigated, the CDM became a vibrant, flourishing market.[40] Unfortunately, the price of carbon has dropped quite low in recent years, prompting calls for reform of the CDM.

Many of the finer institutional and financial points of REDD+ that remain unresolved are complicated by the fact that REDD+ projects, like CDM projects, emerged in full force before the UNFCCC rules were established.[41] Stakeholders already committed to REDD+ projects may insist that new funding and rules associated with the GCF be reconciled with their established procedures to ease the transition.

A realist perspective might predict that Parties would violate the rules in absence of enforcement or bend the implementation in their favor. In fact, the implementation phase was done in good faith with even the most powerful Parties abiding by the agreed international law. The interactions during the implementation phase build trust among Parties, which will be important as this phase spills over into the next pre-negotiation phase. The phases always overlap as Parties move to new issues or work to solve remaining problems in the agreement. Success, then, has the potential to feed more success as negotiations continue.

Analysis through a Liberal Problem-Solving Paradigm

Hopmann explains the differences between problem-solving and bargaining in negotiations using the main tenets of liberalism and realism. For instance, on the issue of gains, liberalism focuses on absolute gains. Realism, on the other hand, concentrates on relative gains, viewing the negotiation as a zero-sum game.[42] He also notes that realism tends to be descriptive—in reality, bargaining is the more common behavior. Liberalism is more prescriptive, holding that the "cooperative search for joint gains" is the ideal way for parties to approach a negotiation.[43] However, he suggests that perhaps both paradigms, used in conjunction, can provide the fullest picture of all aspects of a negotiation. He challenges the reader to find empirical evidence of the "more subtle problem-solving behaviors [that] are more difficult to detect."[44] Given liberalism's explanatory power in the phases described above, one might suspect that a problem-solving paradigm could shed light on the unexpected results of the negotiations. The following analysis concludes that the CDM and REDD+ negotiations are in fact two concrete pieces of evidence that problem-solving is at work in multilateral environmental agreements.

The bargaining paradigm can undoubtedly be applied to these negotiations and explain certain aspects of them. The CDM provides an example. The bargaining process begins with initial offers, such as Brazil's Clean Development Fund, followed by commitments to stand firm on a position, like the American insistence that the emissions cap be based on current emissions.[45] In the end the outcome was somewhere

in between the American and Brazilian positions, but closer to the American one, as the realist bargaining paradigm would predict.[46]

The U.S. position was hardened by the two-level games it was playing during both the William J. Clinton and George W. Bush administrations.[47] The Byrd-Hagel Resolution of June 1997 made it nearly impossible to make concessions that would be ratified domestically. The resolution, passed unanimously with a vote of 95-0 in the U.S. Senate (the body responsible for ratification of treaties), stated that the U.S. should not be a signatory to any agreement that would harm the U.S. economy or that imposed limits on greenhouse gas emissions for Annex I (developed) countries without also imposing limits on non-Annex I (developing) countries.

Later, at the Marrakech Negotiations, the Bush administration's inflexible position was one of the biggest obstacles to establishing the CDM's rulebook.[48] In the meantime, intra-organizational bargaining proved detrimental to some coalitions' positions overall. The EU could perhaps have achieved more of its policy goals, but by the time it had a coordinated position, it was too late.[49] A breakdown in a coalition or complicated two-level games can force the negotiator into a weak position, allowing him/her to be exploited. Repeated exploitation by one's negotiating partners leads to a breakdown in trust, which has in fact diminished confidence in the UNFCCC process as it drags on.[50]

Clearly the bargaining paradigm has explanatory power for this case. However, its common use to predict negotiation outcomes may have prompted the widespread surprise at the positive CDM and REDD+ outcomes.[51]

Parties in both instances actually seem to have had more of an integrative bargaining mindset than analysts expected. It is true, as realists would point out, that powerful countries have their own interests in mind first and foremost. In the climate change negotiations, developing countries are motivated by prospects for their own development, financing from the developed world, and holding developed nations accountable (a search for a sort of justice). Market forces and the prospect of business opportunities largely motivate developed countries. From this perspective, it might seem that there is little overlap, and thus a small bargaining space.

On the contrary, the problem-solving paradigm still recognizes that countries have interests, but Parties have simply realized that climate change may be a way to create value. Integrative bargaining "refers to a situation in which the parties may jointly enlarge the benefits available to

both, so that both may gain from creating a larger amount of value to be shared by them."[52] The Parties are not seeking relative gains, but rather absolute gains. For example, a negotiation over a piece of land has to be relative because whatever land one gains, the other loses. However, if it were possible to create new land, the distribution, even if unequal in relative terms, will result in gains on both sides. The gains will not be realized for either side if they do not work together to create the new land in the first place. In the case of the CDM and REDD+ negotiations, markets and co-benefits (other than climate change mitigation) offered an incentive to engage, as the markets will form "new land."[53] Impasses can happen when Parties are stuck in a realist paradigm, but from these two successes, it is clear that when a mechanism can create new welfare gains for both sides, progress is made.

Examples from the negotiations exhibit many of the characteristics Hopmann gives to problem-solving behavior. Both were governed by norms and institutions fashioned in the antecedent phase by a liberal institutionalism tradition that created bodies like the UN and its subsequent offshoots.[54] The sensitivity to two-level games described above is also a trend in problem-solving.[55] Another trend is the emergence of "problem-solving workshops" and effective leadership and management of complexity in the group.[56] For the CDM, this took the form of a contact group, chaired by Brazil, which started discussion immediately at COP 3. Over two days, under Brazil's skillful leadership, the group transformed the G77's text into an article for the negotiating text.[57] The Brazilian architects also effectively led the CDM negotiations to their successful conclusion in Marrakech.[58]

The concessions that came out of these consultations suggest that Parties were working toward the Pareto-Optimal frontier.[59] During the CDM negotiations, the EU did not like how little time there was to consider Article 12's implications, but agreed to go along in the interest of reaching some agreement. The EU was also amenable because some of its former opposition to JI was more of a gesture to developing countries, which were now on board with the CDM. The negotiated CDM contained a number of attributes that appealed to developing countries. To assuage the Alliance of Small Island States (AOSIS) and others that felt particularly vulnerable to climate change, developed countries agreed that these countries would receive a fee levied on CDM activities within their borders. In addition, AOSIS was offered additional funds for adaptation projects to win its support for developing country participation in project-based JI. The mechanism acted as a new source of funding for sustainable development, in the form of emissions trading and offsets. Developing countries agreed to these mechanisms in exchange for removing mention of voluntary

commitments on their part.[60]

REDD+, with its comparably large number of stakeholders and an obvious North-South divide, also experienced many transmutations to accommodate the various interests. In many ways the transformation of RED to REDD+ illustrates the Parties' willingness to widen the scope and inclusiveness wherever technically feasible. The extra "D" and "+" represented COMIFAC's (and others') specific forest situations. NGOs influenced the inclusion of safeguards. Large international conservation NGOs lobbied for biodiversity while aid and development organizations advocated for poverty reduction and protection of local communities' livelihoods.[61] The process that SBSTA used to find a compromise on verification, combining the "underlying needs, aspirations, and interests of the parties" is an apt example of Parties "working together to invent mutually beneficial solutions to joint problems that satisfy those basic needs."[62,63]

Conclusion

One of the scenarios that Hopmann describes where bargaining alone will not reach a solution is a situation in which "[t]here are multiple parties whose preferences are quite different and crosscutting rather than reinforcing, so that there is no clearly defined and mutually agreed issue dimension along which bargaining may occur."[64] Indeed, this is an apt description of the current state of the climate change negotiations, suggesting it will take more than bargaining to move beyond stalemate. Realizing that bargaining will not produce an equitable and durable decision in this scenario and convinced that negotiators were stuck in a bargaining rut, observers unsurprisingly predicted failure in both the CDM and REDD+ negotiations.

Both the CDM and REDD+ were actually extremely popular concepts.[65] Both are ways to help developing countries reduce emissions, and the North sees them as less expensive methods of meeting its obligations under the KP and/or voluntary targets. The CDM is a win-win solution because it transfers financial and technological resources to the South, while industrialized countries earn emissions credits and garner substantive participation from developing countries.[66] One explanation of REDD+'s popularity is that, being so vague and broad, everyone interpreted it as they wished. Much like the CDM, it helps bridge the gap between North and South, provides funding to the South, and gives flexibility to North.[67]

The underlying reason behind this popularity is that Parties perceive these mechanisms to be capable of creating value. They are intended

to be market mechanisms that, presumably, benefit both the buyer and seller. In fact, "[a]ssuming that there was full compensation of opportunity and other costs, REDD+ actions would – in principle – produce only winners."[68] Before the problem of climate change arose, this opportunity was not recognized. However, when Parties saw a chance for all participants to reap absolute gains (of varying degrees) they moved into problem-solving mode. Without agreement, the opportunity for any gains by any party would be lost. Both the CDM and REDD+ were not simple issues to resolve and still have many flaws. The length and difficulty of the negotiations were not a result of hard positions or lack of flexibility; instead, delays came because Parties truly had a lot of problem-solving to do. There were as many conceptions of REDD+ as there were negotiators, and verifying emissions reductions under the CDM was not simple.[69]

While the negotiators did use bargaining tactics in some instances, it is clear that the problem-solving paradigm is more useful in deconstructing the CDM and REDD+ negotiations. The negotiation process, while still not easy, serves as an example for Parties as talks continue. The success of talks at COP 20 in Lima this year will be crucial for ensuring a strong agreement is reached in Paris in 2015. Breaking the stalemates on a variety of issues currently being negotiated will be greatly facilitated if Parties concentrate on how new value and absolute gains can be created for everyone involved. Perhaps a realist (structural) approach can explain stalemated aspects of the climate change negotiations. However, if the successful outcomes of the CDM and REDD+ negotiations are any guide, it will be more useful for Parties to heed what a liberal (process) approach prescribes. If a problem-solving mindset can take hold both inside and outside the negotiations, the chances of finding this value-creating solution will increase greatly.

The costs of continuing conflict are greater with each passing year. Climate change is already proving a formidable challenge for people everywhere. From the coasts of New Jersey and New York, to low-lying islands in the Pacific, from indigenous homes near the Arctic Circle to drylands in Africa, from Europe to Pakistan, governments, businesses, and citizens are seeing unprecedented human, environmental, and economic costs. A problem of this magnitude requires cooperation among the major powers (which are also the major emitters) of the world and cannot be allowed to continue as a result of quarreling over relative gains. The world is counting on negotiators to put aside distributive bargaining, embrace a problem-solving attitude, and get the job done.

Virginia Benninghoff is an M.A. candidate at the Johns Hopkins University School of Advanced International Studies concentrating in Energy, Resources, and the Environment. She holds a B.A. in International Studies from Middlebury College, where she focused on Russia and political science. Virginia previously worked for the non-profit California Public Interest Research Group (CALPIRG) in Los Angeles, where she trained CALPIRG students to organize social and environmental campaigns. In 2009, she moved to Washington, DC to work in public diplomacy as a contractor with STG, Inc. at the U.S. Department of State.

