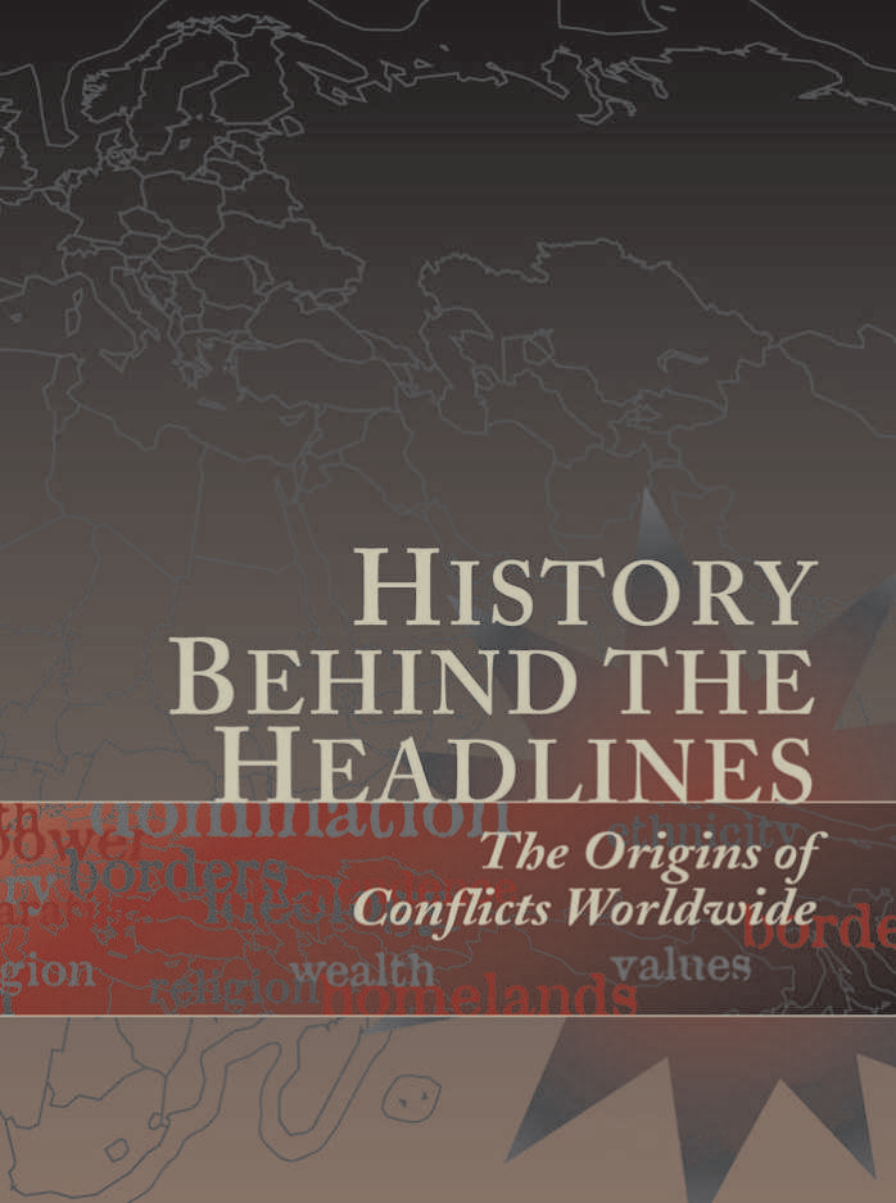




HISTORY BEHIND THE HEADLINES

*The Origins of
Conflicts Worldwide*

genocide
borders
religion
wealth
values
homelands

HISTORY BEHIND THE HEADLINES

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*The Origins of
Conflicts Worldwide*

VOLUME 6

Sonia G. Benson, Editor



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O'Bryan, Luke Rademacher

Product Design
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ADVISORY BOARD

Jerry H. Bentley is Professor of History at the University of Hawaii and editor of the *Journal of World History*. His research on the religious, moral, and political writings of Renaissance humanists led to the publication of *Humanists and Holy Writ: New Testament Scholarship in the Renaissance and Politics and Culture in Renaissance Naples*. More recently, his research has concentrated on global history and particularly on processes of cross-cultural interaction. His book *Old World Encounters: Cross-Cultural Contacts and Exchanges in Pre-Modern Times* examines processes of cultural exchange and religious conversion before the modern era, and his pamphlet "Shapes of World History in Twentieth-Century Scholarship" discusses the historiography of world history. His current interests include processes of cross-cultural interaction and cultural exchanges in modern times.

Frank J. Coppa is Professor of History at St. John's University, Director of their doctoral program, and Chair of the University's Vatican Symposium. He is also an Associate in the Columbia University Seminar on Modern Italy, and editor of the Lang Series on Studies on Modern Europe. He has published biographies on a series of European figures, having written and edited more than twelve volumes. His writings have also been published in journals including the *Journal of Modern History* and the *Journal of Economic History*, among others. He is editor of the *Dictionary of Modern Italian History* and the *Encyclopedia of the Vatican and Papacy*.

Paul Gootenberg is a Professor of Latin American History at SUNY-Stony Brook. A graduate of

the University of Chicago and of Oxford University, he specializes in the economic, social, and intellectual history of the Andes and Mexico, and more recently, the global history of drugs. He has published *Between Silver and Guano* (1989), *Imagining Development* (1993), and *Cocaine: Global Histories* (1999). Gootenberg has held many fellowships: among them, Fulbright, SSRC, ACLS, Institute for Advanced Study, Russell Sage Foundation, the Rhodes Scholarship, and a Guggenheim. He lives in Brooklyn with his wife, Laura Sainz, and son, Danyal Natan.

Margaret Hallisey is a practicing high school library media specialist in Burlington, Massachusetts. She has a B.A. in English from Regis College and a M.S. in Library and Information Science from Simmons College. A member of Beta Phi Mu, the International Library Science Honor Society, she has served on the executive Boards of the American Association of School Librarians (AASL), the Massachusetts School Library Media Association (MSLMA) and the New England Educational Media Association (NEEMA).

Donna Maier has been with the Department of History at the University of Northern Iowa since 1986. Her research interests are in nineteenth century Asante (Ghana), African Islam, and traditional African medicine. Her extensive list of publications include "The Military Acquisition of Slaves in Asante," in *West African Economic and Social History* (1990), "Islam and the Idea of Asylum in Asante" in *The Cloths of Many-Colored Silks* (1996), and *History and Life, the World and Its Peoples*

(1977–90, with Wallbank and Shrier). She is a joint editor of the journal *African Economic History*, and a member of the African Studies Association and the Ghana Studies Council. She is currently living in Tanzania.

Philip Yockey is Social Sciences Bibliographer and Assistant Chief Librarian for Staff Training and Development at the Humanities and Social Sciences Library at The New York Public Library.

ABOUT THE SERIES

In 1993 the UN Security Council created the International Criminal Tribunal for Yugoslavia and in 1995 it established another tribunal for Rwanda, in both cases as a consequence of the global community's helplessness when thousands were murdered in genocidal drives. Not since the Nuremburg and Tokyo trials after World War II has the international community felt compelled to intervene with its own justice system in crimes against peace, war crimes, and crimes against humanity. In Sierra Leone, where insurgents willfully killed, raped, and maimed innocent civilians, there will almost surely be another tribunal in the early 2000s. In the countries in which legitimate governments have failed, as we have seen in Afghanistan, political vacuums can arise that allow these areas to become centers for radical groups that export terrorism. National conflicts have in many cases become international concerns.

In the 1990s there were many kinds of conflicts in various parts of the world in which the international community was called upon to ensure that innocent groups of civilians were not intentionally destroyed by a hostile, and sometimes ruling, group. Child soldiers around the globe have received heightened attention in the last decade as the horror of their lives and the results of their training have become exposed. The Dalits, or untouchables, of India, the aboriginal peoples of Australia, the female population that is not being born due to son preference in India and China, and many others have transcended national boundaries to seek help from the rest of the world. But can standards be applied from one nation or culture to the next? How can we understand when international intervention is called for?

History Behind the Headlines, an ongoing series from the Gale Group, strives to answer these and

many other questions in a way that television broadcasts and newspapers can not. In order to keep reports both simple and short, it is difficult for these media to give the watcher or reader enough background information to fully understand what is happening around the world today. *HBH* provides just that background, giving the general public, student, and teacher an account of each contemporary conflict, from its start to its present and even its future. This thoroughness is accomplished not just by the in-depth material covered in the main body of each essay, but also by accompanying chronologies, textual and biographical sidebars, maps, statistics, and bibliographic sources.

Not only does *HBH* provide comprehensive information on all of the conflicts it covers, it also strives to present its readers with an unbiased and inclusive perspective. Each essay, many written by an expert with a detailed knowledge of the conflict at hand, avoids taking any particular side and instead seeks to explain each vantage point. Unlike television and newspaper reports, which may only have the time, space, or even inclination to show one side of a story, *HBH* essays equally detail all sides involved.

Given the number of conflicts that beg for the fuller accounts that *History Behind the Headlines* provides, an advisory board of school and library experts helps to guide the selection process and narrow down the selection for each volume. They balance the topic lists, making sure that a proper mix of economic, political, ethnic, and geographically diverse conflicts are chosen. One to two volumes, each written in an accessible, informative way, will be released each year.

PREFACE

Selection and Arrangement

This volume of *History Behind the Headlines* covers 25 conflicts—including ethnic, religious, economic, political, territorial, and environmental conflicts—and provides an essay exploring the background to today’s events. For example, students wondering why the United States lost a seat on a UN human rights panel will find a history of the nation’s relations with the organization from its establishment in 1945. Each conflict covered in HBH is contemporary—it happened within the last several years—but the roots of today’s headlines are of enduring interest.

The topics were chosen following an extensive review of the conflicts covered in newspapers, magazines, and on television. A large number of potential conflicts were identified. Advisors—including academic experts, high school social study teachers, and librarians—prioritized the list, identifying those conflicts that generate the most questions. Topics were then selected to provide a regional balance and to cover various types of conflicts.

The conflicts covered are complex. Each essay discusses multiple aspects of a conflict, including economic and social aspects, the interests of other countries, international organizations and businesses, and the international implication of a conflict. The entries are arranged alphabetically by a major country, region, organization, or person in the conflict. Where this might not be clear in the table of contents, the keyword is placed in parentheses in front of the title.

Content

Each essay begins with a brief summary of the current situation, as well as some of the major factors in the conflict and a list of terms used in the

essay with which the reader may be unfamiliar. Each essay contains the following sections:

- **Summary of the headline event.** An overview of the contemporary conflict that has brought the issue to public attention. For example, Israel’s admission of an official policy of assassination toward Palestinian “threats.”
- **Historical Background.** The “Historical Background” is the heart of the essay. The author provides the historical context to the contemporary conflict, summarizing the arc of the conflict throughout history. Each essay tells the “story” of the history of the conflict, capturing important events, transfers of power, interventions, treaties, and more. The author summarizes the changes in the conflict over time, describes the role of major figures in the conflict, including individuals, political organizations, and religious organizations, and provides an overview of their positions now and in the past. Where appropriate the author may draw comparisons with similar situations in the country or region in the past. In addition, the author often attempts to put the conflict in the context of global politics and to describe the impacts the conflict has had on people around the world. Finally, the author may touch on how historians’ understanding of the conflict has changed over time.
- **Recent History and the Future.** The final section brings the conflict up-to-date, and may offer some projections for future resolution.