Notes:

1. Werksman, Jacob. 1998. "The Clean Development Mechanism: Unwrapping the 'Kyoto Surprise'." RECIEL: Review of European, Comparative & International Environmental Law, Vol 7(2), p. 147-1.
2. Ibid.
3. Oberthür, Sebastian and Ott, Hermann E. 1999. The Kyoto Protocol: International Climate Policy for the 21st Century. Paris: Springer. p.168, 165.
4. See Background section for an explanation of joint implementation.
5. Oberthür & Ott 1999, p.168.
6. Allan, Jen Iris and Dauvergne, Peter. 2013, September. "The Global South in Environmental Negotiations: the politics of coalitions in redd+." Third World Quarterly, Vol 34(8), p.1321.
7. Allan, Jennifer; Antonich, Beate; Bisiaux, Alice; Kosolapova, Elena; Kulovesi, Kati; Luomi, Mari; and Savaresi, Annalisa. 2013, November 26. "Summary of the Warsaw Climate Change Conference 11-23 November 2013." Earth Negotiations Bulletin (International Institute for Sustainable Development – Linkages), Vol 12(594).
8. Hopmann, P. Terrence. 1995, November. "Two Paradigms of Negotiation: Bargaining and Problem Solving." The Annals of the American Academy of Political and Scoial Science, Vol 542, p. 24-47.
9. Given the recent difficulties with the carbon markets, many pieces have put forward ideas for reform and ways to improve incentives. Others evaluate the mechanism's impact on developing countries, contributions to sustainable development, effect on carbon emissions, consequences for different industries, and ethical implications. For instance, many have expressed concerns that the CDM imposes Western values (such as the idea that markets are an efficient way to solve most problems) and have questioned the ethical validity of assigning the right to pollute. See Boyd & Goodman 2011.
10. Paulsson, Emma. 2009. "A Review of the CDM Literature: From fine-tuning to critical scrutiny?" International Environmental Agreements, Vol 9, p 63–80.
11. Lund, Emma. 2013. "Environmental diplomacy: comparing the influence of business and environmental NGOs in negotiations on reform of the clean development mechanism." Environmental Politics, Vol 22(5), p. 739-759.
12. Vormedal, Irja. 2008. "The influence of business and industry NGOs in the negotiation of the Kyoto mechanisms: the case of carbon capture and storage in the CDM." Global Environmental Politics, Vol 8(4), p. 36–65.
13. Bodansky, Daniel. 2001. "The History of the Global Climate Change Regime." International Relations and Global Climate Change, eds. U. Luterbacher and

D. Sprintz. Cambridge, MA: MIT Press and Lecocq, Franck and Ambrosi, Philippe. 2007. "The Clean Development Mechanism: History, Status, and Prospects." Review of Environmental Economics and Policy, Vol 1(1), p. 134-151.

14. Cadman, Tim and Maraseni, Tek. 2013. "More equal than others? A comparative analysis of state and non-state perceptions of interest representation and decision-making in REDD+ negotiations." Innovation: The European Journal of Social Science Research, Vol 26(3), p. 214-230.
15. Schroeder, Heike. 2010. "Agency in international climate negotiations: the case of indigenous peoples and avoided deforestation." International Environmental Agreements, Vol 10, p. 317-332.
16. Allan & Dauvergne 2013. With the "Forests COP" following soon after their writing, it would be interesting to analyze this break in unity from a problem-solving/bargaining paradigm.
17. Randolph, Lillian. 1966. "A Suggested Model of International Negotiations." Journal of Conflict Resolution, Vol 10(3), p.347.
18. Zartman, I. William. 2009. "Conflict Resolution and Negotiation." In The SAGE Handbook of Conflict Resolution, eds. Jacob Bercovitch, Victor Kremenyuk, and I. William Zartman. Washington DC: Sage, p.325.
19. Ibid, p.326.
20. Hampson, Fen Osler. 1995. Multilateral Negotiations: Lessons from Arms Control, Trade, and the Environment. Baltimore, MD: The Johns Hopkins University Press, p.14-15.
21. Zartman 2009, p.330.
22. The KP was agreed to in 1997, but one could argue its negotiations—or at least the issue definition, revealing of positions, and consultations—began in 1992 when the world gathered to craft the United Nations Framework Convention on Climate Change (UNFCCC).
23. Werksman 1998.
24. Allan & Dauvergne 2013.
25. Ibid.
26. Leakage occurs when emissions are reduced because of measures taken to stop deforestation in one area, but increase in another area because the drivers (such as agribusiness) simply move to an area under less rigid regulation or enforcement. Additionality is ascertained when it is known that reductions in emissions would not have occurred without the forest-saving measure put in place.
27. The REDD Desk. 2013, Nov 8. "REDD+ Negotiations under the UNFCCC: The Story So Far."   In What is REDD+. The REDD Desk website. Accessed 15 Dec 2013 at http://theredddesk.org/what-is-redd#toc-4. The SBSTA deliberated on policy, scientific, technical, and methodological issues.
28. Degradation was excluded in the past because of technological challenges associated with its MRV.
29. The REDD Desk 2013.
30. Many of the smaller developing countries disliked that they would receive less funding because pay-outs were proportional to a country's level of emissions.
31. Oberthür & Ott 1999.
32. Ibid. For instance, questions remained on how administrative costs would be covered, whether a new or existing financial institution would be responsible for administration of the funds, whether projects completed in advance of the commitment period could count, and the eligibility of carbon sink projects.
33. The REDD Desk 2013.
34. Ibid.
35. The framework was supposed to be filled in by the Buenos Aires Plan of Action in 2000. Oberthür & Ott 1999.
36. Lecocq, Franck and Ambrosi, Philippe. 2007. "The Clean Development Mechanism: History, Status, and Prospects." Review of Environmental Economics and Policy, Vol 1(1), p. 134-151.
37. Allan et al 2013.
38. Zartman 2009, p.326.

39. Ibid.
40. Lecocq & Ambrosi 2007.
41. Allan et al 2013.
42. Hopmann 1995, p. 29.
43. Ibid, p. 29, 42.
44. Ibid, p. 42, 24.
45. Cole, John C. 2010. "Genesis of the CDM: the original policymaking goals of the 1997 Brazilian proposal and their evolution in the Kyoto protocol negotiations into the CDM." International Environmental Agreements, Vol 12, p. 41-61.
46. This is also similar to the structural approach—which is also a common paradigm of realists.
47. Two-level games are played by negotiators who have a domestic constituency that they must "negotiate" with while simultaneously carrying out negotiations at the international level. See Putnam 1988.
48. Matsuo, Naoki. 2003. CDM in the Kyoto Negotiations: How CDM Has Worked as a Bridge between Developed and Developing Worlds? The Netherlands: Kluwer Academic Publishers.
49. Oberthür & Ott 1999.
50. Allan et al 2013.
51. Even the EU was surprised by the U.S.'s willingness to compromise on G77 demands in order to save the CDM. Oberthür & Ott 1999, p.167.
52. Ibid, p.27.
53. Matsuo finds that the cooperation that happened around the CDM could be instructive for future negotiations—the potential of markets and economic incentives should be emphasized. Matsuo 2003.
54. The repeated interactions the Parties have had through these institutions can also be examined from a strategic/game theoretical lens (repeated games).
55. Hopmann 1995, p.30.
56. Ibid, p. 45. Problem-solving negotiations also tend to have a mediator. However, this is not really a possibility in the traditional sense in the climate negotiations because virtually every nation on Earth is already involved on its own behalf.
57. Werksman 1998.
58. Cole 2010.
59. Hopmann 1995, p.31. Along this frontier, no further moves can be made that would benefit one party without decreasing the other's benefit. Any outcome not on the frontier is suboptimal (i.e. there is some combination of agreement that would yield additional benefit to both parties). While both parties may not benefit equally in moving toward Pareto-Optimal, both will still be better off absolutely with any shift outward at an angle between 0° and 90°.
60. Oberthür & Ott 1999.
61. Angelsen, Arild and McNeill, Desmond. 2012. Chapter 3: The Evolution of REDD+. In Angelsen, Arild; Brockhaus, Maria; Sunderlin, William D.; and Verchot, Louis V., eds. 2012. Analysing REDD+: Challenges and Choices (pp. 31-49). Indonesia: Center for International Forestry Research (CIFOR).
62. Some Parties were keen on a process of international consultation and analysis, like that used for Nationally Appropriate Mitigation Actions (NAMAs), while others wanted independent 3rd party verification by experts from both developed and developing countries.
63. Quote from Hopmann 1995, p.41.
64. Ibid, p.44.
65. Matsuo 2003 and Angelsen & McNeill 2012.
66. Oberthür & Ott 1999 and Matsuo 2003.
67. Angelsen & McNeill 2012.
68. Ibid, p.40.
69. To name just a couple of the complications.

Rising or Falling Global Income Inequality? Stalemate in an Academic Debate

The academic debate on whether world income inequality is rising or falling has reached a stalemate: parties are unable to agree on the analysis of these economic world trends. This commentary examines recent research that supports the opposing "convergence" and "divergence" camps to examine the origins of the debate, and to determine why consensus is so difficult to reach. While this analysis concludes that the main driver of disagreement is calculation methods and data, that conclusion poses a key question: Is studying world income inequality useful?

Claire Le Barbenchon

The debate about global economic inequality has become particularly prevalent in recent years, as evidenced by the 2006 World Development Report, titled "Equity and Development."[1] However dry this topic may seem, no debate in development economics may be as contentious as this one (or include as many dissenting footnotes and self-references).[2] The issue of income inequality likely prompted the World Bank to write in their 2006 report that "[w]hen it comes to judging inequality, intelligent people can disagree."[3]

However, consensus on whether income inequality is rising or falling in the world is elusive. This is because many academics and development specialists utilize the notion of inequality to point to the benefits or drawbacks of globalization. Each economist that studies the issue cherry-picks methodology and data to present either the rise or fall of inequality, based on their stance. This paper will delve into the main debates surrounding inequality, focusing on those authors who discuss convergence or divergence in global/international inequality, and explore the potential motivations behind certain arguments. It will argue that authors' conclusions on inequality are based on their calculation method and form of data, which is a point of contention in the literature itself.[4] It begins with an overview of authors that promote convergence theory (Bhalla, Sala-i-Martin, and recently, Bourguignon), followed by a look at some proponents of divergence theory (Milanovic, Pritchett and Collier). This paper does not aim to offer an exhaustive account of inequality theories, but a comprehensive overview of the debate through an examination of principal contributing authors.

The method used to calculate convergence or divergence has an important impact on the results. Branco Milanovic (2005) shows that when countries are taken as a unit, the divergence between countries has been increasing, particularly since 1980. However, when countries are weighted by population, inequality has been decreasing since the 1970s.[5] This difference has fueled the debate, with anti-globalization advocates opting for the first method, and their opponents using the second.[6]

Authors tend to align themselves with one of the two camps based on their own judgment, ethical stance, or personal agenda. Several scholars in the convergence camp have tried to dismantle contrary evidence by using new calculation methods. Surjit Bhalla criticizes the World Bank's method, which uses survey sample means for calculating expenditure, and instead opts for a combination of survey and national-level data, approximating the Lorenz curve for each country. Using this method, he concludes not only that poverty relative to growth has decreased, but also that the Millennium Development Goal of halving poverty (those living under $1 a day in 1985 dollars) had already been met in 2000.[7] His method came under fire from Ravallion, former director of research at the World Bank, who published a rebuttal supporting the World Bank's calculation method and stating that "[Bhalla's finding] would be good news, if it was right."[8]

Why did Bhalla's calculations create such controversy? Bhalla maintains that the World Bank is pursuing self-interested goals, overstating poverty to preserve the institution's importance. Both camps staunchly defend their statistical methods. Bhalla promotes convergence based on surveys mixed with National Data Accounts, and then goes on to look at the declining divergence between the 20 richest countries and the 20 poorest countries. Because the latter includes China (19th poorest in 1900), Ravallion argues, Bhalla's estimate gives an inaccurate picture of inequality.[9]

This particular disagreement is representative of much of the academic debate over inequality. However, this form of academic exchange overlooks the importance of improving living conditions for the world's poorest citizens. If the correct method of measurement is unclear, it is surely better to err on the safe side and assume that there is much work to be done, instead of defending one's position tooth and nail to gain some ground in the debate.