Each essay is followed by a brief bibliography that offers some suggestions of resources for further research. In addition, brief biographies may accompany the essay, profiling major figures.

Sidebar may provide statistical information, a quote from a speech, a selection from a primary source document (such as a treaty), or a selection from a book or newspaper article that adds to the understanding of the conflict, or may explore an issue in greater depth (such as violence against aid workers in Indonesia or the rise of incidents of mass suicide like that suspected in Uganda).

Images may also accompany the essay, including one or more maps showing the area of conflict. A selected bibliography providing suggestions for background information and research on the nature of conflicts and a comprehensive index appear at the back of each volume.

History Is To Be Read Critically

Each of the talented writers (many academic authorities) in this volume has tried to provide an objective and comprehensive overview of the conflict and its historical context. The nature of conflict, however, involves positions strongly and passionately

held; even if it were possible to write a completely objective overview of history, it would contradict with the view held by participants to the conflict. History—all history—should be read critically.

Acknowledgements

Many thanks for their help to the excellent advisors who guided this project—their ongoing attention and feedback was greatly appreciated. Thanks, also, to the thoughtful and dedicated writers who lent their expertise to help others understand the complex history behind sound bites on the news.

Comments on this volume and suggestions for future volumes are welcomed. Please direct all correspondence to:

Editor, *History Behind the Headlines*
Gale Group
27500 Drake Rd.
Farmington Hills, MI 48331-3535
(800) 877-4253

AFRICA'S SMALL ARMS TRADE: AN INFECTION OF GUNS AND CHAOS

On February 28, 2002, Jonas Savimbi, head of the National Union for the Total Independence of Angola (UNITA) was killed in a hail of bullets during a gunfight with government forces in his stronghold of Moxico Province, Angola. While he had been the leader of UNITA's thirty-year struggle against the Angolan government, it is not at all clear that his death will mark the end of that conflict, which, like many others across the continent of Africa, has taken on a terrible life of its own, fueled by diamonds, other raw materials, and an incredible influx of guns.

By the time of his death, Savimbi was viewed as a pariah by most of the world. He had led his party of guerrilla fighters, UNITA, in a bitter war with Angola's ruling party, the Popular Movement for the Liberation of Angola (MPLA), since before the nation had gained its independence from Portugal. In the decades of war that followed independence, the MPLA enlisted support from the Soviet Union and Cuba. UNITA received help from the apartheid regime in South Africa and from the United States, which, during the Cold War, was determined to fight communist forces around the world. Hundreds of thousands of Angolan people were killed in the fighting.

With the end of the Cold War, there was a short-lived peace in Angola and the first multi-party election was held in the nation in 1992. Savimbi and UNITA lost in the elections. He would not accept the results of the elections and kept fighting, funding his warfare with diamonds he confiscated from the parts of Angola he occupied. The result was thousands more Angolan deaths. In 1994 another peace deal was arranged and United

THE CONFLICT

Throughout Africa the increase in the availability of cheap arms on the open market has led to millions of deaths since 1990. The wars that are being fueled by a huge influx of small arms have descended into pure chaos in which criminal activity flourishes and ferocity reigns. More fighting only makes the demand for arms greater, creating a cycle of violence that sustains itself at the expense of the lives of the African people.

Political

- The Cold War had the effect of containing conflicts on the African continent. The superpowers, fearing that African conflicts might get out of control, kept many of their African allies on a relatively short leash for fear of provoking the other side. The superpowers' withdrawal from African states after the Cold War contributed to the development of many conflicts throughout the continent.

Economic

- Eastern European states such as Bulgaria, Ukraine, the Czech Republic, Moldova, Kyrgyzstan, and Slovakia have engaged in the illegal African arms trade. The fact that many of these countries' arms industries, particularly that of Bulgaria, have grown dependent on the small arms trade in Africa for their hard currency income makes it extremely difficult to effectively enforce barriers to block the illegal selling of weapons.
- The war involving several countries in the Democratic Republic of the Congo is chiefly about economic control. The states that came in to overthrow or assist Kabila stayed because of the mineral wealth of the country. Uganda, for example, controls the diamond fields around Kisangani. Zimbabwe controls the diamond fields in the southern DROC. The Hutu groups that perpetrated the genocide in Rwanda in 1994 are holding out in the hills of the eastern DROC. Rival states and factions have been supplying these groups with arms in order to maintain their hold over these key economic areas.

CHRONOLOGY

- 1884** At the Conference of Berlin, the countries of Germany, France, England, Portugal, and Belgium each stake out territories in Africa that they wish to occupy and control. The map of Africa changes almost overnight.
- 1945** After World War II, European colonialists gradually begin to leave Africa, and Africa's nation-states achieve independence. As the Cold War begins, African nations become allied with one or the other of the superpowers.
- 1975–85** Somali dictator Mohammed Siad Barre spends us\$1 billion on arms to sustain his conflict with neighboring Ethiopia.
- 1989–90** As the Cold War ends, the Soviet Union and the United States withdraw their support from various regimes in African nations, sometimes resulting in chaos in those countries.
- 1991** Mohammed Siad Barre is overthrown in Somalia after the United States reduces its support for him at the end of the Cold War. Barre's overthrow leads to chaos in Somalia as rival clans take over government arms and compete for power, with no functioning central government overseeing the country. The situation has only gradually improved in recent years, with a mandate to establish a permanent national Somali government by 2003.
- 1992** Free elections are held in Angola; Jonas Savimbi loses. His National Union for the Total Independence of Angola (UNITA) then engages in a civil war based on ethnic grounds. Having lost the active support of the United States and South Africa, Savimbi is forced to supply his own forces, and he quickly becomes one of the world's largest diamond smugglers, generating over \$730 million in 1996 alone for arms purchases.
- 1993** Eritrea becomes an independent nation after thirty years of struggling for independence from Ethiopia.
- 1994** Tensions between the Hutu and Tutsi in Rwanda result in a six-week wave of genocide in which hundreds of thousands of ethnic Tutsi are killed.
- 1997** President Mobutu Sese Seko of Zaire is overthrown by a coalition led by Rwanda and Uganda. Laurent Kabila is installed as the nation's leader and the country's name is changed to the Democratic Republic of the Congo (DROC).
- 1997** After considering himself Liberia's leader for seven years, Charles Taylor wins the presidential elections in Liberia; his leadership results in renewed instability in the region, and Liberia becomes a key arms conduit in West Africa.
- 1998** Eritrea and Ethiopia begin an on-again, off-again border war.
- 1999** Rwanda and Uganda attempt to overthrow Laurent Kabila by supporting various forces within the DROC, starting a new round of the Congolese civil war.
- 2001** Laurent Kabila is assassinated and is succeeded by his son Joseph Kabila, but the war in the DROC continues.
- February 28, 2002** Jonas Savimbi, head of the National Union for the Total Independence of Angola, is killed in his stronghold of Moxico Province, Angola, after thirty years of struggling against the Angolan government.

Nations (UN) peacekeepers entered Angola, but by 1998 the country was back at war.

At the turn of the twenty-first century, Africa was the world's worst conflict zone, with 11 major armed conflicts such as the one in Angola taking place on the continent, as well as numerous smaller conflicts erupting. Apart from the fighting in Angola, there were ongoing major conflicts in Congo-Brazzaville, the Democratic Republic of Congo, Ethiopia, Eritrea, Rwanda, Somalia, and Sudan. Smaller conflicts

were taking place in Burundi, Chad, Djibouti, Senegal, and Uganda.

In March 2000 ten African countries—Kenya, Uganda, Sudan, Rwanda, Tanzania, Burundi, the Democratic Republic of Congo, Eritrea, Ethiopia, and Djibouti—convened to create an agreement to stop the proliferation of small arms. The countries believe that stemming the huge influx of small arms into Africa is a first step in ending the continent's period of violent chaos. They have a substantial challenge before them: there is currently no bind-

ing international instrument dealing specifically with small arms and light weapons proliferation.

Since the end of the Cold War, Africa has become a realm of small arms and light weapons: lightweight, highly portable, and extremely lethal weapons that are easily used, even by the young or poorly trained. (Small arms were defined by the United Nations in 1997 as weapons that can be fired, maintained, and transported by one person. Light weapons can be used by a small crew, and may need to be transported on a vehicle or pack animal.) It has been estimated that there are more than 100 million illicit small arms in Africa, including pistols, rifles, AK-47 automatic rifles, land mines, mortars, and rocket-propelled grenade (RPG) launchers. Millions of small arms were shipped by the superpowers to Africa during the Cold War to arm allied nations that were fighting proxy wars there. When the Soviet Union dissolved, additional millions of surplus Cold War-era weapons were sold to African groups at cut-rate prices, some legitimately, but a good portion on the black market and in violation of international sanctions.

Throughout Africa, small armies, generally numbering in the low thousands, vie for regional domination of key resource areas, such as the diamond fields of southern Congo, eastern Angola, and western Sierra Leone. The pure chaos of places like Somalia, which has not had a government since 1991, and the Democratic Republic of the Congo, where diamond wars have crossed borders into numerous neighboring nations, has added fuel to this insatiable need for arms.

With more people armed, in many places guns have become necessary for survival. The availability of weapons has actually spread violent conflict into previously stable areas such as Kenya, Namibia, and Guinea. As the article "Kenya's Lawless Bush" in the May 15, 1999, *Economist* pointed out with regard to Kenya, conflicts that previously left a few spear marks now result in the extermination of entire villages. Indeed, Michael Fleshman reported in his December 2001 *Africa Recovery* article, "Small Arms in Africa: Counting the Cost of Gun Violence," that when the pastoral Pokot people of the plains of Kenya turned from spears to inexpensive automatic rifles from the war zones of Somalia, Ethiopia, and Sudan, disaster followed. "The impact of modern military weapons on the Pokot and surrounding communities was brought tragically home in early 2001, when Pokot youth opened fire on a rival settlement, killing 47 people, burning down the village and transforming the almost-

ceremonial tradition of cattle raiding into an occasion for human slaughter." Criminal activities ranging from drugs and corruption to smuggling and gun-running itself have flourished in this environment of lawlessness and increased the ferocity and intractability of many of these conflicts.