Another prominent advocate of convergence is Xavier Sala-i-Martin. He uses a combination of national accounts and survey data to compare

GDP per capita and country income distributions to approximate inequality. He obtains a Gini coefficient for each country, which he then places in a world coefficient. He finds decreasing inequality over time, particularly since the 1980s, which he aptly calls, "convergence, period!"[10] Interestingly, he removes the principle drivers of divergence and convergence (the US, Africa and China) and finds the same results.[11] His findings, like Bhalla's, have not escaped criticism from World Bank researchers, who have dismantled his methodology in order to discredit his results. Branco Milanovic, a former chief economist at the World Bank, has disputed Sala-i-Martin's methods. Milanovic suggests that his approximations of income distribution are off the mark, and that his data is faulty due to missing values and estimations.[12] Furthermore, Milanovic objects to the fact that Sala-i-Martin keeps China in the calculations, which he contends leads to bias in the results. Sala-i-Martin's 2006 paper, using the same method, does remove China, which indeed causes inequality to increase, but then removes the US as well, which again shows decreasing world inequality. This example illustrates that removing only one main driver skews the results.[13] Furthermore, Milanovic claims that this method is not really an estimate of world inequality, but instead closer to weighted international inequality, which he deems the "least interesting [concept of inequality]."[14]

This debate, perhaps more than that between Bhalla and Ravallion, is based on methodological disputes. Milanovic, being the first economist to use survey data to calculate world inequality, promotes his method as the most accurate. Sala-i-Martin, in turn, criticizes the use of incomplete survey data that often diverges from national accounts.[15]

A final important advocate of convergence theory is François Bourguignon, an influential voice in the debate over inequality. In his 2012 book La mondialisation de l'inégalité, he finds decreasing inequality between coutries for the past two decades, weighted for population, which he attributes to the growth of emerging economies.[16] Furthermore, he demonstrates decreasing world inequality since the 1980s using an 80/20 ratio calculation, adjusted for PPP. Bourguignon's book has made waves in the inequality debate, particulary since Bourguignon and Morrison's 2002 study was a major influence on the convergence theory. Curiously, Bourguignon's book has not yet come under fire for flawed methodology or biased judgment. Given that the World Bank is firmly ensconced in the divergence camp, his theory would seem to be a prime target for their rebuttals. However, his book has remained largely free from such criticism. Is this because the World Bank considers itself to be in a sufficiently strong position that they need not challenge these assertions, or does this lack of criticism reflect a growing consensus that inequality is rising after all?

As for the divergence paradigm, many authors maintain that inequality is increasing. Milanovic, as stated above, explains that inter-country unweighted inequality is increasing, and that weighted inequality increases once we remove China and India's bias.

Other important theorists include Lant Pritchett, who in 1997 affirmed that there was "Divergence, Big Time." While his calculations stop in 1990, he demonstrates slower per-capita growth in non-OECD countries versus OECD countries, noting that there is convergence of developed countries' growth numbers and divergence with and between developing countries.[17] Interestingly, Sala-i-Martin's conclusions are framed as a direct response to Pritchett's argument, each using different methodology (Pritchett focuses on growth rates, whereas Sala-i-Martin focuses on the Gini and other measures of inequality). This disagreement illustrates the complexity of this debate.

Paul Collier's book The Bottom Billion presents the idea that the approximately one billion people contained in the world's poorest countries are getting poorer as their countries experience slower and negative growth.[18] This argument has remained somewhat removed from the main debate on inequality trends. However, this kind of analysis should perhaps be at the center of the inequality debate.

In fact, focusing on the poorest countries in order to target the individuals most in need of development aid, as Collier proposes, would seem to be the most logical and altruistic goal. In that case, why is the debate on world inequality so fervent? First of all, as explained above, there is a possibility that economists involved in the debate have an agenda, if only academic pride, when they dismiss calculations of others that run contrary to their own. Whether or not the World Bank has a stake in showing high inequality as Bhalla states, there appears to be a trend in the World Bank's calculations. This is perhaps linked to the fact that the leading economists working on inequality are at the World Bank and have access to the most wide-reaching and accurate data. Whether inequality is rising or falling is a matter of perception based on the methodology, data and calculations performed.

The next question should be: Does it matter? The answer is a cautious yes. The debate is often framed in terms of pro- or anti-globalization advocacy, either confirming or refuting the argument that increased interconnectedness has improved welfare. Looking at country-level aggregated income data can be important in explaining the benefits or drawbacks of globalization. However, this data does not provide a comprehensive picture, and relying solely on this methodology could

render the argument irrelevant. The disadvantages of increased income inequality are numerous, and include higher crime rates, decreased biodiversity, and reduced standards of living. However, these are linked more closely to within-country income inequality, or even regional inequality. The debate has shifted towards these two factors, as illustrated by the 2006 World Development Report, which focused on within-country inequality as a main concern. With this in mind, and considering the fact that consensus on whether global income inequality is rising or falling is elusive, the debate appears to be more focused on petty academic exchanges than working towards improving human welfare.

In conclusion, this article has explored the two principle sides of the world inequality debate: convergence and divergence. Authors from each camp have come under fire for their theories, and particularly the methodologies that led to their results. However, in this debate, it is important to consider the motivations of these academics and the perceived benefits of this form of research in terms of the questions they address and the policy implications of this research. It is not clear that current literature on world income inequality can bring fruitful change or development to the poorest segments of the population. In order for this debate to mature, it is important that academics consider the realities of those on the ground who are most in need, and are the true victims of inequality. In light of recent publications, such as the 2006 World Development Report, which includes evidence that high within-country inequality is linked to negative outcomes, the debate should be refocused on reducing within-country inequality, a problem that is proven and not simply theoretical.

Claire Le Barbenchon is an M.A. candidate in International Development at the Paris School of International Affairs at Sciences Po Paris. She specializes in Research Methods and Global Economic Policy. Claire holds a B.A. with honors in Latin American Studies and International Development from McGill University in Canada, and is currently working on her thesis on labor market outcomes in Mexico for conditional cash transfer recipients, with a focus on youth and women.

Notes:

1. World Bank, World Development Report 2006: Equity and Development, (Washington DC: World Bank, 2006).
2. This is particulary obvious in the debate between Bhalla and Ravaillon about the attainment of the Millenium Development Poverty targets.

3. World Bank, World Development Report 2006, 2006.
4. M Ravaillon, E Thorbecke and L Pritchett. Competing Concepts of Inequality in the Globalization Debate [with Comments and Discussion]. (Brookings Trade Forum, Washington DC: Brookings Instituion Press, 2004).
5. Branco Milanivic, Worlds Apart, (New Jersey: Princeton University Press, 2005), 39.
6. Ravaillon, et al., Competing Concepts, 2004.
7. Surjit Bhalla. "Crying Wolf on Poverty: Or How the Development Goal on Poverty has already been Reached," Economic and Political Weekly 38 (2003): 2844.
8. Martin Ravallion, "Have We Already Met the Millennium Development Goal for Poverty?" Economic and Political Weekly 37 (2002): 4638.
9. Ravallion, "Millennium Development Goal", 4639.
10. Xavier Sala-i-Martin, "The World Distribution of Income: Falling Poverty and Convergence, Period,"The Quarterly Journal of Economics 121, (2006): 386.
11. Sala-i-Martin, "The World Distribution of Income," 387.
12. Branco Milanovic. "The Ricardian Vice: Why Sala-i-Martin's calculations of world income inequality are wrong," Mimeo (2003): 2-6.
13. Sala-i-Martin, "The World Distribution of Income," 387.
14. Branco Milanivic, Worlds Apart, (New Jersey: Princeton University Press, 2005), 10.
15. Sala-i-Martin, "The World Distribution of Income," 356.
16. François Bourgignon, La mondialisation de l'inégalité, (Paris: Seuil, 2012).
17. Lant Pritchett, "Divergence, Big Time," The Journal of Economic Perspectives (1997).
18. Collier, Paul, The Bottom Billion, (London: Oxford University Press, 2007).

The Problem of Parcellized Sovereignty: Revolution and Counterrevolution in Colombia, 1946-2014

I discovered a country in which the failure to make a social revolution had made violence the constant, universal, and omnipresent core of public life.[1] - Eric Hobsbawm

By Evan Pheiffer

A vast and beautiful country rich in natural resources, Colombia suffers from a chronic social and political imbalance. Though many praise it for having eluded the path of military dictatorship taken by practically all of its continental neighbors in the mid-to-late 20th century, this acclaim masks an underlying truth behind Colombia's democratic façade. While other South American republics fell to military dictatorship, Colombia's elites were often too divided or jealous of their power to hand the reigns of the state over to a cast of generals. The elites were also too geographically dispersed and concerned with their own local power to consolidate the Colombian state.

This problem is what many political scientists and historians have termed "parcellized sovereignty." From the vantage point of Bogotá's richer districts, what does it matter if some remote, impoverished hamlet was in thrall to a gang of guerrillas? Provided the state or its proxies controlled lucrative oil, coffee, banana, flower, and mining districts, it was not so much a matter of the state's inability to combat the guerrilla threat as its unwillingness to do so. After all, for decades the guerillas were the only thing remotely close to any semblance of a state in many communities in the south and southeastern frontiers only settled for the first time in the mid to late 20th century.

Others make a similarly damning critique: peace has never been in the interest of the Armed Forces. Protectors of a divided realm and guardians of a fragile stalemate, the Colombian military presents itself as a band of selfless, disinterested heroes demanding nothing more than a 5-cent contribution when you check out at the grocery store. Apart from the Catholic Church, the military consistently ranks above the media, the national government, the comptroller, and the inspector general as the most trusted institution in the country.[2] Trust and dependence have their

perks.

With a 12.2 percent increase between 2012 and 2013, Colombia's defense spending now accounts for 19% of the national budget, compared to 17.7 percent for the United States in the same year.[3] At 26.3 trillion pesos ($14.6 billion), Colombia spends more on defense than on education (24.9 trillion pesos), health (11.6 trillion), and transport infrastructure (6.3 trillion)[4], among the most pressing concerns for the 75% of Colombians that live in cities.[5] Any peace settlement would permanently alter this institutional arrangement, so the Colombian Armed Forces have a perverse incentive to maintain the status quo.

Many scholars are amazed that Colombia has not broken into at least four separate countries: the northern Atlantic coast, the central valley, the eastern plains, and the southern Amazonian jungle. Indeed, rarely have politicians in Bogotá been able to command the true centers of agrarian and political power in Colombia; regional patriarchs in Antioquia, the Valle del Cauca and Cauca have proven far too resilient for the capital to force a solution to the country's chronic inequality. How did this situation come to be?

The *Bogotazo*: Beginning of the End or End of the Beginning?

For many in Colombia, April 9, 1948 was the day the country came to the edge of a precipice and enthusiastically jumped. Six days after President Truman signed the Marshall Plan into law and a week before the Organization for Economic Co-operation and Development (OECD) was founded, riots erupted in Bogotá that would claim the lives of 5,000 people in ten hours.[6] In what became known as the *Bogotazo,* entire downtown sections of the Andean capital were burnt to the ground. The spark was the assassination of left-wing populist and Liberal party presidential hopeful Jorge Eliecer Gaitán, a man whose rapid political ascendance was feared by both Liberal and Conservative party elites.

Though the violence began in the city, it took a much deadlier toll on the countryside. Before the blood could dry on the pavements of the capital, Liberal partisans across the country began reprisal attacks against Conservatives for what they saw as a dark plot against their leader. In one notorious encounter, infuriated Liberals decapitated leading Conservatives and played soccer with their severed heads in the middle of the town square.[7] Never to be outdone, Conservatives struck back with equal verve, a much better arsenal, and the tacit backing of the State. The rest, they often say, is history. But is it?