HISTORICAL BACKGROUND

As the twentieth century began, most of Africa was under direct European control. In 1884, at the Conference of Berlin, the countries of Germany, France, England, Portugal, and Belgium each staked out territories in Africa that they wished to occupy and control. The map of Africa changed almost overnight as the Europeans divided the lands of the continent among themselves without regard to the territorial traditions of the populations that lived within the borders they created. One of the legacies of European colonialism is a system of nation-states that still exist after independence but have no basis in the history of their citizens. At independence, these artificial boundaries, coupled with the weak governmental structures that were thrown into play when the Europeans departed, have resulted in wars, rampant corruption, and weak or totalitarian state systems.

As the Europeans withdrew from Africa after World War II (1939–45), the Cold War moved in. Both the United States and the Soviet Union set up alliances in Africa, and most African states chose one of the superpowers as a patron upon which it could rely for support. For example, the presence of thousands of Cuban troops in Angola supporting the nominally Marxist regime of the MPLA kept U.S. support behind the rebel UNITA movement, which was anticommunist. Angola therefore became a front-line state in the Cold War.

For years the Cold War actually channeled many conflicts on the African continent and, to a certain extent, controlled their more egregious effects. Because both superpowers feared that conflicts might get out of control, they often restricted the expression of hostilities for fear of provoking the other side. The superpowers armed organized armies who were fighting other organized armies, and there was at least some control over the distribution of arms. In the early 1990s, when the Cold War was over, the Soviet Union and the United States—as well as important post-colonial actors, such as France—withdrew support from their African allies. The effect was to further weaken many states and to create a condition of near-anarchy across large portions of the continent.



SMALL ARMS ARE BURNED IN A BONFIRE IN THE HAGUE TO SIGNIFY THE START OF A CAMPAIGN AGAINST TRADE IN THE WEAPONS, WHICH PROLIFERATES IN MANY UNSTABLE COUNTRIES. (Photograph by Peter Dejong. Reproduced by permission.)

Angola and Somalia at the End of the Cold War

In the 1980s Soviet leader Mikhail Gorbachev began to restructure the Soviet economy and led other reforms that contributed to the breakup of the centralized structure of the Union of Soviet Socialist Republics (U.S.S.R.). Some of the Soviet republics declared their independence. In 1989 the divided Germany was unified and the Cold War was considered over. The repercussions were felt throughout Africa as the high level of U.S. and Soviet involvement there ceased.

In Angola, after a peace agreement was forged with UNITA, Cuban forces withdrew. Angola, while nominally at peace, remained an armed camp as both UNITA and the Angolan government retained large stocks of weapons. After months of campaigning throughout Angola, Savimbi lost in the Angolan elections. Unwilling to accept defeat, he and his followers took to the hills to prepare for guerrilla warfare against the government forces of MPLA. Since he no longer had the active support of the United States or South Africa—which was busy ending apartheid—Savimbi was forced to rely on his own devices to supply his forces.

Savimbi quickly became one of the world's largest diamond smugglers and accounted for two-thirds of Angola's diamond output in 1996 and

1997, according to Human Rights Watch. This generated over US\$730 million in 1996 alone for arms purchases. Although Savimbi had little political support in Angola, UNITA's small arms supply allowed it to maintain power in areas it occupied. With guns, he could get diamonds, and with diamonds, he could get guns. Throughout Africa, without the balancing effects of the Cold War, weapons that had once been distributed for a particular purpose to an organized group were ending up in the hands of gangs and even of children. Power and economic success resulted from arming oneself.

At the other end of the continent, the end of the Cold War between the United States and the Soviet Union had tremendous ramifications in Somalia. Mohammed Siad Barre (1919–95) had been the dictator of Somalia since 1959. Barre sought to establish a "Greater Somalia," threatening to reclaim areas in Ethiopia, Djibouti, and Kenya, where Somali nomads lived. This led to fierce border clashes with neighboring Ethiopia.

At first Barre allied with the Soviet Union, but when the Soviets became friendly with Ethiopia in the 1970s, Barre switched his alliance to the United States and the United Kingdom. The United States provided Somalia with civilian aid, hoping to impede Soviet influence in Ethiopia until the Cold

“SMALL ARMS, BIG PROBLEMS”

The following is an excerpt from an introductory speech delivered by Kofi Annan, the secretary-general of the United Nations, at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July, 2001.

. . . The world is flooded with small arms and light weapons numbering at least 500 million, enough for one of every 12 people on earth. Most of these are controlled by legal authorities, but when they fall into the hands of terrorists, criminals and irregular forces, small arms bring devastation. They exacerbate conflict, spark refugee flows, undermine the rule of law, and spawn a culture of violence and impunity. In short, small arms are a threat to peace and development, to democracy and human rights.

Small arms are easy to buy: in some places, an AK-47 assault rifle can be bought for as little as \$15, or even for a bag of grain. They are easy to use: with minimal training, even a child can wield one. They are easy to conceal and transport. Since they require little maintenance, they can last for decades. They cause big losses: the Inter-American Development Bank has estimated the direct and indirect costs of small arms violence at \$140 to \$170 billion per year in Latin America alone. Most of all, they are deadly. According to the independent Small Arms Survey 2001, small arms are implicated in well over 1,000 deaths every single day, the vast majority of them women and children . . .

To fight back, we need better laws and more effective regulations. States have established international norms in

the areas of nuclear non-proliferation, and banned chemical and biological weapons and anti-personnel landmines. Yet there is no such framework of binding norms and standards to eliminate the illicit trade in small arms and light weapons.

We also need the help of manufacturers, who can make weapons easier to trace by marking them clearly, and by selling them only through registered brokers.

And we must reduce the vast stocks of weapons that exist. In societies emerging from conflict, ex-combatants must be disarmed, demobilized and helped to find jobs. As we are learning in Albania, El Salvador, Mozambique, Panama and elsewhere, it can be very effective to offer non-monetary incentives—such as tools and schools, construction materials, health care services and road repairs—for the voluntary surrender of weapons. Unfortunately, states which have spent billions of dollars intervening to impose a ceasefire are often unwilling to spend even a few hundred thousand on these less dramatic tasks which are vital if peace is to last.

In recent years, campaigns against landmines, for debt relief and for an International Criminal Court have demonstrated the extraordinary capacity of ordinary people to band together behind a cause and fundamentally change the policies of Governments. Surely, the illicit trade in small arms and light weapons deserves similar attention.

Kofi Annan, “Small Arms, Big Problems.” International Herald Tribune, July 10, 2001.

War diminished. As Cold War tensions reduced, the United States saw little reason to maintain its support for Barre and cut it back, which contributed to his overthrow in 1991. Barre's overthrow led to chaos in Somalia as rival clans took over government arms and competed for power.

Somalia would provide a foretaste of what was to come in many other parts of Africa. Between 1975 and 1985 Barre had spent \$1 billion on arms to sustain his conflict with neighboring Ethiopia. After 1990 the more sophisticated pieces of equipment fell into disuse, but low-tech weaponry quickly found its way into the hands of private armies, which adapted them as necessary. Looting and criminal activity became the norm as these groups competed for power, using machine guns and anti-aircraft guns mounted on the backs of pickup trucks. The situation in Somalia has only gradually improved in recent years with a mandate to establish a permanent national Somali government by 2003. A recent report cited by Herbert M. Howe in *Ambiguous Order: Military Forces in*

African States (2001) estimated that there were 500,000 weapons in Mogadishu alone—a city with a population of only one million.

Wars Spread through Central Africa

The renewed conflicts in Angola and Somalia were but the first such flare-ups to occur in the 1990s. In 1994 tensions between the Hutu and Tutsi in Rwanda disintegrated into mass genocide. In 1997 President Mobutu Sese Seko of Zaire—who was accused of harboring many of the perpetrators of the genocide in Rwanda—was overthrown by a coalition led by Rwanda and Uganda which then installed Laurent Kabila as president in May 1997.

Kabila hailed from the key diamond-producing area of Zaire—now renamed the Democratic Republic of the Congo (DROC). By controlling this vital area, Kabila was able to finance a buildup of his forces and he eventually sought to shake off the influence of his former allies. Kabila had come into power with the aid of Rwanda, Uganda, Angola,

Burundi, and Eritrea, and within the region it was hoped that he could bring about a period of peace and prosperity. Instead, he became a corrupt dictator and turned on his allies.

Rebel groups that formed to oppose Kabila within the DROC were supported by Rwanda and Uganda, and fighting escalated. As the conflict raged on, rebels controlled about a third of the entire country. Kabila received support from Angola, Zimbabwe, and Namibia. In 1999 Rwanda and Uganda began efforts to overthrow Kabila, starting the current round of the Congolese civil war. This war rapidly pulled in neighboring regimes, most notably Angola and Zimbabwe, to support Kabila against Uganda and Rwanda. Zimbabwe rapidly took over the key diamond-producing areas in the south and started exploiting them for its own purposes.

Conflicts now rage in a confusing pattern across a wide strip of Central Africa from Eritrea to Namibia. Ethiopia and Eritrea have been fighting for most of the past forty years. Ethiopia annexed Eritrea as a province in 1962, starting a thirty-year struggle for independence. In 1991 Eritrean rebels defeated Ethiopian forces and won independence, but a border war with Ethiopia erupted in 1998 that lasted until the end of 2000.

In 1994 rebels in Ethiopia overthrew the nominally Marxist government there. A very complicated system of alliances across border lines has arisen since then, with the various countries supporting rebel groups that oppose their neighboring governments. Rebels opposing the current government in Ethiopia operate out of Somalia and, to a lesser extent, Kenya. Ethiopia, in turn, supports rebels in the southern Sudan, which are also supported by Uganda.

Sudan supports rebels in northern and western Uganda; it also supports bases in the DROC. Uganda and Rwanda have launched a full-scale incursion into the DROC, in part to deal with these insurgents. Rwanda is concerned with ethnic Hutu rebels also based out of the DROC. Burundi makes periodic incursions into the DROC to deal with its own Hutu rebels who have bases there. To counter this, Zimbabwe and Angola have intervened in support of government forces in the south of the DROC. Angola is also interested in going after UNITA bases in the territory of the DROC. These networks extend well beyond those mentioned.

Liberia, Sierra Leone, and the Côte d'Ivoire

In West Africa the success of Charles Taylor in taking over Liberia in 1997 has led to renewed

instability in that area. Since 1997 Taylor has been linked to a brutal civil war in neighboring Sierra Leone, which has periodically threatened to spread into neighboring Guinea. His support of Foday Sankoh's Revolutionary United Front (RUF) in Sierra Leone is well documented.

Taylor has also been linked to activity in unstable Guinea-Bissau and, more recently, in the Côte d'Ivoire where he is reportedly supporting ousted military dictator General Robert Guei. Liberia has been a key arms conduit into the region. The UN imposed sanctions on Liberia—a ban on diamond sales and travel by senior officials—on May 7, 2001.

Trading in Weapons

After the Soviet federation dissolved, the number of arms being sold from the former Soviet Union and its East European allies in state-to-state transfers decreased from \$4,270 million in 1988 to \$270 million in 1995, according to the U.S. State Department report "Arms and Conflict in Africa" (1999). Many former Eastern bloc countries, however, were left with arms industries that had been central to their economies and found a ready market for them in Africa.

Commercial and black market sales rose as state-to-state sales decreased. Now Ukrainians, Bulgarians, and other former Eastern bloc countries are trying to sustain their failing arms industries by flooding the African markets with a sea of knockoff AK-47s, M-16s, RPGs, and other cheap small arms. In doing so, they are fueling the conflicts. Previously the domain of governments, arms such as the AK-47 assault rifle are now available to individuals for as little as \$6 in some places in Africa.

The present situation is highly complex, and the means and ends for getting arms into a particular region vary. The conflict between Ethiopia and Eritrea has generated a more traditional form of arms trading. Middlemen in the Middle East, particularly in Yemen, have acted as conduits for large shipments of arms to the combatants despite UN sanctions. These weapons include tanks, helicopters, and jet aircraft, primarily of Soviet design. Arms dealers from eastern Europe have been known to sell to both sides. Eritrea is receiving some support from Libyan leader Muammar Qadhafi, as well as from Sudan, while the much larger Ethiopia has relied primarily on its own devices. Payment for these arms comes from the national treasuries of the affected countries.

The situation in Somalia—and its spillover effects in Kenya and Ethiopia—is based more on

small arms than is the conflict between Ethiopia and Eritrea. A large cache of arms was left in the country when its government disintegrated, and actors such as Ethiopia have introduced even more into the region by arming their allies among the Somali factions. Most of the income for new arms and ammunition comes from various kinds of criminal activity, such as the smuggling of Khat (or Quat, a leafy shrub chewed in East Africa and the Middle East for centuries for its natural stimulant effects, which is currently becoming popular in Europe) and other goods through and around Somalia.

The anarchic nature of the region since 1991 has insured a steady flow of money into the arms trade, supplying the various factions competing for power and influence. The lawlessness in Somalia has spread into neighboring countries such as Ethiopia and Kenya. While Ethiopia has a long history of this kind of banditry, Kenya had been relatively stable up to this point.

Sudan's long-running civil war creates another source of demand for arms in the region. Sudan achieved independence as a parliamentary republic at the beginning of 1956. Since then, under the rule of unstable and military governments, there has been an almost perpetual state of conflict between the country's Arab Muslim northerners and the black Christian Africans of the south.

Since 1983 more than 1.2 million people have been killed in the war, which is noted for the atrocities committed by both sides. Although the Sudanese government increasingly relies on funds from oil to supply its forces, the Sudanese People's Liberation Army (SPLA) rebels often depend on friendly regimes, most importantly Uganda, as well as illegal activities to support their needs. Small arms from eastern Europe regularly find their way into this region despite UN sanctions designed to prevent them.

In retaliation for Ugandan support of its rebel groups, Sudan has supported the infamous Ugandan rebel group, the Lord's Resistance Army—known for its brutal abduction and enslavement of children—against both the SPLA and the Ugandan government. This group has been operating increasingly out of the northwestern DROC and is one of the reasons that Uganda has become involved in the civil war there. Uganda has also supported and armed a number of local DROC factions, most notably Jean-Pierre Bemba's Movement for the Liberation of Congo (MLC). Finally, Uganda has been a key arms conduit for groups as far away as UNITA in Angola.



BRITISH ACTRESS HELEN MIRREN SPOKE AT A PRESS CONFERENCE ABOUT THE EFFECT OF THE ILLICIT GUN TRADE IN AFRICA DURING A UN CONFERENCE ON SMALL ARMS. (*Photograph by Stephen Chernin. AP/Wide World Photos. Reproduced by permission.*)

In 2002 Amnesty International accused the Ugandan police and army of being involved with the flourishing illegal arms trade in the country. Ugandan president Yoweri Museveni's government responded that it had been responsible for impounding illegal arms shipments heading out to other countries in Africa. Uganda also introduced an amnesty law to encourage armed groups to hand in their weapons.

Despite the death of Laurent Kabila in early 2001, the war in the DROC continues to fester. For some time this war has not been about political control, but rather about economic control. The states that came in to overthrow or aid Kabila stayed because of the mineral wealth of the country. Besieged by many different rebel factions within the country's borders, the DROC government forces are barely holding their own. Uganda controls the diamond fields around Kisangani and

THE UNITED NATIONS' EFFORTS TO REGULATE SMALL ARMS AND LIGHT WEAPONS

During the Cold War era, the focus of global security was upon heavy weapons systems. It is clear in the 2000s that unregulated small arms and light weapons can serve as mass weapons of destruction as well, but there has been little international regulation regarding illegal small arms trafficking. Until the early 1990s there was virtually no attention to this matter internationally.

Abdel-Fatau Musah relates in his article "Africa: The Political Economy of Small Arms and Conflicts" (*DPMN Bulletin—Development Policy Management in Sub-Saharan Africa; Conflicts in Africa: Resolution, Management and Peace Building*, July 2001) that it was the president of Mali who first brought the issue to the international forefront. Having obtained a fragile peace with the Tuaregs from the north, President Alpha Konare realized that the peace would not endure unless he could stop the flow of small arms coming into his nation. He asked for help from the United Nations, which has since made curbing small arms a top priority.

On July 9–20, 2001, the UN Conference on the Illicit Trade in Small Arms and Light Weapons was held in New York. It was the first gathering of the world's governments to discuss small arms proliferation. The draft program of action for the conference called for a legally binding resolution that would commit signatory nations to regulate the export of arms; provide incentives to encourage the destruction of stockpiles of small arms; institute an internationally recognized system for marking weapons in order to trace them; and take other important steps.

Although most went into the conference optimistic that a consensus could be reached for a legally binding

resolution, it became clear on the first day that there were complications. There were differences among the nations as they worked to reach a consensus over the plan of action. Canada, Norway, the European Union, Japan, and some South Asian states did not believe the plan went far enough to curb small weapons, while the United States, China, and Russia did not want the document to go too far.

The United States in particular was adamant that it would oppose any restriction of the illegal trade of small arms that could in any way interfere with the right of individuals to bear arms. The United States would also not agree to any provision that restricted governments from supplying guns to non-government entities, such as rebel groups. The U.S. delegate requested that a distinction be made between weapons used for traditional reasons and illegal weapons used in world conflicts. The United States also argued that the United Nations, since it is not an elected political body, should not interfere with national concerns.

The conference was extended an extra day and night in order for an agreement to be reached. Observers noted that the compromise, a non-binding plan, was too watered down to be effective and would serve instead as a first discussion of the direction to take. The president of the conference congratulated the delegations for reaching an agreement while at the same time expressing disappointment that the important issues had not been decided due to "inflexibility on the part of one delegation" (the United States).

fought briefly with its ally Rwanda over them in 1999. Zimbabwe controls the diamond fields in the southern DROC around Mbuji-Mayi and is actively exploiting them to finance its military activities as well as to enrich the clique around President Robert Mugabe.

The Hutu groups that perpetrated the genocide in Rwanda in 1994 are holding out in the hills of the eastern DROC, giving Rwanda and Burundi excuses for periodic incursions, as well as, in the case of Rwanda, a semi-permanent occupation of some parts of the DROC. Bemba's MLC period-

ically threatens the capital. Rival states and factions have been supplying these groups with arms in order to maintain their hold over key economic areas. The reasoning is that if their enemies are busy dealing with insurgents, they won't have the capacity for an all-out push to eliminate them from the playing field. The net result is an intractable and confusing war that has caused an estimated one million deaths since 1997.

Angola is a significant piece in this puzzle. The Angolan government, financed primarily by oil income, supports the remnants of the Kabila gov-

ernment, now run by his son Joseph, in Kinshasa. Angola's primary rationale for being in the conflict is to outflank the UNITA-controlled diamond-smuggling operation that has used the anarchy of the DROC to establish key bases in the southern part of the country. Angola has been a key weapons supplier to the DROC government forces, but neither Angolan nor DROC forces have been able to eliminate UNITA entirely from the area.

UNITA, in turn, has used diamonds to finance and maintain its forces and allies in Angola, the DROC, and, most recently, in Namibia. The death of Jonas Savimbi is unlikely to change the economic rationale behind this effort. The whole situation is a bit of a catch-22. Weapons are necessary to control key economic areas to finance the weapons needed to control these areas.

A separate area of conflict centers on Charles Taylor's Liberia. Taylor has harbored regional ambitions ever since he finally won Liberia's long-running civil war in 1997. He is indirectly supported by Libya's Muammar Qadhafi and has formed a strong relationship with Blaise Campore of Burkina Faso. Taylor has kept the RUF in neighboring Sierra Leone well supplied with arms, despite its brutal human rights record and international sanctions against Taylor's interference there. Diamonds are behind the Liberian conflict. Sierra Leone's rich diamond fields are exploited by the RUF and used to pay for the arms supplied by Taylor, who also assuredly takes a cut. The conflict has the potential to spill over into neighboring Guinea and has had tertiary effects in Guinea-Bissau on the other side of Guinea and even as far away as Senegal.

With this volatile mixture of politics and economics on the African end, the international community has found it hard to still the demand for more and more arms. Instead, the international community has increasingly focused on the markets for these smuggled goods, as well as the suppliers of the weapons themselves.

RECENT HISTORY AND THE FUTURE

How to Stop the Violence?

De Beers, the South African diamond firm that effectively controls the diamond market, has recognized the potential marketing and public relations problems it faces with so-called "conflict diamonds." The problem with diamonds, which are not the only source of funding for African conflicts, is that they are rather difficult to trace. When you are in a jewelry store or in the diamond markets of Belgium,



THE UN CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS MET IN JULY 2001 TO DEVELOP A PLAN TO COMBAT ILLICIT TRAFFICKING IN SMALL ARMS.

(Photograph by Shawn Baldwin. AP/Wide World Photos. Reproduced by permission.)

you don't know whether the stone you are looking at came from a child laborer working under a gun in Angola or Sierra Leone or from a perfectly legitimate mine in South Africa or Russia.

The solution has been to provide diamond shipments with certificates of origin, but this kind of paperwork is easily forged. In the past de Beers has been less than careful about this kind of paperwork but is now cooperating with the United Nations to crack down on unregistered diamonds. The problem is that if de Beers, which has pledged to stop buying diamonds in Angola, Congo, Guinea, and Sierra Leone, stops buying the dia-

monds, chances are good that someone less scrupulous will buy them up at a discount.

Another problem facing international efforts to stop the illegal diamond trade, which in turn fuels the arms trade, is corruption at the source. For example, in Angola corrupt government officials in the MPLA government buy diamonds from UNITA in exchange for hard currency, supplies, or even arms. It is perfectly legal for the Angolan government to sell diamonds on the world market, and once these diamonds are in government hands they are essentially government diamonds—even though the money goes to UNITA. The involvement of government officials in this trade actually makes it less likely that the conflict will end anytime soon, since both sides have reasons to keep it going.