The *Bogotazo* was merely the first great act in *La Violencia* – a tit-for-tat war of attrition between Liberals and Conservatives in the Colombian countryside that began in 1946 when Conservatives retook the presidency and began to politicize the State and many of its institutions. At the beginning of the Cold War and amidst the backdrop of the international "Red Menace," political tensions were already very high. Though Communists would never come close to taking power in any of the country's principal cities, *La Violencia* did not officially end until 1958, when elites in each party formed a coalition government to quell the violence.

A Temporary Peace to Prolong the Bloodshed?

The truce at the center guaranteed no one's safety on the periphery. By the late 1940s, ragtag self-defense groups of Liberal and Communist peasants had already begun to carve out autonomous "republics" in the remote countryside to protect themselves from state-backed Conservative militias intent on eradicating "subversion," in addition to reversing agrarian reforms implemented by Liberals in the 1930s and 1940s.[8] As many historians have noted, the pattern of Colombian history in the 20th century has generally followed a revolutionary-counterrevolutionary pattern that is more or less intact to this day. In terms of agrarian reform, Liberals take one tepid step forward while Conservatives take two enthusiastic steps backward.

While the longstanding rivalry between Liberals and Conservatives died out at the end of the 20th century, the diarchic pattern continues to this day. On one side, former President Uribe and demobilized paramilitaries back "Democratic Security"; on the other, broad (and largely disorganized) leftwing coalitions of peasants' land movements, Afro-Colombian and indigenous groups and various NGOs and human rights organizations fight for land reform. To give but one example: against the backdrop of fighting guerilla insurgencies, between 1998 and 2003, more than 5 million hectares were seized by right-wing paramilitary groups from mostly indigenous and Afro-Colombian landholders on the Pacific coast, constituting the largest change of ownership in Colombia's history.

It's the Land, Stupid

Though ideologically motivated on paper, *La Violencia* was just as often about land. Of the estimated 200,000[9] killed between 1946 and 1958, the vast majority were rural peasants, often partisans of one of the two parties but hardly leaders in agriculture, industry, or politics. Rarely were urbanites, elites, merchants, or the middle class affected by

the violence. Why were only peasants dying?

It is an old truism that (civil) war is a perfect cover for amassing wealth and settling non-political scores. And while it is impossible to quantify how many acts of political violence were attributable to greed alone, there is consensus amongst historians that a great deal of *La Violencia* was motivated by the prospect of easy land grabs.[10] Against the backdrop of widespread political violence, often no more than an accusation of fealty to the wrong political party was needed to murder a political foe and seize his fields. Add to this violent cocktail the rising fears generated by the Cold War, and almost anything became permissible: for much of 20th century Latin American history, the "Red Menace" was the gift that kept on giving for counter-reformers of every stripe.

David Bushnell, the most respected English-language historian of Colombia, has argued that *La Violencia* was most pronounced in areas already awash in land disputes and ambiguous land titles.[11] Indeed, the violence was the worst in areas such as Antioquia or Tolima that had only been colonized at the end of the 19th or beginning of the 20th centuries. For those without clout or political connections, property rights were far from secure.

Almost equally important, however, was the struggle for land to accommodate the exploding international coffee market. Between 1940 and 1954, a pound of Colombian coffee on the US market soared from $6.20 to $65.70, while a pound on the world market went from $13.87 to $146.98 in the same period.[12] Rising profits for coffee exports provided a compelling reason to butcher thy neighbor in the name of politics. As historian Forrest Hylton argues in *Evil Hour in Colombia*, "…the aim was not to achieve victory on the battlefield, but to expel the enemy from the region. Conquest of territory – the accumulation of land, livestock and coffee – was the goal."[13] *La Violencia* was as much a counter-revolution as anything else.

On the other hand, Paul Collier, Director of Development Research at the World Bank, has argued that internal conflict is less the product of rampant poverty or inequality than it is of certain structural trends: heavy reliance on (taxable) exports, a young and uneducated population, dispersed settlement patterns, and a history of previous conflict.[14] These conditions were certainly present in mid-19th century Colombia, but is there a political element that is missing in this assessment?

While class was almost always a factor in *La Violencia*, Bushnell notes that rarely if ever did a Liberal peasant attack a Liberal landowner or Conservative peasant attack a Conservative landowner. Rather, nearly

all casualties were the result of politically motivated peasant-on-peasant violence. In the vast majority of cases, those who acquired cattle, land, and labor during *La Violencia* were either pulling the trigger or financing the sale of bullets, and almost never were they wielding the plow.

Marshall, Castro, and the Failed Revolution of 1948

Somewhat ironically, both George Marshall and Fidel Castro were in the capital at the time of the *Bogotazo*, albeit for very different reasons. While the former was attending the Ninth Pan-American Conference in the run-up to the creation of the Organization of American States (OAS), the latter was attending an anti-imperial Latin American Youth Conference paid for by Argentina's President, Juan Perón. The future Cuban revolutionary was scheduled to meet with Gaitán the same afternoon he was killed.[15]

Marshall, conversely, was in Bogotá that April to strengthen Washington's ties to anti-communist governments in Latin America. Though Pan-American conferences had been held throughout the Western Hemisphere since 1890, the OAS was a product of the Cold War. Many American policymakers saw the OAS as an opportunity to do for Latin America what NATO had done for Europe. Communism seemed globally ascendant: two months before the OAS was created on April 30, 1948, the Soviet Union marched into Prague without firing a shot. Further east, Mao Zedong's People's Liberation Army was wresting city after city from the US-backed Kuomintang. Everywhere American officials looked, communism was on the march. Washington and its allies in Colombia were not taking any chances.

Letting off Steam or the March of the Swinish Multitude?

Given the atmosphere, no one was surprised when a "slightly unbalanced freelance assassin" shot and killed the most persuasive left-wing presidential candidate in the country's history.[16] That Bogotá was equally flush with angry, downtrodden mobs and frightened foreign dignitaries did not make the situation any easier. As the city burned in the wake of Gaitán's assassination, Cold War conspiracies bubbled to the surface as quickly as storefronts could be ransacked and the homes of local notables pillaged. While Conservatives saw a communist plot designed to inspire the lower orders to riot in preparation of a Communist seizure of power, the Liberals saw a clumsy Conservative-led coup against their most promising son in generations. In the ensuing chaos, it scarcely mattered they were both wrong. For a time, each of their greatest fears would manifest themselves.

In the hours after Gaitán's death, arsonists torched churches, government buildings, and the headquarters of Conservative newspapers such as *El Siglo*. *Gaitanistas* and students from the National University seized the airwaves and called for the creation of revolutionary juntas, while labor unions actually set up revolutionary juntas in Bogotá, Cali, Zaragoza, Barrancabermeja, Puerto Berrío, and dozens of other municipalities.[17] To many, revolution – like the ones then sweeping through Central and Eastern Europe, China, Korea, Vietnam, and Indonesia – seemed nigh.

Though these developments were unsynchronized, they sent shock waves through the Conservative establishment, particularly since US Secretary of State happened to be there himself to witness the total collapse of political order. But the revolution was not meant to be. With neither leadership nor organization, the fever pitch of April 9 petered out by nightfall. The army remained loyal to the Conservative presidency of Mariano Ospina Pérez and within days, Conservative militias from the countryside had suppressed any radical notions still lingering in the capital. The revolution was stillborn. As Castro said of his (non) involvement many years later, "No one can claim to have organized what happened on April 9 because what was lacking on April 9 was precisely that, organization."[18]

La Revanche

The next decade witnessed a murderous rending of the country's social and political fabric. In a "holy war" to cleanse the country of communists, masons, and atheists (i.e. Liberals), Conservative militias backed by the state and the clergy began to "conservatize" entire municipalities. This process entailed intimidating Liberals and their supporters in the run-up to elections and, after winning them, replacing civilian police with vigilante Conservative operatives. Mercenaries known as *pajaritos* (little birds) would then come in and terrorize communities suspected of Liberal sympathies, murdering and displacing entire populations with impunity. Once the more desirable lands were emptied of their original inhabitants, coffee and cattle ranchers with the right political credentials moved in.[19]

Meanwhile, *Gaitanistas* and Liberal partisans began forming self-defense militias in places like Tolima, the heart of Colombia's coffee country, in conjunction with fighters from the Social Democratic Party (PSD), as the Colombian Communist Party was then known. Originally devoted to land reform, many of these soon-to-be guerilla outfits banded together to protect Liberal or Communist peasant communities from state-backed Conservative militias and the army. Many of these would be incredibly difficult to disband. The Tolima force, for

example, was led by the Loayza clan – one of whose members was Pedro Antonio Marín, aka Manuel Marulanda, and later known to the world as "Tirofijo" (Sureshot). Achieving near mythical status amongst his followers, he would lead the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), the country's most prominent anti-government guerilla group, from its inception in 1964 to his death from cancer in 2008.[20]

What lessons can *La Violencia* teach about Colombian history? Gaitán's death in 1948 was a turning point for Colombia, a chance assassination whose effects are still felt in much of the country to this day. But just as the Cubans did not turn to the Soviet Union until 1960, many of Colombia's fiercest Marxist-Leninists got their start as Liberal peasants fighting a far more powerful rural oligarchy backed by the state and eager to reverse agrarian reforms enacted by Liberal governments in the 1930s and 1940s. Only after the Liberal party proved a fickle partner in the late 1950s did they turn to cruder ideologies.

Cuius Est Solum, Eius Est Usque ad Coelum et ad Inferos[21]

The adventures of Pablo Escobar aside, in the latter half of the 20th century, the Colombian conflict was still inextricably linked to land. During the National Front[22] of the 1960s, Liberal President Carlos Lleras Restrepo initiated a number of important agrarian reforms intended to check the gains made by rural guerillas since the beginning of the decade.[23] In creating the National Association of Peasant Smallholders (ANUC), Lleras hoped to bring the rebellious countryside back into the political mainstream by promoting direct peasant involvement in the delivery of state services and agrarian reform.[24] For a time, it seemed it would.

Before long, however, the ANUC outgrew its Liberal roots and had become a powerful social and political movement of its own. Challenging prevailing patterns of rural ownership and capitalist development and militating for a free peasant economy, they soon took over significant tracts of land that had previously been incorporated into large, private estates. Within five years of Lleras' experiment with social justice and land reform, the ANUC had reclaimed communal lands (*resguardos*) in Boyacá, Valle del Cauca, Huila, Tolima, the eastern plains, the Magdalena Medio, and along the Atlantic coast.[25] Needless to say, these developments would not go unnoticed.

It was not long before Lleras' successor, President Misael Pastrana, colluded with both landowners and leaders of each party to reverse this trend in the "Pact of Chicoral," an explicit declaration of counter-

reform. In exchange for paying taxes, landowners were promised easy credit and the cessation of further land redistribution. They were also given *carte blanche* to target peasant and leftwing leaders with the tacit backing of the Armed Forces. After the Pact, one of Latin America's most powerful social movements of the 20th century became functionally irrelevant by the end of the 1970s. Moreover, only 1% of lands benchmarked by President Lleras for expropriation had ever changed hands. The counter-revolution prevailed again.[26]

The Creative Destruction of Cocaine

While mid-century struggles between Liberal, Conservative, and Communist peasants and their paymasters were over cattle ranching, municipal elections, and access to coffee plantations in recently settled lands, the latter half of the century was characterized by a dangerously potent addition: cocaine. Who would have guessed that just as the fractious political class in Bogotá was reconciling in the 1960s, a commodity far more valuable than coffee, oil, emeralds, or gold would take the country, and its many factions, by storm.