The Sellers of Guns

International efforts to control the supplier problem in the illegal arms trade are being made by targeting the countries of origin. Bulgarians and Ukrainians have been prime suppliers to African countries and groups over the last decade, but other Eastern European states such as the Czech Republic, Moldova, Kyrgyzstan, and Slovakia have also engaged in the illegal African arms trade from time to time. Corruption in these countries has made enforcement of sanctions and other trade barriers that may inhibit the arms trade difficult.

The fact that many of these countries' arms industries, particularly that of Bulgaria, have grown dependent on the small arms trade in Africa for their hard currency income makes it extremely difficult to effectively enforce barriers to block illegal selling of weapons. According to a 1999 Human Rights Watch report, Bulgaria has supplied illegal arms to: both sides of Burundi's civil war; the rebels in Congo; UNITA; Rwanda's Hutu *génocidaires*; Ethiopia; Uganda; and Eritrea.

With their often high levels of corruption, government assurances that the trade has been officially stopped have been rendered essentially meaningless. A vigorous trade in false export certificates, often with ex-foreign government officials and fake countries of destination, has maintained the trade despite international efforts to stop it. It is essentially a situation of poor buyers and poor sellers who are economically dependent on one another. Coupled with a weak state system and governmental controls on both ends of the pipeline, this presents a daunting challenge to anyone seeking to curb the trade of arms, particularly small arms, into Africa.

Even if the eastern European arms pipeline is shut off through vigorous efforts on the part of the

European Union or the North Atlantic Treaty Organization (NATO), African states are beginning to develop their own production capacity. Both Kenya and Nigeria manufacture large quantities of small arms ammunition, and South Africa is already the world's tenth-largest arms exporter. There are also conduits of arms leading into the Middle East and Asia. As long as the demand persists there will be suppliers, and there is no sign of demand decreasing anytime soon.

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Thomas Haymes

ARGENTINA: FROM ECONOMIC MIRACLE TO POLITICAL MELTDOWN

THE CONFLICT

After a period of relative stability in the 1990s, Argentina has faced renewed economic turmoil as its recession deepened from 1998 to 2001. A period of intense political upheaval marked the country in late 2001 as the government resorted to desperate economic measures to turn the country around. Once a leading economy in the Americas, recent events in Argentina have left many wondering whether the country can reform its economy without undertaking fundamental reforms in the political realm as well.

Economic

- With its currency pegged to the U.S. dollar from 1992 to 2002, Argentina's government was able to curb inflation. On the other hand, the policy made Argentine products relatively more expensive compared to those of its neighbors, which stunted growth in its export sector. The government has also incurred a high foreign debt and has failed to implement austerity measures. At the end of 2001, the government instituted severe currency controls, including strict limits on access to private bank accounts.

Political

- After a general strike by public workers, President Fernando de la Rúa was forced from office on December 20, 2001. His successor, Adolfo Rodríguez Saá, was unable to stabilize the political situation and resigned one week later. On January 1, 2002, Congress elected Eduardo Duhalde as president.
- The return to civilian government in 1983 did not entirely remove the influence of the military on Argentine politics. Democratic reforms were gradually implemented in the 1990s, but the country's governments were routinely accused of corruption and waste. In light of the country's history, some Argentines have linked the need for economic reforms with the necessity to ensure political reforms as well.

Social

- Social unrest, including riots against the government's economic policies and sporadic looting, has broken out in Buenos Aires and several other cities. Most Argentine citizens have seen their standard of living deteriorate rapidly, and many have resorted to the barter system to obtain goods and services.

In the 1990s Argentina appeared to have it all. Between 1991 and 1997 its economy grew at a rate of 6.1 percent. After the *peso* was linked to the U.S. dollar in 1992, the intractable hyperinflation of the 1980s was replaced with a stable currency. The strong currency also made imported goods cheaper and provided a boon to Argentine consumers, who went on a buying binge during the decade. Even the traditionally stormy world of Argentine politics had settled down. For the first time since the 1920s, the country looked forward to a democratic transition of power between civilian governments, an important step away from the military rule that dominated the country's history.

Argentina also seemed to be shedding the isolationism that had characterized its place in world affairs. It had renewed its ties with Great Britain—another step in coming to terms with its military's disastrous decision to go to war over the Falkland Islands—and foreign investment poured in from Italy and Spain. President Carlos Saul Menem and his finance minister, Domingo Cavallo, also worked closely with the International Monetary Fund (IMF) to plan for the country's continued stability, another break with Argentina's nationalist past.

The Argentine success story was all the more impressive given the economic records of other Latin American countries. Mexico had drastically devalued, or lowered the recognized worth of, its *peso* in 1995 to avoid economic collapse; Brazil made a similar move in 1999. Ecuador, which had gone through five presidents in four years, took the drastic step of officially adopting the U.S. dollar as its currency in 2000 to counter hyperinflation, international loan defaults, and slumping foreign investment. In the increasingly globalized and free market-oriented economy, Argentina seemed to

have had a decade's head start on its Latin American rivals.

The total collapse of Argentina's economic and political system by the end of 2001, then, came as a shock to the country. While a recession had started in 1998, it appeared that the economy, based on a dollarized peso, was on solid ground, even if export growth was sluggish. Menem had turned over power to his political rival, Fernando de la Rúa, at the end of his term in 1999, and Argentina's transition to democracy also seemed complete. Yet de la Rúa would be forced out of office in December 2001 as the banking system shut down and Argentines took to the streets to protest against his administration. His successor stayed in office for just a week before public protests brought him down as well.

When Eduardo Duhalde took office in January 2002 as Argentina's third president in less than a month, the challenges he faced went far beyond economic reform. "To get out of this crisis, Duhalde will need not only an economic plan but also a restructuring of how politics is conducted in this country," Rosario Chamber of Commerce head Roberto Paladini told the *Chicago Tribune* in March 2002 ("Resentment Simmers as Argentine Peso Plummets"). "People here have rejected the whole political class as corrupt, so it is the only way." In the meantime, more than two dozen people had died in protests against the government.

HISTORICAL BACKGROUND

From Colonialism to Independence

Like the rest of South America, the region comprising present-day Argentina was the site of numerous trips by Spanish and Portuguese explorers in the first half of the sixteenth century. In 1516, looking for a westward passage to Asia, Juan Díaz de Solís (1470?–1516) sailed up the River Plate (Río de la Plata) on a mission for the Spanish Crown. He was followed by Portuguese navigator Fernão de Magalhães, better known in English as Ferdinand Magellan (c.1480–1521) in 1520 and Sebastian Cabot (1476–1557), who created a short-lived settlement for Spain near Rosario in 1527.

Like the first post at Buenos Aires, initially established in 1536, each of these attempts at colonization failed. Indigenous Indian tribes were usually hostile to the Europeans, who also suffered from starvation and disease in the new land. More successful were settlements in the north and in present-day Paraguay, where the Guaraní tribes and Spanish traded and intermarried, creating an en-

CHRONOLOGY

- 1946–55** Juan Domingo Perón serves two terms as president.
- 1973–74** Juan Perón returns to Argentina and dies while serving as president.
- 1976–1983** Military junta rules Argentina and begins "Dirty War" against dissidents.
- 1983** Hyperinflation and a military loss to Great Britain over the Falkland Islands leads to resumption of civilian government.
- 1989** Carlos Saul Menem is elected president and begins an economic austerity program.
- 1992** The peso is pegged to the U.S. dollar.
- 1998** Recession begins.
- 1999** Fernando de la Rúa begins term as president.
- December 13, 2001** General strike is staged by public workers to protest government's economic policies.
- December 20, 2001** President de la Rúa resigns. His successor, Adolfo Rodríguez Saa, serves as president for one week.
- January 1, 2002** Eduardo Duhalde is elected to presidency by Congress.
- February 8, 2002** The peso is floated on currency markets.

during mestizo culture that reflected both Indian and European roots.

Drawn by tales of wealth in the interior of the continent, the Europeans continued to set up posts in the region to secure their presence; in the 1500s the Spanish alone established 25 settlements in Argentina. In most of the region, the *encomienda* system became the dominant pattern of settlement: the Spanish crown gave its agents the right to demand labor or tribute payments from local Indian tribes; in exchange, the agent pledged to convert the Indians to Christianity. The system of forced labor reached a peak in the early seventeenth century, before disease and warfare significantly reduced the number of indigenous people in South America.

While it was relatively short lived, the *encomienda* system was vital in Spanish efforts to develop manufacturing and trade opportunities in



MAP OF ARGENTINA. (© Maryland Cartographics. Reproduced by permission.)

their colonies. In the 1600s Argentina exported surplus corn, wheat, and flour throughout the Americas, and the silver trade provided additional revenue for merchants. In 1580 a second settlement at Buenos Aires proved to be longer lasting than the first, and the city became the region's leading center of trade. While its progress was subject to regular interruptions due to conflicts among the European powers, Buenos Aires grew as a trading post for hides, beef, silver, and slaves. It was also the site of much contraband trading in British goods banned by Spanish authorities.

By the late 1700s, the competition with the British had taken a military turn. After its defeat by the British in the Seven Years' War on the European continent (1756–63; Spanish entry after 1761), Spain desperately attempted to strengthen its hold on Argentina and its other South American colonies. With continuing domestic political instability, Spain's attempt to retain its colonies was doomed. A British occupation of Buenos Aires in 1806 that lasted two months demonstrated the fragility of the Spanish Empire. In May 1810 a military junta with the support of the merchant class announced an end to Spanish rule; it was several more years before internal political conflicts abated enough to allow a formal declaration of independence, which was issued on July 9, 1816.

Argentina as an Economic Power

In the nineteenth century, the abundant natural resources of Argentina made it a potential rival to the United States of America in terms of economic development. Yet many of the forces that shaped the country's colonial period continued to dominate Argentina's development even after independence. The cattle barons and merchants of Buenos Aires exerted their power over the country's economic and political spheres and forestalled many of the reforms that could have democratized the new republic. The elites' interest in trade and export typically coincided with the interests of foreign capital.

By placing their vast wealth outside of the country rather than in new enterprises within, they hampered the possibilities of internal growth. Further, the dominance of the cattle-based economy stunted efforts at developing Argentina into a manufacturing center, as local capitalists had little incentive to invest outside of the robust livestock market. The continued presence of the military in Argentine politics also hindered its democratization and regularly contributed to domestic instability. Each of these factors shaped Argentina well into the twentieth century.

Argentina's economic growth in the late nineteenth century demonstrated the importance of its export markets for grain, beef products, and wool. The decade between 1880 and 1890 saw shipping traffic rise from 2.1 million tons to 7.7 million tons, and foreign investment from Britain, France, and the United States helped develop the country's infrastructure to handle the trade. European immigrants, especially from Spain and Italy, chose Argentina as their destination; 850,000 arrived in Argentina during the 1880s alone.



PEOPLE WAIT IN LINE FOR FOOD AT A SOUP KITCHEN. IT IS ESTIMATED THAT 45 PERCENT OF THE ARGENTINE POPULATION LIVED BELOW THE POVERTY LINE AS OF EARLY 2002. (Photograph by Diego Guidice. AP/Wide World Photos. Reproduced by permission.)