With the rise of coca came the decline of traditional elites and technocrats. Both political forces were reshaped by narco-politics; hence, the decline of the Conservatives, the old coffee and manufacturing elites and the isolated peasant armies dispersed throughout the countryside. With the rise of cocaine and an incredibly profitable export economy, the struggle for land in Colombia was on the verge of becoming internationalized.

By the early 1980s, cocaine had replaced coffee and oil as the single most valuable Colombian export. But it also created an entirely new political dynamic, one that would siphon even more power from the technocratic halls of Bogotá into the hands of drug traffickers in Cali and Medellín. As Colombia's productive base moved "…away from manufacturing and coffee exports [and] toward extractive export enclaves and coca frontiers," multinational corporations and the narco-bourgeoisie came to dominate Colombia's political discourse.[27] Even guerrilla groups exploited the new boom. Harassed by the army and pushed to the fringes of Colombia's settler frontiers, the FARC began taxing coca cultivation, but before long was administering its export to the US and Europe in order to fund its against the Colombian state.

The Rule of Law or the Law of the Jungle?

Today's conflict is not civil war in the classic sense of the term, given that the civilian population is almost entirely opposed to both the FARC and the National Liberation Army (ELN).[28] As almost every analyst of

the country's conflict has shown, the more powerful the rebels grow in firepower, men, and money, the more their popular support erodes (due to brutal but lucrative tactics such as kidnapping and heavily taxing local populations). Each guerrilla attack on a provincial police outpost further marginalizes discussions of land reform, as public discourse comes to revolve around the problem of "terrorism," rather than rural poverty. In turn, the real questions that public policy makers should be debating –sovereignty, the rule of law, the consolidation of the state, and the nature of representative democratic politics – are left on the shelves of underfunded NGOs.

It is no secret that, whatever its democratic credentials, Colombia is still by and large run by a small and exclusive oligarchy that, with the exception of narco-elites, has scarcely changed in two centuries. With almost predictable frequency, the national papers run stories on the "dauphins" of the political class who come up for election each congressional term.[29] Juan Manuel Santos, the current president, is the great-grandnephew of President Eduardo Santos (1938-1942) and the first-cousin (on both sides) of Vice-President Francisco Santos Calderón (2002-2010). His family has owned a controlling stake in the country's largest newspaper, *El Tiempo*, for seven decades.

Meanwhile, in Havana, FARC representatives have been negotiating a peace settlement with the Santos government since November 2012. Despite modest gains,[30] in early February the press revealed that the army had been illegally taping not only FARC representatives in Havana, but the government's own emissaries as well, including respected former generals credited with making crucial advances toward an eventual peace.[31] In February 2014, the chief of Colombia's Armed Forces was sacked for his involvement in the scandal.[32] None of this bodes well for reaching a settlement before presidential elections in May 2014, which many analysts believe was Santos' primary reason for pursuing the peace talks to begin with.

The rampant kidnapping, extortion, and murder that formed the basis of much of the FARC's wealth at the height of its power (1999-2003) has starkly declined in the past decade. Whatever his faults, its decline is mostly due to former President Alvaro Uribe's policy of "Democratic Security" from 2002-2010. Though now widely criticized for his heavy-handed policies and extensive ties to both drug-traffickers[33] and right-wing death squads, when Uribe left the presidency he did so with the highest approval ratings in Colombian history.[34] But his "peace dividend" was not without its costs. After Uribe left office, the "false positives" scandal sent shockwaves throughout the country when it was revealed that, under his watch, thousands of young, innocent, and often

mentally disabled men from underprivileged backgrounds were being rounded up, dressed up as guerrillas, and then summarily executed by the Armed Forces in order to increase the military's "body count" in return for perks such as cash bonuses and extra vacation days.[35]

A Diamond in the Rough?

Recent devaluation of the peso aside, Colombia's economy is one of the healthiest in Latin America. And if recent reports are to be believed, it has just become the region's third largest economy after Brazil and Mexico.[36] Though the price of coffee has collapsed in recent years, its sugar, oil, banana, beef, coal, gold, emerald, and flower exports are all booming, and cities like Bogotá and Medellín have seen growth in construction and tourism, as well as crime reduction in recent years. But what about for whom the FARC claim to be fighting?

Between 1998 and 2013, an annual average of 300,000[37] Colombians were forcibly displaced from their land by paramilitaries, guerillas, and the Armed Forces alike – ostensibly as part of military maneuvers, but more often as part of land grabs in agriculturally promising or resource-rich areas.[38] These displacements bring the country's total number of forced internal migrants to 5.2 million – the highest in the world and larger than that of Sudan, the Congo, Iraq, and even Syria. Though the administration of President Santos has taken unprecedented steps in recognizing the human toll of the Colombian conflict with the 2011 Law of Victims and Restitution of Lands and the creation of the first National Victims Registry, these bodies have little power: less than 1% of land earmarked for restitution has been given back to the victims of Colombia's armed conflict. So what is to be done?

Life, Liberty, and the Pursuit of Private Property

As President Santos' administration has proved over the past four years, discourse does matter. In addition to support from the Colombian government, the victims of Colombia's 60-year conflict have benefitted from the presence of civil society organizations devoted to documenting human rights violations, restoring land, increasing public services, and fighting for an eventual peace accord with the country's guerilla factions. The recently created National Center for Historical Memory, *De Justicia*, the Conflict Analysis Resource Center, the Center for Popular Education and Research and Program for Peace (CINEP), and the Consultancy for Human Rights and Displacement are a few examples.

As almost every party agrees, however, real peace cannot begin until Colombia's chronic problem of "parcellized sovereignty" has been addressed. Only once the state effectively and equitably governs the entirety of the national territory can the issues driving the conflict be resolved: agrarian reform, democratic representation, and the restitution of illegally seized land. Since these issues are unlikely to be addressed soon, the immediate concern of municipal governments in Bogotá, Medellín, Cali, Buenaventura, and Barranquilla needs to be the incorporation of displaced persons currently amassed in peripheral slums into the larger body politic. This process has already begun in Medellín and should be pursued with equal vigor in the rest of Colombia's major cities.[39]

In the meantime, Colombia's left-wing guerilla units should be disbanded along the same lines as its right-wing paramilitaries were between 2003-2006. While the aforementioned agreement was justifiably criticized as a blanket amnesty for those who committed mass atrocities in the 1990s and early 2000s, it has seen some success in demobilizing a force of more than 30,000, many of whom have now entered electoral politics in critical regions such as Antioquia. Without forgiving or forgetting their crimes, the guerrillas should also be given an opportunity to enter electoral politics. If leading analysts such as Jorge Restrepo at the Conflict Analysis Resource Center (CERAC) are to be believed, their current unpopularity will not do them many favors at the election booth.[40]

The remedies discussed above are only placeholders until the government can effectively and equitably govern the entirety of Colombia's territory. For this to happen, the country's governing elites need to make real priorities of agrarian reform and democratic accountability to Afro-Colombian, indigenous, and displaced populations, in particular. For it to function in the 21st century, the state must serve more than just its lightest-skinned constituents. It must also extend its protection far more rigorously to left-wing political movements vulnerable to attack.[41] Encouragement along these lines from the international community and the United States, in particular, is essential. Only with pressure from above and below will Colombia's haves and have-nots bury the ghosts of *La Violencia* and come to an agreement on the future of their country.

Evan Pheiffer holds undergraduate degrees from the University of Missouri and Sciences Po Paris and graduate degrees from Columbia University and the London School of Economics, all in history. After working in New York, London and Hong Kong, he moved to Colombia in

2013 to work as a visiting researcher for the Conflict Analysis Resource Center in Bogota, where he is currently based.

Notes:

1. Forrest Hylton. Evil Hour in Colombia. New York: Verso, 2006. p.xv
2. "Colombia Opina: La Gran Encuesta, Medición 1: Primer año del Gobierno Santos, pp.21-22 http://www.ipsos.com/public-affairs/sites/www.ipsos.com.public-affairs/files/Colombia%20Report%201.pdf
3. "Fiscal Year 2013 Budget of the U.S. Government". United States Office of Management and Budget. Retrieved February 13, 2012.
4. Matthew Bristow, "Colombia Increases 2013 Budget 12.2% to 185.5 Trillion Pesos," Bloomberg News, 27 July 2012 http://www.bloomberg.com/news/2012-07-27/colombia-increases-2013-budget-12-2-to-185-5-trillion-pesos-1-.html
5. https://www.cia.gov/library/publications/the-world-factbook/geos/countrytemplate_co.html
6. Somewhat paradoxically, both George Marshall and the young Fidel Castro happened to be in Bogotá at the time. See Bushnell, David. The Making of Modern Colombia: A Nation in Spite of Itself. Berkeley: University of California Press, 1993. pp.201-222.
7. Germán Guzmán Campos, Orlando Fals Borda, and Eduardo Umaña Luna, La Violencia en Colombia, 2d ed., 2 vols. Bogotá: 1962-1964. pp.370
8. Catherine LeGrand, "Agrarian Antecedents of the Violence," in Bergquist et al., eds.,Violence in Colombia: Historical Perspective, pp.31-50.
9. CIA World Factbook, https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol13no4/html/v13i4a07p_0001.htm
10. SeeBushnell, p.206
11. Ibid.
12. Grupo de estudios de crecimiento económico colombiano (GRECO), Banco de la República (2000)
13. Hylton, p.44
14. Malcolm Deas, "Plan Colombia," London Review of Books, 5 April 2001
15. See Hylton, p.40
16. Bushnell, p.204
17. Gonzalo Sánchez, Los Días de la Revolución: Gaitanismo y 9 de abril en la provincial (Bogotá 1993).
18. Robin Kirk, More Terrible than Death: Massacre, Drugs and America's War in Colombia (New York 2003), p.21
19. Betancourt and García, Matones y cuadrilleros: Origen y evolucion de la violencia en el occidente colombiano, 1946-1965, pp.76-127.
20. Medófilo Medina, "La resistencia campesina en el sur de Tolima," in Sánchez and Peñaranda, comps, Pasado y presente de la Violencia en Colombia, pp.233-65, as cited in Hylton, 43
21. "Whoever owns the soil, it is theirs to command – all the way up to Heaven and down to Hell"
22. The period between 1958-1974 when Conservative and Liberal elites agreed to alternate the presidency every four years
23. See Hylton, p.59
24. Léon Zamosc, The Agrarian Question and the Peasant Movement in Colombia: Struggles of the National Peasant Association, 1967-1981 (Cambridge Latin American Studies 1986), p.102
25. Hylton, p.60
26. Ibid, p.61
27. Hylton, 65
28. The country's second most powerful guerrilla force and one that currently boasts between 1,300-3,000 members and specializes in kidnapping and attacks

on Colombia's infrastructure

29. SeeSemana, "Todo un acuario de hijos de politicos!" 26 October 2013
30. For example, the FARC was largely faithful to a unilateral ceasefire from 15 December 2013 – 15 January 2014, during which time the government still pummeled their positions throughout the country
31. Adam Isacson, "New Wiretapping Scandal Casts Doubt on Colombian Military's Support for Peace Talks," Washington Office on Latin America (WOLA), 5 February 2014
32. "Colombian Military Chief Gen. Barrero replaced amid scandals," BBC, http://www.bbc.co.uk/news/world-latin-america-26250273, 19 February 2014
33. He is the first-cousin of Colombia's most notorious narco-terrorist in history, Pablo Escobar
34. Though originally Santos' mentor, the two have since then fallen out over the latter's efforts to negotiate a settlement with the FARC in what has become the most famous political punch-up in recent Colombian history.
35. AdriaanAlsema, "False Positives," Colombia Reports, 14 August 2012
36. "Colombia to Argentina: We're Bigger than You Again," Financial Times, 10 February 2014
37. "Displacement Continues Despite Hopes for Peace," Internal Displacement Monitoring Center, 16 January 2014
38. See Hylton, pp.129-136
39. "Colombia's Medellín named 'most innovative city,'" BBC, http://www.bbc.co.uk/news/world-latin-america-21638308, 1 March 2013
40. "The FARC in Colombia: make politics, not war," The Economist, 7 November 2013
41. See Evan Pheiffer, "Colombia's Marcha Patriótica: a politics of amnesia or apocalypse?" Le Monde diplomatique, 6 February 2014

Conflict in South Kordofan: The Complexity of Sudan's Interlocking Crises

In Sudan's South Kordofan and Blue Nile states, hundreds of thousands of civilians have been displaced and thousands more killed since June 2011, when the government of Sudan began a campaign to crush an insurgency led by the Sudan Revolutionary Front (SRF), a coalition of groups aiming to overthrow the government of President Omar al-Bashir. Clashes between the rebels and the government have intensified since late 2013, but the conflict remains stuck in a stalemate. This paper analyzes the trajectory of this conflict, focusing primarily on South Kordofan state, and the relationship between current and past conflicts in Sudan, in particular the Second Civil War (1983-2005) and the Darfur conflict (2003-present). The aim of this paper is to conclude whether this armed struggle is a repeat of past conflicts – the same issues manifesting themselves in a different form – or whether it represents something new and different.