While a global economic downturn after 1890 temporarily intervened with this progress, the country continued its expansion through World War I (1914–18) with an annual increase in the gross national product that averaged six percent annually. To be “as rich as an Argentine” became a stock phrase in France, where many of the cattle barons vacationed. Encouraged by such success, between 1900 and 1914, Argentina gained over 1.6 million people from net migration to the country.

The disruptions brought by World War I demonstrated just how vulnerable Argentina could be to world tensions. In 1914 net migration dropped for the first time since 1891 and inflation staggered the economy. After the introduction of universal male suffrage, the Radical Party under Hipólito Yrigoyen came to power in 1916 and promised to reform Argentine politics along more democratic lines. While Yrigoyen instituted a minimum wage law, he faced a restive working class that increasingly took to the streets in protest. Yrigoyen responded by increasing state spending and expanding the patronage system to secure broad support, but the measures further alienated the country’s elites from the experiment in democracy. Yrigoyen finished his first term in 1922 and left behind an economy sliding into recession.

Throughout the decade it remained unstable, paving the way for Yrigoyen’s return to the presi-

dency in 1928 based on promises of renewed prosperity. The global depression that met Yrigoyen during his second term, though, immediately undermined his popular support, and the military, always hostile to Yrigoyen, overthrew him in a coup in 1930. While civilian government was nominally reestablished in 1932, the military ruled the country throughout the “Infamous Decade,” as the 1930s came to be known, by routinely rigging elections at every level of government.

The Rise of Peronism

The onset of World War II (1939–45) once again destabilized the Argentine economy as exports to Europe were disrupted and prices for imported goods climbed steeply. By refusing to join Allied efforts against the Axis until March 1945, the country also isolated itself from the United States, by now the dominant country in the Western Hemisphere. Instead, the military government installed in June 1943 clung to political neutrality and a hastily implemented program of economic self-sufficiency. Both failed and after continued political tension Juan Domingo Perón, the minister of war, emerged as the nation’s leader. His power was confirmed in the elections of May 1946, when Perón was elected president on a tide of public popularity.

Although he was democratically elected, Perón’s years in office from 1946–55 witnessed a

JUAN PERÓN

1895–1974 Juan Domingo Perón began his military career in 1915 and rose to the position of colonel at the end of 1941. Taking part in a military coup in June 1943, Perón became minister of war and worked to keep Argentina neutral in the midst of World War II. An admirer of Benito Mussolini's Fascist government in Italy, Perón used similar propaganda and mass organizing skills to solidify his power. Determined to have political power, he became undersecretary of war and secretary of labor. He sought the favor of the working classes and worked to give them better working conditions and salaries.

In 1944 Perón met his second wife, Eva, a radio soap opera star from modest origins. They had an affair that scandalized the public. In 1945 the military, fearing that Perón had too much power, put him in jail. On October 17, hundreds of thousands of workers from across Argentina demonstrated for his release. He was freed and more of a hero than before. Within a few days he married Eva and in May 1946 he was elected president.

Together with Eva, Perón set the tone for Argentine politics for the rest of the century. In his first term, he increased the wages of workers, gave aid to the poor, and helped Argentina pay off its foreign debt. Eva es-

tablished the Eva Perón Foundation to aid the poor; she had grown increasingly popular with the public. To some, however, the Peróns were becoming too strong. Perón simply removed anyone who disagreed with him from government. In his second election, he tried to have Eva run as vice president, but the military stopped him.

While his regime became increasingly repressive, Perón continued to draw on the support of the working class and labor unions. When Eva died of cancer on July 16, 1952, many felt that it changed Perón for the worse. Her death—along with a period of economic stagnation—spelled an end to Perón's popularity, and he was ousted as president in 1955. Perón lived in exile in Spain until 1973, when another military coup created a leadership vacuum in Argentina. He was installed again as president in 1973 and died while in office in July 1974. His third wife, Isabel Perón, succeeded him in office. Her ouster by the military in March 1976 brought on the "Dirty War" against dissidents by the military government, which allowed the resumption of civilian rule in 1983. Juan and Eva Perón remain the most significant—and controversial—political figures in Argentina's history.

gradual reintroduction of political repression as he stifled his political opponents. An economic populist, Perón retained his popularity with the majority of workers by inaugurating massive social spending schemes, many of which were sponsored by his wife, Eva Perón. While the Peróns' projects were feasible during the economic boom of the postwar years—when Argentina's products found ready buyers in war-ravaged countries—as Europe recovered, the country increasingly fell victim to its own economic shortsightedness and official corruption. After the death of his wife in 1952, Perón's administration was overwhelmed by economic problems, and he was overthrown by a military coup in September 1955.

Even after Perón went into exile, Peronism lived on. Massive government outlays on hydroelectric plants, a national airline and shipping fleet, and newly nationalized railroad lines, telephone companies, and power plants continued to drain the federal coffers. In the 1950s Venezuela surpassed Argentina in terms of per capita income, and Brazil

became the leading export nation in South America. Having lost its status as the major economic player in the region, gone were the routine comparisons made between Argentina's prosperity and a European standard of living.

While there were periodic upswings in the Argentine economy, growth in annual trade averaged just one percent through the 1950s and 1960s, in contrast to a global growth rate of 7.8 percent. The political arena was equally unstable; in the two decades after Perón's ouster, 12 separate governments ruled Argentina, including a brief return to power by Perón himself in 1973–74. Perón died in office and was succeeded by his third wife, Isabel Perón, who was subsequently overthrown in a military coup in March 1976.

Argentina Under Military Rule

While Argentina's economy and politics had been anything but stable during the preceding decades, the onset of military rule from 1976 to 1983 marked the most chaotic period in the na-

tion's recent history. In the face of guerrilla kidnappings and bombings that escalated in the mid-1970s, the government rounded up an estimated ten thousand suspected subversives in its "Dirty War." The regime's victims became known as the *desaparecidos*, or disappeared ones. Possibly as many as 20 percent of the *desaparecidos* had been active guerrillas; the remainder were arrested for opposing the military junta. Many of the victims were tortured before being executed; some were drugged and thrown out of airplanes into the ocean.

The four military regimes from 1976 to 1983 also used state repression to reorganize the economy by banning strikes. Their attempts to institute macroeconomic reforms were less successful. An overvalued currency led to a flood of imports into Argentina, yet the buying spree stifled domestic manufacturing. When a string of industrial and investment enterprises defaulted on loans in 1980, a financial crisis ensued. In 1981 about \$2 billion in foreign investment fled the country and foreign debt reached \$25.3 billion. Real wages fell by almost 20 percent in 1981 as the peso depreciated by 600 percent.

Any vestige of popular support for the military regime was swept away by the disastrous war with Great Britain over the Falkland (or Malivas) Islands from April to June 1982. As protests over the fate of the *desaparecidos* merged with outrage over the country's military embarrassment over the Falklands, the junta announced that it would allow democratic elections in October 1983. Raul Alfonsín of the Radical Party was elected by a wide margin and oversaw the reintroduction of civilian government in December 1983.

Economic Chaos in the 1980s

While Alfonsín faced the political challenges of reestablishing a social order disrupted by the military's excesses during the past generation, his administration faced an even more dire economic situation. Unable or unwilling to impose austerity measures to limit government spending, the administration was helpless to reign in inflation, which reached 32 percent per month in early 1984. When the country incurred almost \$1 billion in interest on its foreign loans, Alfonsín imposed wage and price controls in June 1985. He also promised to stop issuing currency, the most direct way of limiting the money supply, and therefore, inflation. The measures at first worked to curb hyperinflation, but the announcement of budget cuts in 1986 brought on a renewed wave of protest strikes.

Like his predecessors, Alfonsín had failed to implement economic and governmental reforms that would both stabilize the economy and gain popular support. As Paul H. Lewis described the historical impact of this "bureaucratic system" in his 1990 book *The Crisis of Argentine Capitalism*: "By its voracious consumption, its profligate spending, and its complicated red tape it ruins the nation's currency and credit. The result is stagflation—stagnant production coupled with high inflation." Reforming the system, Lewis stated, is next to impossible, as groups are unwilling to give up their positions under the corporate state and the economy continues to deteriorate.

As Alfonsín left office, inflation stood at 1,500 percent annually. While the election of Carlos Saul Menem to the presidency in 1989 represented the first truly democratic transition of power in the country since 1922, Argentina had yet to transform the nature of its political and economic institutions.

Political and Economic Reforms: The Menem Years

The popular governor of La Rioja province, Menem had been a Perónist since his university days in the 1950s. In office Menem followed an agenda of massive government outlays on public projects; he also cultivated a flamboyant profile that led to rumors of infidelities within his marriage. While many international observers expected Menem to continue the ineffective Perónist-style economic policies of his predecessors, he appointed a free-market advocate, Domingo Cavallo, as his finance minister.

Cavallo persuaded the administration to sell off many state-run enterprises and argued for a policy of currency stabilization that linked Argentina's new peso with the U.S. dollar. The policy was effective in bringing down inflation, yet it stifled exports by keeping the peso at artificially high levels relative to Argentina's competitors on the export market. The administration also failed to curb government spending; foreign debt reached upwards of \$100 billion during Menem's years in office, which continued with a second term as president from 1994 to 1999.

Menem also left a legacy of corruption in Argentina's government. Dogged by allegations of arms and drug trafficking and bribery that occurred while he was president, Menem was placed under house arrest in 2001 while the investigation unfolded. Using his influence as a congressman and leader of his party, Menem was able to dodge the affair, at least for a while. In early 2002 more serious allegations surfaced that Menem's administra-

CARLOS SAUL MENEM

1930—Born to Syrian immigrants in Argentina, Carlos Saul Menem grew up in Anillaco in a prosperous family of merchants. He earned a law degree at Córdoba University in 1958 and was active as a political supporter of the *Partido Justicialista*, (PJ) founded by Juan Perón, from his university days onward. Elected as governor of La Rioja province in 1973, Menem instituted a program of massive government spending on public projects and business subsidies. As a Perónist, Menem was jailed by the military junta from 1976 to 1981. He resumed his duties as governor of La Rioja after his release and in 1989 was elected President of Argentina based on a platform of bringing stability back to the country.

As president from 1989 to 1999, Menem undertook some economic reforms, including privatization of

some state operations and the linking of the Argentine peso to the U.S. dollar to lower inflation. His government ran up massive debts and failed to reign in government spending, however, and when Menem left office, Argentina faced a looming recession. While Menem retained his leadership position in the PJ and announced his intention to run for president again, allegations of widespread corruption in his administration surfaced after he left office. In 2001 Menem was placed under house arrest for five months while facing charges of allowing arms trafficking under his administration. After he was freed, allegations of bribery surfaced that put Menem under suspicion of ties to Islamic extremists who had bombed a synagogue in Buenos Aires in 1994.

tion had agreed to cover up the bombing of a Jewish synagogue in 1994 in exchange for a payoff from Muslim extremist groups. The plot appeared to be related to the government's ties to international organized crime syndicates that trafficked drugs through Argentina. Although Menem declared that he intended to run for the presidency again, the continuing scandals outraged many Argentines.