Michelle Trone

Introduction

In Sudan, the conflict in South Kordofan and Blue Nile states between the government of Sudan and the Sudan Revolutionary Front (SRF) is stuck in a stalemate. This complex conflict is inextricably linked with past conflicts in Sudan, in particular the conflict in Darfur, which has been ongoing since 2003, and the Second Civil War, which ended in 2005 and killed approximately two million people. The root cause of all three conflicts is the perceived marginalization and exploitation of Sudan's peripheral regions by the central government in Khartoum. Additional causes include divisions within Khartoum's elite and environmental factors, particularly land dispossession. While the immediate trigger for the conflict was the resolution of the Second Civil War and the failure to implement key provisions of the resulting 2005 Comprehensive Peace Agreement (CPA), this conflict more closely resembles the ongoing conflict in Darfur. The government's strategy of targeting civilians to deny rebels a base of support and the resulting humanitarian catastrophe, which has been exacerbated by the government's refusal to allow humanitarian organizations access to much of the region, is strongly reminiscent of Darfur. Several attempted peace talks have failed to resolve the conflict. This stalemate is likely to continue until

the underlying root cause of the conflict – the marginalization of the peripheries of the state by Khartoum – is resolved, which would require a fundamental restructuring of the Sudanese state and the removal of President Omar al-Bashir from power.

Demographic and Historical Factors

South Kordofan and Blue Nile are both states in Sudan, located near the disputed border with South Sudan. South Kordofan is characterized by its mountainous terrain, and is home to an ethnically and religiously diverse population, namely the Nuba people and several Arab tribes. The Nuba include more than 100 distinct non-Arab tribes who speak more than 100 languages. The largest concentration of Nuba is in the foothills of the South Kordofan's Nuba Mountains. The majority of Nuba practice Islam, although many also follow Christian and animist beliefs. In addition to the Nuba, South Kordofan is home to several Arab tribes, mostly cattle-herders known as Baggara. The two major Arab tribes are the Misseriya, from the west, and the Hawazma, from the east. The demographic diversity of South Kordofan, with its mix of nomadic and sedentary peoples, bears similarities to the demographics of the Darfur region. In addition to the various Nuba and Arab groups, South Kordofan is also home to a significant number of Darfuris, in particular the Masalit and Borgo, who come from the Wadday sultanate in eastern Chad.

Since Sudan's independence in 1956, conflict and animosity between the Nuba people of South Kordofan and the Arab-dominated government of Sudan has been recurrent. There has been almost no representation of Nuba in the centers of power in Khartoum throughout Sudan's history, and the central government has repeatedly carried out aggressive policies towards the Nuba. Frustrated by their lack of political representation and perceived marginalization by Khartoum, many Nuba identified with the southern cause during both the First and Second Civil Wars between the north and the south. The Sudan People's Liberation Army (SPLA), the key southern combatant during the Second Civil War, began recruiting in the Nuba Mountains in the 1980s. At the same time, the government of Sadiq al'Mahdi began to recruit members of Arab tribes into militias, encouraging them to attack Nuba villages. This policy of using Arab militias as proxy forces (which the government later repeated in Darfur) proved to be counter-productive and led to increased support for the SPLA.[1] An estimated 30,000 Nuba fought with the south during the Second Civil War, and many of these same Nuba tribesmen are today once again rebelling against Khartoum, reflecting that today's conflict is in some ways a continuation of this previous war.[2]

Following the 1989 coup d'état that brought Omar al-Bashir and Hassan al-Turabi to power, the relationship between Khartoum and the Nuba worsened. The government declared jihad on the Nuba people in 1992, legitimizing the killing of Christians, animists, and Muslim "apostates." The scholar Alex de Waal called the 1992 jihad against the Nuba the "...genocidal campaign of a government at the height of its ideological hubris."[3] The government embarked upon a campaign of destruction, placing thousands of Nuba into "peace camps," murdering thousands of young men, using rape as a weapon of war, and dropping bombs on entire Nuba villages in a campaign of ethnic cleansing.[4] The government's brutal counter-insurgency tactics later used in Darfur were honed during this time. While exact figures are difficult to determine, the fighting displaced an estimated 1.5 million, many of whom only returned to the Nuba Mountains following a 2002 Swiss-brokered ceasefire.[5]

The Sudan Revolutionary Front: Actors and Goals

The current conflict is between the government of Sudan and the Sudan Revolutionary Front (SRF), a coalition of groups aiming to overthrow the government of President Omar al-Bashir and replace it with a democracy. The SRF, which was created in November 2011, has a national agenda, and includes disenchanted groups from other regions as well. It aims to unify disparate political and opposition groups to trigger the fall of the central government. The SRF is led by the Sudan People's Liberation Movement-North (SPLM-N), a military force that broke off from the Sudan People's Liberation Army (SPLA) in 2011. In addition to the SPLM-N, the SRF includes multiple Darfuri rebels groups, including the Justice and Equality Movement (JEM), the Sudan Liberation Army – Minni Minnawai (SLA-MM), and a small contingent from the Sudan Liberation Army – Abdul Wahid (SLA-AW). A rebel group from eastern Sudan, the United People's Front for Liberation and Justice (UPFLJ), also recently joined the SRF.[6] Some dissidents from opposition parties, including the National Umma Party and the Democratic Unionist Party, provide support for the SRF as well.

The goals of the SRF resemble the "New Sudan" agenda of the SPLA during the Second Civil War and the goals of the Darfuri rebels. While the term "New Sudan" is not used, the SRF's political goals echo the vision of John Garang, the SPLA's former leader, of a grand alliance of marginalized groups from the exploited peripheries uniting to change the power structures and create a unified, secular, and democratic Sudan. The agenda is not secession, making this conflict dissimilar to the First Civil War (1956-1972). The SRF's goals, outlined in an October 2012 document titled "Re-structuring of the Sudanese State," include the

establishment of a decentralized and federal administration "where all powers are delegated to the regions" which includes the "distribution of power and wealth on the basis of the population average for each region."[7] Echoing the calls of rebels in Darfur and South Sudan, the SRF calls for a constitution based on the separation of state and religion, although some groups within the SRF are against this secular position. The SRF does not seek a localized quick fix for South Kordofan, but rather has a national agenda emphasizing all Sudan's marginalized; thus its manifesto reflects the priorities of the Nuba, the Darfuris, pastoralists, and the other diverse groups making up the SRF.[8] This alliance of diverse groups recalls the Sudan Liberation Army, originally created in July 2001 as the Darfur Liberation Front, which united diverse groups in Darfur (Fur, Zaghawa, and Massalit fighters) with a common goal.[9]

Within the SRF, the SPLM-N is the largest organization, with an estimated 30,000 fighters, mostly Nuba tribesmen.[10] However, the Darfuri rebel groups, in particular the JEM, play an important role and have a long history in South Kordofan. The JEM has recruited clandestinely in South Kordofan since the Second Civil War, in particular among students who sided with al-Turabi after his 1999 split from al-Bashir, although its geographic focus remained in Darfur throughout the 2000s. Following the outbreak of hostilities in South Kordofan in June 2011, the JEM began moving forces from Darfur to South Kordofan, and carried out the first of many joint operations with the SPLM-N in July 2011. These joint operations, one of which led to the death of the JEM's leader Khalil Ibrahim in December 2011, have been crucial to rebel victories. By mid-2012, half of all the JEM's forces were fighting in South Kordofan, while the other half remained in Darfur. The JEM/SPLM-N relationship is indicative of the larger links between the conflicts in Darfur and South Kordofan. Not only do these two conflicts involve many of the same actors and organizations, but the rebels in each region work together, sharing a united strategy and working towards common goals.

The Government of Sudan: Motivations, Strategy, and Tactics

The government of Sudan's motivations, strategy, and tactics exhibit strong similarities to its motivations, strategy, and tactics used both in Darfur and during the Second Civil War. As in Darfur, the government is motivated by regime survival and the belief that this survival depends on striking as hard as possible to destroy support for insurgents and to prevent the establishment of insurgencies in other regions. Hardliners in Khartoum increasingly view concessions to the peripheries as dangerous steps towards separatism, which poses a serious threat to the

very existence of the state and the survival of the regime.[11]

Just like in Darfur and during the Second Civil War, the government's strategy in South Kordofan is to target civilians suspected of supporting the rebels to deny the rebels a base of support. The resulting humanitarian catastrophe was labeled a potential genocide by major newspapers within the first month of the campaign in June 2011.[12] Journalists such as Nick Kristof, who sounded the alarm of genocide in Darfur, have repeatedly made comparisons between the humanitarian situation in Darfur and South Kordofan, while a 2011 Washington Post Op-Ed stated that the situation in the Nuba Mountains was "reminiscent of Rwanda."[13] The government forces have indiscriminately bombed villages, failing to make any distinction between civilians and combatants. Instead, all populations in rebel-held areas are viewed by the government as enemies and therefore legitimate targets. The reported human rights abuses committed are similar to those committed in Darfur, including arbitrary executions, forced displacement, mass arrests of civilians, and cases of rape and sexual violence.[14]

The resulting climate of fear has caused thousands of civilians in the Nuba Mountains to move into caves, where the fear of aerial bombardment has left them unable to farm. This has resulted in widespread food insecurity; an October 2013 survey by the Enough Project found that 43% of households in the Nuba Mountains do not even have enough food to last a week.[15] John Prendergast, co-founder of the Enough Project, describes the strategy as, "...[s]tarvation is the objective. Draining the water to catch the fish is one of the oldest counterinsurgency strategies known to man."[16] The government has denied international humanitarian organizations access to much of the region, blocking the delivery of both food and medical assistance. Even the UN was blocked from entering South Kordofan and Blue Nile for a polio vaccination campaign.[17] These humanitarian concerns, exacerbated by the government blockade, have spurred mass migrations out of the area. By mid-2012, the number of refugees from Blue Nile and South Kordofan at the Yida Refugee Camp in South Sudan had grown to 65,000, and by 2014 the number of refugees in camps in Ethiopia and South Sudan had swelled to more than 210,000.[18] The government's brutality and the resulting humanitarian catastrophe are strongly reminiscent of events in Darfur, although the death toll is lower.

The government's tactics in South Kordofan are different from the tactics used in either Darfur or during the Second Civil War. While in Darfur the government primarily fought through proxy forces, known as the Janjaweed, the government in South Kordofan has fought directly via the Sudanese Armed Forces (SAF). During the 1980s and 1990s, the

government used a "counterinsurgency on the cheap" tactic in South Kordofan by mobilizing Misseriya Arab militias and encouraging them to attack civilian villages whose residents were suspected of supporting the rebels, with the evidence for support being their non-Arab identity. This tactic is very similar to what occurred in Darfur, where the Janjaweed was made up largely of nomadic Arab tribes targeting primarily non-Arab groups. Many of the Misseriya Arab militias who fought with the government during the 1980s were incorporated into the paramilitary Popular Defense Forces (PDF) after 1989. The PDF continues to fight in South Kordofan despite the fact that it was officially disbanded by the 2005 Comprehensive Peace Agreement (CPA), which ended the Second Civil War and led to the creation of an independent South Sudan in 2011.

The tactic of fighting through proxy forces is no longer used with much frequency in South Kordofan, due in part to shifting loyalties of the Arab tribes. The Misseriya Arabs have grown increasingly frustrated with Khartoum since 2005, in particular due to its decision to abolish West Kordofan state, which represented their homeland. In July 2011, the government organized a conference to ask the Misseriya traditional leaders to mobilize militias on behalf of the government. The leaders refused because there were now so many Misseriya on the SRF side that they wanted to avoid inter-tribal fighting.[19] By mid-2012, there were more than 1000 Misseriya estimated to be actively fighting with the SRF and against the government.[20] The Hawazma Arabs are also beginning to switch sides, and a Hawazma politician estimated that around 300-400 Hawazma are fighting with rebels.[21] While the government no longer employs these Arab militias, there may be small numbers of proxy forces fighting on behalf of Kharotum. There have been unverified reports of combatants from Khartoum-supported Chadian rebel groups who had operated in Darfur, such as the Union des Forces pour la Democratie et le Developpment, fighting in South Kordofan.[22]

Despite these shifting loyalties, there is still an ethnic and religious dimension to the conflict, and there remains a perception that the government is trying to impose an Arab-Islamic identity on all Sudanese. As in Darfur and South Sudan, the majority of fighters perceive themselves as "Africans" fighting against an "Arab" regime, although most Nuba, like most Darfuris, are Muslim. Abdelaziz Adam al-Hilu, the SPLM-N Commander and former Deputy Governor of South Kordofan, said that the root cause of the conflict was that "... Khartoum doesn't want to recognize the diversity in the country. They are going for a monolithic type of state based on only two parameters, that is Arabism and Islam."[23] However, overall ethnic cleavages in South Kordofan are less pronounced than they were during the Second

Civil War and the Darfur conflict.

Root Causes

The root causes of conflict in South Kordofan have much in common with the root causes of the conflict in Darfur and those of the First and Second Civil Wars. At the heart of all these conflicts is the perceived political, economic, and cultural marginalization of Sudan's peripheries by Khartoum. Economic and political power has been concentrated in a culturally homogenous elite in Khartoum throughout Sudan's history. Eighty percent of elites in power belong to three small Arab riverain tribes who make up only 5 to 6% of the population. There is little representation of other groups, ethnicities, or regions in Sudan's centers of power. The majority of Sudan's GDP is concentrated in Khartoum, while the peripheries of the country remain largely poor and undeveloped. For example, Malik Agar, former governor of Blue Nile state and currently the leader of the SRF, calculated that when he was governor, each day $237,600 worth of chrome and minerals left Blue Nile, Blue Nile's Roseires Dam produced electricity worth $75 million a year, and yet the state received none of the revenue or benefits from either the minerals or the dam.[24] South Kordofan is an oil-producing state, but these oil revenues flow directly to Khartoum, which spends almost none of this revenue on development in country's peripheries. These examples illustrate the exploitation at the heart of these conflicts.

Divisions within Khartoum's elite are another contributing factor to this complex conflict. Divisions within the National Congress Party (NCP), the ruling party led by al-Bashir, continue to increase, and policy tends to be driven by a group of hardliners who favor military might over concessions.[25] Power is centralized in a small clique around President al-Bashir; this clique relies heavily on networks of personal loyalty and tribal allegiance. Dissatisfaction with this small group, and with al-Bashir in particular, is no longer confined to the peripheries, but has spread to the armed forces, where six senior officers from the National Intelligence and Security Services (NISS) were arrested (and eventually pardoned) following a failed coup attempt in November 2012. Dissatisfaction with al-Bashir has also spread to the streets of Khartoum, where sporadic protests, spurred in part by Sudan's faltering economy, have been ongoing since 2011 and have often been put down with bullets.[26] Facing threats from all sides and lacking internal political cohesion, the regime is growing increasingly fragile, and views rebellions, such as the current insurgency in South Kordofan, as a threat to its survival. This logic, in particular the belief that regime survival is dependent upon striking as hard as possible to destroy support for insurgents, underlies the government's harsh tactics in South Kordofan,

Darfur, and during the Second Civil War.

Another root cause of the conflict is related to environmental issues and land dispossession. As in Darfur, ecological stress is a condition, though not a direct cause in and of itself, of the conflict.[27] In 1968, the government began developing large-scale mechanized farming schemes in South Kordofan. This was facilitated by General Gaafar Nimeiry's passage of the Land Act, which made undocumented land government property. Collective and individual land ownership was based on custom, rather than official records, resulting in large tracts of land being taken from Nuba and given to private investors. Commercial farming land jumped from half a million hectares in 1968 to 5 million hectares in 1986.[28] This dramatic increase in land used for commercial farming, combined with persistent droughts throughout the 1970s and 1980s, caused environmental degradation through soil erosion. The resulting reduction in land available to farmers and pastoralists led to increasing competition and conflict between Nuba farmers and Arab pastoralists, many of whom moved from North Kordofan state into South Kordofan in search of land. Guma Kunda Kroney, a Nuba land expert, said, "the encroachment of mechanized rain-fed farming into the customary Nuba farming land bringing socioeconomic devastation [was] the single most important issue behind the extension of the civil war into the Nuba Mountains."[29] These environmental conditions of conflict bear similarities to Darfur, where climatic and environmental factors, such as the expanding Sahara, led to increased internal migration, causing increasing demands on land and water in Darfur and spurring conflict between migratory Arab tribes and sedentary farmers. Repeated droughts worsened the situation in both South Kordofan and Darfur. As in Darfur, government policy, such as al-Bashir's policy of expelling Nubans from their land, exacerbated ecological problems.[30]

Antecedents to the Conflict

The antecedents of the current conflict were the 2005 Comprehensive Peace Agreement (CPA), the May 2011 gubernatorial election, and the unresolved status of Nuba SPLA combatants following the Second Civil War. The CPA served as an important trigger by sending a simple message that "rebellion pays." After decades of rebellion and war, the CPA gave the people of southern Sudan the right to hold an independence referendum in January 2011. With 98.83% of the population voting for independence, the Republic of South Sudan declared independence on July 9, 2011. Rebels in Darfur and in South Kordofan took heed of this message.

The most important trigger for the conflict was the failure to implement

key provisions of the CPA, in particular the promised popular consultations to address long-held grievances.[31] South Kordofan and Blue Niles states, known as the "two areas," were not given the right of self-determination in the CPA. Instead, the CPA assigned them popular consultations, which were supposed to be overseen by the states' legislatures. The aim of these popular consultations, which were originally scheduled to be concluded by July 2011, was to address issues left unresolved by the CPA, such as land ownership. The six-year interim period from 2005-2011 was marked by a failure of all parties to implement CPA-mandated disarmament, land commissions, and popular consultations. The power sharing agreements in South Kordofan set up by the CPA, which required that the NCP control 55% and the SPLM-N control 45% of the legislative and executive bodies until elections were held, were implemented very slowly. Ahmed Haroun of the NCP became governor in 2009, with Abdelaziz Adam al-Hilu acting as his SPLM-N deputy. Haroun had been indicted by the International Criminal Court for crimes against humanity in Darfur, while Al-Hilu, whose father was a Darfuri Masalit, had fought in Darfur and been trained by John Garang.[32] Once again, the strong links between the conflicts in Darfur and South Kordofan are made evident by the fact that many of the same actors are involved in both.

John Garang's unexpected death in 2005 further contributed to the CPA's failures, as much SPLA support in South Kordofan was based on Garang's personality. Upon his death, many in South Kordofan feared that his replacements would not honor his promises that he would not abandon the Nuba in exchange for South Sudan's independence.[33] On the day of South Sudan's independence, President Salva Kiir stated, "I want to assure the people of Abyei, Darfur, Blue Nile and South Kordofan that we have not forgotten you."[34] However, this rhetoric does not match the reality on the ground. Although President al-Bashir routinely accuses his foes in Juba of backing the SPLM-N, in fact Juba has provided the SPLM-N with only limited political and logistical support since independence, and has not been found to provide the SPLM-N with either fighters or weapons.[35]

A second important trigger was the May 2011 gubernatorial election, which pitted SPLM-N Deputy Governor Abdelaziz Adam al-Hilu against NCP Governor Ahmed Haroun. The election's importance stemmed from the fact that the winning candidate and the elected legislative assembly would be responsible for several important issues, including the census and the aforementioned popular consultations.[36] The month before the election, President al-Bashir said that the NCP would take the South Kordofan "either by ballot boxes or by bullet boxes."[37] Haroun won the election by a mere 6,500 votes – a margin

of less than 1.5%. The NCP obtained 33 seats in legislative assembly, while the SPLM obtained 21. Before the votes were even counted, the SPLM-N accused Khartoum of rigging the election, accusing the NCP of including votes from a fake polling center. The Carter Center, the only international observer, stated that, "Despite a climate of heightened insecurity and instances of procedural irregularities that removed an important safeguard of the process, South Kordofan's elections were generally peaceful and credible."[38] However, the Carter Center's findings were criticized by many. For example, Al-Jazeera claimed to have obtained figures showing that the Al-Hilu was ahead by 14,000 votes after counting results from all but six polling stations.[39] The election dramatically increased tensions between the NCP and the SPLM-N.

A third trigger for the crisis was the unresolved status of Nuba SPLA combatants. This reflects the fact that the conclusion of the Second Civil War contributed to the outbreak of the South Kordofan conflict. The CPA stipulated that all SPLA forces in Sudan (the ninth division in South Kordofan and the tenth division in Blue Nile) must withdraw to South Sudan, except for 3,300 who would be incorporated in the Joint Integrated Unites (JIUs) which were to include equal number of SAF and SPLA fighters. Following the conclusion of the Second Civil War, the SPLA claimed that all SPLA fighters from South Kordofan were in Jaw, in South Sudan's Unity State near the South Kordofan border. However, international observers could not verify this, and military observers believed that thousands of SPLA troops remained in South Kordofan.[40] Beginning in January 2011, troops of the ninth division left Jaw for South Kordofan in large numbers.[41] The African Union High-Level Implementation Panel on Sudan (AUHIP) attempted to diffuse the tension by proposing that these soldiers be integrated into the SAF, but Khartoum refused and instead stated that all SPLA soldiers, even those who had previously been allowed to remain as part of JIUs, must withdraw to South Sudan by April 9, 2011. Khartoum wanted to dismantle this large armed force linked to the almost-independent South Sudan, and did not believe that the SPLA should have any armed combatants in Sudan. The SPLA refused to obey, and instead continued moving troops back into South Kordofan.