Renewed Economic Problems in 2000–2001

Perónist Menem left an economy in recession for his successor, Fernando de la Rúa, who took office in late 1999. The candidate of the more left-leaning Radical Party, de la Rúa nevertheless retained most of Menem's economic policies, including the currency board that kept the peso tied to the dollar. With a foreign debt that exceeded \$114 billion at the end of Menem's term, however, de la Rúa had much less room to use deficit spending, which is the spending of public funds raised by borrowing money from other sources instead of by taxation, to help ease Argentina out of its recession. Instead, de la Rúa secured \$40 billion in additional aid and loans from the International Money Fund (IMF) in 2000 in the hope that a major economic crisis could be averted.

Although some of Argentina's export manufacturers, including steel and chemical producers, had modernized in the 1990s, its backbone commodities of beef and agricultural products lost ground after

1999 as the value of the peso climbed against other currencies in Latin America. After the Brazilian *real* was devalued in 1999, it gained a major competitive advantage against neighboring Argentina. With its currency tied to the dollar, Argentina could not follow suit by devaluing the peso; making matters worse, even after the Asian economic slump in 1997 and recessions in Europe and Japan, the U.S. dollar remained at historic highs. Even the euro, introduced in 2000 to strengthen the European Common Market's position against the dollar, failed to make headway against the currency.

Events in 2000 slowly dragged Argentina deeper into a lingering recession as the country's leaders missed opportunities to divert the impending economic collapse. But if 2000 had been a year of missed opportunities and bad timing, the following year shook the country to its very foundations as public opposition to the government grew. As his popularity plummeted, de la Rúa refashioned his administration as a coalition, the National Unity Government, yet the change in personnel backfired when the president was forced to appoint three different finance ministers during the month of February 2001 alone. The following month, de la Rúa brought back Domingo Cavallo as finance minister in the hope that his presence would add an element of stability to the situation.

In contrast to the rest of de la Rúa's administration, Cavallo was at least decisive in his actions. To devalue the peso, he forced the currency board



IN LATE 2001 THE ARGENTINE GOVERNMENT LIMITED ACCESS TO PRIVATE BANK ACCOUNTS IN AN ATTEMPT TO HELP SAVE ITS ECONOMY. THE MEASURE, HOWEVER, CAUSED PROBLEMS FOR PEOPLE NEEDING ACCESS TO THEIR MONEY. (Illustration by Jeff Danziger. Tribune Media. Reproduced by permission.)

to adopt a mixed currency exchange—that is, to add the euro as a link to the peso where before the peso had solely been linked to the dollar. Cavallo then insisted that Congress pass a budget that included salary cuts and pension reductions. After a standoff with provincial governments, Cavallo was also able to negotiate a reduction in the budget payments the federal government would make to them. Finally, he saved the government about \$4.5 billion in annual interest payments paid out in government bonds by substituting low-interest loans for the higher interest bonds held by some banks and pension plans.

In contrast to his astounding success in the 1990s, Cavallo's latest policies seemed to do more harm than good. His attempts at devaluing the peso led to an \$8 billion run on Argentine banks in July–August 2001, as concerned depositors “ran” to their banks to try to exchange their pesos into dollars and open foreign bank accounts to protect their money. With the drop in domestic deposits, banks called in loans and stopped extending credit, throwing a damper on the already sluggish economy. A chain of defaults (inability to pay on loans) and bankruptcies followed and the economy underwent a sudden contraction, perhaps by as much as 10 percent, between July and November 2001. Trying to halt the run on the banks, the government lim-

ited bank withdrawals in December 2001 to \$1,000 per month.

The edict on bank withdrawals was the last straw for many Argentines. A general strike on December 13 by public workers forced a showdown with the government. As economic riots spread from Buenos Aires to the provinces, the death toll rose to 28 casualties. On December 20 de la Rúa resigned; his replacement, Adolfo Rodríguez Saá, took over on December 23 and announced that Argentina would default on its foreign debt payments, which were due in the amount of \$1.4 billion for the month. The IMF had earlier refused to extend the country any more credit. After appointing a string of unpopular officials to his cabinet, Saá lasted only one week in office. His resignation on December 30, 2001, marked the final event in one of the most tumultuous years in Argentina's history. Eduardo Duhalde was sworn in as president on New Year's Day, 2002.

RECENT HISTORY AND THE FUTURE

Problems with the Peso

In hindsight, it was obvious that pegging the peso to the U.S. dollar—a policy that was hailed as

the cure for hyperinflation in 1992—was a major cause of Argentina's economic collapse. Under Cavallo's direction, Argentina had pursued the policy to limit the country's money supply of pesos by guaranteeing that they would be fully backed by dollars held by the nation's central bank. Pesos were thus convertible with the dollar and rose and fell on world financial markets along with the dollar's power. The policy also limited the amount of pesos the government could put into circulation, thereby limiting inflation in the economy.

The policy was immediately successful in this regard; before its introduction, inflation was still hitting 200 percent a month—for an annual rate around 5,000 percent—whereas it fell into the single digits afterwards. Argentine consumers were also thrilled that the strong peso made imported goods cheaper to buy, and accordingly went on a spending spree throughout the 1990s. An influx of foreign investment into the newly stabilized economy also helped growth rates in the economy to exceed 7 percent annually between 1991 and 1994.

The downside of pegging the peso to the dollar was less obvious in the short run. While the strong peso made imported goods cheaper, it also made Argentine goods relatively more expensive on the world market. Cavallo had hoped that the booming economy would lead to increases in domestic investment and accompanying rises in productivity, which would offset the price disadvantage of Argentina's exports. Yet the hoped-for productivity gains failed to occur, and instead Argentina's strict labor laws and strong unions demanded wage and benefit increases that put the country's export market in a double bind. Manufacturing costs remained high as productivity stagnated, and the strong peso made the finished goods even more expensive on the world market.

While increasing productivity was one essential ingredient in keeping Argentina's economic growth alive, the government also failed in its part of the bargain. With the peso in relatively short supply to keep inflation down, the government should have reigned in its spending in order to sustain the economy's long-term viability. Instead, the government chose to raise interest rates to tighten up the money supply, even as it continued to practice deficit spending.

Making matters worse, it was forced to take out loans to meet its expenditures; debt service on its \$155 billion in foreign loans reached about half the size of the country's gross domestic product in 2001. The federal government was also relatively powerless to keep provincial government spending

in check. Because the Argentine Constitution guaranteed the provinces a mandatory share of federal revenues, there was little incentive for them to make budget cuts on their own.

One policy option that could have ameliorated some of these conditions was a simple one: break the link between the dollar and the peso and allow the currency to float (without being linked to another currency or any other standard) on world financial markets. Yet even as the recession worsened after 1998, the government refused to devalue the peso. First, fears of hyperinflation, which had been put to rest just a few years before, were ever present in the minds of policymakers. Second, individuals and small business owners who had taken out loans in dollar-backed pesos strongly opposed any suggestion to devalue the currency, as it would immediately make it more difficult to pay back the loans in the Argentine currency. Third, the strong peso was still a boon to import-buying consumers and a source of pride to economic nationalists who viewed a strong currency as a status symbol.

The problems with the peso came to a head after neighboring Brazil's currency fell dramatically in 1999. While the devaluation of the *real* raised fears that all Latin American economies might be dragged into a recession, the event actually strengthened Brazil's economic position. With its goods now priced more competitively on world markets in the devalued real, the country's export sector expanded.

Unfortunately for Argentina, the prowess of Brazil's export sector had an immediate impact on its own economy, and export-oriented business started to slump. Over the next year, more and more of these businesses defaulted on their loans and many closed their doors. Adding to the fall in domestic manufacturing in Argentina, two of its other primary export sectors, beef and agricultural products, also contracted. Fears over hoof-and-mouth (or "Mad Cow") disease curtailed beef exports in 2000, while controversies in Europe over genetically modified vegetables and grains stifled the country's crop exports.

The International Monetary Fund

Conflicts with the International Monetary Fund (IMF) added to the political tension. Created by the western Allied powers in 1944 to stabilize exchange rates and provide short-term loans to developing nations to ease credit crunches, the IMF had assisted Argentina in developing recovery plans for its economy from the late 1950s onward. A leading international critic of Argentina's



ARGENTINE MEN WAIT OUTSIDE A BUSINESS THAT HAD ADVERTISED JOB OPENINGS. UNEMPLOYMENT—ALONG WITH INFLATION—HAS BEEN ON THE RISE IN ARGENTINA. (Photograph by Diego Giudice. AP/Wide World Photos. Reproduced by permission.)

failed austerity programs, the IMF had also urged various Argentine governments to devalue its currency over the years; it was the IMF that had forced Alfonsín to undertake the 1985 reforms. Given its relationship with the nation, the IMF was viewed by many nationalist Argentines as a body that interfered with the country's sovereignty.

Once the Argentine economy went into free fall, the IMF was once again a target of criticism. Because it had required austerity measures, such as zero deficit, higher taxes, and lower budgets, as a condition for coordinating Argentina's payment to international creditors, some blamed the IMF for worsening the recession that began in 1998. According to this view, the IMF should have allowed the Argentine government to continue its deficit spending in order to spur consumption and help the country's economy get moving again. Further, the IMF had not arranged a moratorium, or temporary suspension, on the country's foreign debt, but rather had arranged for a regular payment schedule that took up an increasingly large share of the federal budget. Worse still, once Argentina defaulted on its \$155 billion in foreign loans in December 2001—the largest default by a country in history—it seemed that the IMF's austerity program had been pointless anyway.

Supporters of the IMF insisted that it had made good-faith efforts to restore Argentina's eco-

nomical health before the catastrophe of 2001. Its loans had kept the country solvent for longer than would have been possible otherwise; its emphasis on fiscal responsibility had helped to end hyperinflation; and its support had encouraged foreign investment into a relatively shaky economy. In these respects the IMF had followed policies it had supported throughout Latin America to create more open economies with sound banking systems under fiscally prudent governments. To make an exception for Argentina might be helpful in the short run by spurring consumption, but it would do little in the long run to change the country's economic outlook.

Finally, the root causes of Argentina's economic collapse had far more to do with domestic policies than any IMF actions. As the *Economist* observed about the IMF's plans in the column "Floating or Sinking?" on February 9, 2002: "So far as ownership of the recovery plan goes, it is especially important in Argentina's case that citizens acknowledge changes in policy as the right thing in their own interests, rather than as something forced on them by outsiders, to be evaded or repudiated at the earliest opportunity."

In April 2002 an IMF delegation met with the Duhalde administration to help bring the country back into the international financial system. As in the past, it urged additional austerity

measures for recovery. This time the IMF wanted to include job cuts for public workers in the provinces in any recovery plan. Such a step was necessary, the IMF reasoned, because under Argentina's current system the provinces were guaranteed a share of federal taxes, which meant that they had no incentive to cut their own budgets. The IMF immediately came under criticism for its perceived interference in Argentina's domestic policies, yet most international observers agreed that pruning the country's bloated bureaucracy was a necessary step to achieving solvency.