By the May elections, nearly all Nuba SPLA troops had returned to South Kordofan.[42] In May, the SAF invaded Abyei, another contested border region, driving more than 100,000 residents from the area.[43] Emboldened by the weak international response to the seizure of Abyei and its victory in South Kordofan's elections, Khartoum demanded that all southern-allied fighters still in the north disarm. On June 1, the SAF began to disarm SPLA troops. The first shots of the war were fired on

June 5 when an SPLA soldier refused to be disarmed in Um Durein, a city southeast of South Kordofan's capital, Kadugli. The fighting spread to Kadugli on June 6 when SAF units attacked Al-Hilu's home, and by June 7 fighting had begun in the Nuba Mountains. By the time South Sudan declared independence on July 9, the first refugees from South Kordofan were entering Yida Refugee Camp in South Sudan. A week later, a leaked UN report revealed eyewitness accounts of mass graves, air assaults, and executions. When South Sudan became independent, the SPLA fighters in South Kordofan and in Blue Nile officially formed the SPLM-N. The timing of the war, starting just as South Sudan declared independence, makes clear the links between these events and Sudan's Second Civil War – the resolution of the Second Civil War, and the CPA in particular, triggered the current conflict.

Stalemate

While the bulk of the war has been fought in South Kordofan, in September 2011 the SAF invaded Blue Nile state. As in South Kordofan and Darfur, the government immediately cut off outside humanitarian access to the region, and within weeks more than 100,000 refugees had entered Ethiopia and South Sudan.[44] Over the next year, the conflict in both states continued to worsen. While exact figures are difficult to determine, the UN estimates that at least 1.2 million have been displaced since 2011, with more than 210,000 living in refugee camps in South Sudan and Ethiopia.[45] The war remains in a stalemate, with neither side able to declare a victory militarily, as the people of the region continue to suffer. The rebels in Blue Nile state hold little land and primarily use guerilla warfare tactics, while the rebels in South Kordofan control large parts of the Nuba Mountains and have occasional military victories.

Multiple attempted peace agreements, such as the February 2012 Tripartite Proposal by the UN, African Union, and League of Arab States, have failed to resolve the conflict. While both the SPLM-N and Khartoum signed the Tripartite Proposal in August 2012, by November 2012 the agreement had expired.[46] The most recent talks collapsed in March 2014, with the African Union (AU) mediators releasing a statement that, "The panel is of the view that as matters stand, it is impossible to bridge the chasm between the parties."[47] The failure of multiple peace agreements is reminiscent of Darfur, where agreements such as the Doha Document for Peace in Darfur have failed to produce results.[48] While the CPA ended the Second Civil War, the conflicts in South Kordofan, Blue Nile, and Darfur are ongoing and appear unlikely to be resolved soon.

The role of the international community has been limited throughout

this conflict. This stands in strong contrast to the outsize role played by the international community, in particular the United States, during Sudan's past conflicts. International pressure by the United States played a major role in persuading the governments of South Kordofan and Blue Nile to sign the protocol on the "two areas" on May 26, 2004, which replaced the call for referendums (desired by the local SPLA) with the popular consultations. While the international community has undoubtedly altered the trajectory of both the Second Civil War and of the conflict in Darfur, it has remained largely silent in South Kordofan and Blue Nile. The AU and the UN have tried to broker peace agreements, the UN has passed numerous resolutions on the subject, and policymakers in the US and in Europe have expressed concern, but a concerted international effort to resolve the conflict has not been undertaken.[49]

In conclusion, Sudan's multiple crises are complex and inextricably linked to one another. The war in South Kordofan and Blue Nile is new, but it is between old enemies. The actors and organizations involved, the root causes of the war, and the government's strategy, tactics, and motivations are strikingly similar to past conflicts, in particular the conflict in Darfur. While it was the resolution of the Second Civil War and the CPA that triggered this crisis, overall the conflict bears more similarities to Darfur than to the Second Civil War. The war in South Kordofan is not a new or different conflict for Sudan, but is rather the most recent manifestation of Sudan's fundamental problem of the center versus the peripheries.
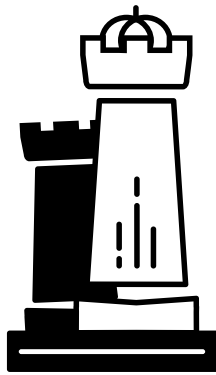

Michelle Trone is an M.A. candidate at the Johns Hopkins University School of Advanced International Studies concentrating in Conflict Management. Prior to SAIS, Michelle worked for the World Bank's Department of Global Security, where she monitored and analyzed the impact of political and security developments on World Bank operations. Michelle has also previously worked for an NGO in India, and she holds a B.A. from Emory University.

Notes:

1. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013. http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/sudan/198-sudans-spreading-conflict-i-war-in-south-kordofan.pdf
2. Ibid.
3. De Waal, Alex. "Counter-insurgency on the Cheap." London Review of Books. Vol. 26 No. 15. 2004.
4. "Sudan: Eradicating the Nuba." Africa Watch. Vol. 4 Issue 10. September 9,

1992. http://www.hrw.org/reports/pdfs/s/sudan/sudan929.pdf

5. "Sudan's Spreading Conflict (I): War in South Kordofan." International Crisis Group. February 14 2013.

6. "Eastern Sudan group joins SRF rebels." Sudan Tribune. October 3 2013. http://www.sudantribune.com/spip.php?article48289

7. Gramizzi, Claudio and Tubiana, Jérôme. "New War, old enemies: Conflict dynamics in South Kordofan." Small Arms Survey, Graduate Institute of International and Development Studies. March 2013. http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP29-S.Kordofan.pdf

8. Ibid.

9. Cockett, Richard. "Sudan: Darfur and the Failure of an African State." Yale University Press. 2010.

10. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

11. Gramizzi, Claudio and Tubiana, Jérôme. "New War, old enemies: Conflict dynamics in South Kordofan." Small Arms Survey, Graduate Institute of International and Development Studies. March 2013.

12. Reeves, Eric. "In Sudan, genocide anew?" Washington Post. June 17 2011. http://www.washingtonpost.com/opinions/in-sudan-genocide-anew/2011/06/17/AGVhCVZH_story.html

13. Kristoff, Nick. "Starving its Own Children." New York Times. June 2 2012. http://www.nytimes.com/2012/06/03/opinion/sunday/kristof-starving-its-own-children.html?_r=0 and Reeves, Eric. "Passive in the Face of Sudan's Atrocities." Washington Post. February 9, 2012. http://www.washingtonpost.com/opinions/washingtons-passive-response-to-sudans-atrocities/2012/01/31/gIQA-4qhW2Q_story.html

14. Gramizzi, Claudio and Tubiana, Jérôme. "New War, old enemies: Conflict dynamics in South Kordofan." Small Arms Survey, Graduate Institute of International and Development Studies. March 2013.

15. "Life in the Nuba Mountains", The Enough Project. Oct 13 2013. http://www.enoughproject.org/reports/life-nuba-mountains

16. Prendergast, John. "Why Washington can't just sit by and let another full-fledged war break out in Sudan." Foreign Policy. March 4 2013. http://www.foreignpolicy.com/articles/2013/03/04/preventing_the_next_mali_sudan

17. Reeves, Eric. "In Sudan, genocide anew?" Washington Post. June 17 2011. http://www.washingtonpost.com/opinions/in-sudan-genocide-anew/2011/06/17/AGVhCVZH_story.html and "Polio vaccination campaign in Sudan has failed, UN admits" The Guardian. November 11 2013. http://www.theguardian.com/society/2013/nov/12/polio-vaccination-sudan-failed-united-nations

18. Snapp, Trevor. "Death in the Nuba Mountains." Foreign Policy. July 9 2012. http://www.foreignpolicy.com/articles/2012/07/09/death_in_the_nuba_mountains

19. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

20. Gramizzi, Claudio and Tubiana, Jérôme. "New War, old enemies: Conflict dynamics in South Kordofan." Small Arms Survey, Graduate Institute of International and Development Studies. March 2013.

21. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

22. Gramizzi, Claudio and Tubiana, Jérôme. "New War, old enemies: Conflict dynamics in South Kordofan." Small Arms Survey, Graduate Institute of International and Development Studies. March 2013.

23. McConnell, Tristan. "South Kordofan's rebel general explains his battle against Sudan President Omar al-Bashir" Global Post. May 8, 2012 http://www.globalpost.com/dispatch/news/regions/africa/120502/south-kordofans-rebel-general-explains-his-battle-against-sudan-

24. Sudan's Spreading Conflict (II): War in Blue Nile" International Crisis Group. June 18 2013. http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/

sudan/204-sudans-spreading-conflict-ii-war-in-blue-nile.pdf

25. "Divisions in Sudan's Ruling Party and the Threat to the Country's Stability." International Crisis Group. May 4, 2011.

26. "At least 29 killed in central Sudan's worst unrest for years." Reuters. September 29, 2013. http://www.reuters.com/article/2013/09/26/us-sudan-protest-idUS-BRE98P0K620130926

27. De Waal, Alex. "Is climate change the culprit for Darfur?" July 2008.

28. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

29. Gramizzi, Claudio and Tubiana, Jérôme. "New War, old enemies: Conflict dynamics in South Kordofan." Small Arms Survey, Graduate Institute of International and Development Studies. March 2013.

30. Verini, James. "The Battle for South Kordofan." Foreign Policy. January 22 2013. http://www.foreignpolicy.com/articles/2013/01/22/the_battle_for_south_kordofan_sudan#sthash.Mzff5xuI.dpbs

31. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

32. Natsios, Andrew. "Sudan, South Sudan, and Darfur: What Everyone Needs to Know." Oxford University Press. 2012.

33. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

34. "South Sudan Celebrates New Beginning." Al Jazeera. July 9 2011.

35. Gramizzi, Claudio and Tubiana, Jérôme. "New War, old enemies: Conflict dynamics in South Kordofan." Small Arms Survey, Graduate Institute of International and Development Studies. March 2013.

36. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

37. Ibid.

38. "Vote in South Vote in South Kordofan is Peaceful and Credible." Carter Center. May 18 2011. http://www.cartercenter.org/news/pr/sudan-051811.html

39. "ICC suspect lags behind SPLM candidate in South Kordofan elections: Al-Jazeera." Sudan Tribune. May 7, 2011.

40. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

41. Gramizzi, Claudio and Tubiana, Jérôme. "New War, old enemies: Conflict dynamics in South Kordofan." Small Arms Survey, Graduate Institute of International and Development Studies. March 2013.

42. "Sudan's Spreading Conflict (I): War in South Kordofan" International Crisis Group. February 14 2013.

43. Hamilton, Rebecca. "Terror in Abyei." Foreign Policy. June 20, 2011. http://www.foreignpolicy.com/node/825631

44. "Sudan's Spreading Conflict (II): War in Blue Nile" International Crisis Group. June 18 2013.

45. Bariyo, Nicholas. "Sudan Peace Talks Break Down: African Union Had Hoped to Broker a Cease Fire." The Wall Street Journal. March 3, 2014. And "Under Siege: Indiscriminate Bombing and Abuses in Sudan's South Kordofan and Blue Nile States." Human Rights Watch. December 2012. http://www.hrw.org/sites/default/files/reports/sudan1212webwcover_0.pdf

46. "Tripartite Agreement Dies." Radio Tamazuj. November 14 2012. https://radio-tamazuj.org/en/article/tripartite-agreement-dies

47. Bariyo, Nicholas. "Sudan Peace Talks Break Down: African Union Had Hoped to Broker a Cease Fire." The Wall Street Journal. March 3, 2014.

48. "Failing Darfur." Enough Project. August 2012. http://www.enoughproject.org/files/DDPDimplementation.pdf

49. UN Security Council Resolution 2046. May 2012. http://www.un.org/News/Press/docs/2012/sc10632.doc.htm

*Bologna Center Journal
of International Affairs*

VOLUME 17