The Leadership Vacuum

The difficulty in mustering the political will to reform the government demonstrated the crucial failure of Argentina in developing leadership among its own elites. While some Argentines have invoked Marxist-oriented dependency theories to blame its dilemma on foreign powers who exploit the country, Argentina's upper class, the oligarchs, have a history of acting in conjunction with foreign capital, even at Argentina's expense. Paul H. Lewis described the pattern of Argentine leadership in *The Crisis of Argentine Capitalism* (1990), where he noted that oligarchs are quite comfortable operating on an international level for business and are willing to bend to the most advantageous position. "As bankers they are linked to world financial centers, as agriculturalists they produce for export, and as industrialists or merchants they often depend on foreign franchises or distributorships . . . They can turn nationalist when packing houses do not pay enough for cattle or when foreign competitors threaten to undercut their prices, but in general they are receptive to foreign capital because it provides jobs for well educated, well connected, and multilingual managers and lawyers."

As the revolving door of the Argentine presidency showed, the leadership vacuum played a crucial role in delaying resolution of its economic crises in 2001, just as it had throughout Argentina's modern history. There were even rumors that Buenos Aires' business class had attempted to encourage a military coup but had been rebuffed by the generals. That the country had avoided another military junta was little comfort for those who demanded genuine political reform.

Duhalde Assumes Power

In place of Saa, Congress elected Perónist Eduardo Duhalde to the presidency on January 1, 2002. Considering he had lost the presidential race to de la Rúa in 1999, Duhalde's elevation was somewhat ironic. Yet the challenges that Duhalde

faced were grim; the moratorium on dollar withdrawals, suspension of debt payments, and austerity measures all remained in place during Duhalde's first weeks in office.

As an interim step in easing the crisis, Duhalde's new finance minister, Remes Lenicov, announced a dual exchange program in preparation for devaluating the peso. Loans could be repaid on a one-to-one exchange rate between pesos and dollars; savings deposits could eventually be withdrawn on a 1.4-to-one exchange rate, with the government making up any greater difference to banks beyond that rate with bonds; and deposits could be withdrawn to pay taxes or utility bills, or to purchase property. Duhalde remained firm, however, on the austerity measures that would cut public payrolls and pensions by 13 percent.

Argentina's banks, which had closed at the end of January, reopened on February 8, 2002, along with reintroduction of a floating peso on currency markets. The peso quickly lost half of its value in comparison to the dollar and sank to one-quarter of its prior value before rebounding to about three pesos per dollar in early April 2002. The fact that the peso had not collapsed entirely was one bit of good news for the banking system, which remained almost paralyzed. In several cities rioters attempted to destroy bank buildings; in the northern city of Casilda, five banks were destroyed by riots in January. In other cities, rallies called *cacerolazos* brought thousands of people into the parks and streets to bang on their *caceros* (or stew pots) in protest.

The *cacerolazos* represented almost every segment of Argentine society because the crisis had affected almost everyone in the country. An estimated 45 percent of Argentines now lived below the official poverty line with an income less than 120 pesos per month. With a per capita income that had been reduced from \$7,000 to \$3,500 in the space of a year, Argentina now ranked below Brazil in its per capita wealth. Unemployment hovered around 20 percent, with possibly an equal number of workers underemployed.

In February 2002 the Foreign Ministry announced that it would close 21 embassies and 13 consulates to save money and sell the buildings to generate revenue. IMF aid awaited the outcome of the April 2002 negotiations; most other forms of foreign aid were also stalled, although \$694 million in emergency aid to Argentina's social programs was released by the Inter-American Development Bank in late March.

With such a short history of democracy behind it, it remained to be seen whether the country could draw together in support of any set of government policies. Polls showed that only one-fifth of the public believed that Duhalde could lead the nation out of the chaos, however, the figure was far ahead of any of his rivals, showing just how splintered the political scene had become. With a shattered economy adding to the chaos, Argentines faced an even greater challenge in coming to terms with their past.

A country that had rivaled France and Germany in its wealth a century ago had now fallen to third place among Latin American economies, a status that was as hard to accept by many Argentines as the devaluation of the peso. "Argentina continues to act as if it were the country of 1913," political analyst Rosendo Fraga told the *Economist* in the March 2, 2002 article "A Decline Without Parallel." "We should look at Chile or Uruguay, and become a simpler, more austere country. We can't be Mexico or Brazil. That's the hardest thing for Argentina to accept."

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Timothy G. Borden

AUSTRALIA'S ILLEGAL MIGRATION: AN AUSTRALIAN DILEMMA OR A WORLDWIDE CHALLENGE?

THE CONFLICT

Faced with a growing stream of illegal immigrants coming into the country in the 1990s, Australia imposed strict measures, detaining illegal immigrants who had made it into the country and prohibiting entry to others. Immigrants have reacted within the detention centers with violence and protest, attracting international attention. The problems Australia faces in trying to impose an orderly immigration process are being experienced in destination countries worldwide, and their solution goes well beyond current immigration policy.

Political

- No international agreements specifically regulate immigration; it remains a prerogative of individual states.
- In the last two decades, the number of people seeking to immigrate, or who become refugees or asylum seekers because of interstate wars, civil strife, economic hardship, or environmental disaster, has risen rapidly. The quotas for immigration and refugee status offered by politically and economically attractive countries have not risen as fast.

Economic

- In 1992 Western governments spent an estimated \$7 billion processing asylum claimants, providing for appeals, and making welfare payments while decisions were awaited.
- The profitability of people smuggling is said to rival that of the drug trade. Up to four million people a year pay a total of \$12 billion to be smuggled to a destination country of their choice.

Social

- Australia at present has the highest refugee intake in the world relative to its population. The government reasons that every illegal entrant it accepts into the country blocks the way of a legal refugee and undermines the integrity of an orderly and fair refugee policy.
- Illegal migration stems not only from the "pull" of attractive destination countries but also the "push" from the source countries. War, strife, and hardship in poor countries must be alleviated with the help of rich countries, otherwise migration will grow out of control.

Clashes in the Desert

At dawn a group of determined people assembled outside a fenced compound in a remote desert. They were cheered by those detained inside, but pushed back by uniformed guards. Angry shouts shattered the morning tranquility. Then metal clashed against metal as signposts were brandished to pry apart the steel palings of the compound wall. Four dozen bearded men squeezed out between two palings and sprinted for freedom, pursued by the guards. Sirens sounded and the authorities arrived in force. Mounted police made arrests. But it took three days to restore order. Meanwhile fire destroyed buildings inside the compound, smudging the pristine sky with smoke visible for miles around.

This clash, resulting in injury, arson, and arrests, took place not in a remote conflict zone but in Australia in February 2002. It was provoked by refugee-support activists who confronted guards of a refugee detention camp in the town of Woomera, South Australia. The activists aimed to draw attention to the plight of the inmates of the camp, over one thousand refugees, mainly from the Middle East. These men, women, and children, many in family groups, had been confined in this government detention center because they had entered Australia illegally. They were the human face of the worldwide illegal migration problem.

The Woomera violence was not new. Riots, destruction, and escapes have marred the history of the facility since it opened in 1999. Nor was violence confined to Woomera. At the Port Hedland center in western Australia inmates attacked guards in May 2001. More recently, violence took place at the Curtin detention center, also in Western Australia. In April 2002, detainees smashed computers, broke windows, stole knives from the kitchen,

CHRONOLOGY

- Nineteenth century** States consolidate and begin to regulate migration.
- 1920s** The League of Nations sets up an office to monitor minorities and refugees and recommend policies.
- 1948** The Universal Declaration of Human Rights is adopted, asserting in Article 14 the right of refugees to asylum.
- 1950** The United Nations High Commission for Refugees begins its work.
- 1951** The Convention Relating to the Status of Refugees is adopted by the United Nations General Assembly and extended by the Protocol of 1967.
- 1966** Australia establishes its first immigration detention center, in Melbourne. Five more follow in 1976–99.
- 1967** The United Nations General Assembly adopts the Declaration on Territorial Asylum enjoining states to give refuge to those suffering persecution at home.
- 1970s** A wave of “boat people” from Vietnam and Cambodia arrives in Southeast Asia and Australia.
- 1992** Applications for asylum worldwide reach a peak of 848,630.
- 1992** Illegal “plane people” begin arriving in Australia. The government passes the Migration Amendment Act making detention of illegal entrants mandatory.
- 1993** Refugee numbers reach a worldwide peak of 19 million.
- 1999–2002** Illegal arrivals in Australia exceed 5,000 per year. Violence breaks out in detention centers.
- 2000** The United Nations opens for signature the Convention against Transnational Organized Crime and its Protocol Against the Smuggling of Migrants by Land, Air, and Sea.
- 2001** The *MV Tampa* is turned away by Australian military action. Refugees are diverted to Nauru and Papua New Guinea. Australian government cuts Christmas Island and other territories from its immigration zone.
- 2002** Australia and Indonesia host a conference of immigration ministers to harmonize policies on illegal migrants and people smugglers.

and held off guards with sharpened broomsticks, fence posts, and other improvised weapons. Over a dozen guards and refugees were injured before order was restored several days later. During the previous two years, detainees in all three centers had engaged in desperate unilateral acts such as trashing or torching of their facilities, self-mutilation, lip-stitching of children, mock burials, hunger strikes, and suicide and escape attempts.

Woomera, Curtin, and Port Hedland were just three of six such detention camps, called Immigration Reception and Processing Centres by the Australian government. In recent years up to five thousand refugees have been held. The detainees were awaiting official responses to their claims for political asylum. This was a process that initially took a few months, but in several dozen cases detainees had remained for nearly four years until final acceptance or deportation. The specter of families of refugees from war-torn countries, innocent of any criminal offence, confined to isolated and spartan camps for months, and sometimes years, with little communication with the outside

world was a shocking one to Australians no less than to liberal foreign observers.

Confrontations at Sea

To the north another kind of confrontation erupted. For years illegal migrants have attempted to cross the sea from China, Vietnam, or Indonesia in small and overloaded boats. Many were abandoned at sea or on isolated beaches and reefs by the people smugglers they had employed to bring them to Australia. Those that did not drown or fall victim to snakes or crocodiles were apprehended and sent to detention centers.

An upsurge of “boat people” arrivals in 1999 provoked drastic measures by the Australian government. The most notorious incident took place in August 2001, making world headlines. A Norwegian-registered freighter, the *MV Tampa*, approached Australia’s Christmas Island with 433 refugees just rescued from a sinking Indonesian boat. The Australian government argued that the nearest port to the rescue point was in Indonesia and denied permission to enter Australian waters.

The *Tampa* captain persisted, reporting that some of the refugees had threatened to jump overboard if returned to Indonesia. Australian Special Air Services paratroopers then boarded the ship and steered it back to international waters.

After some days of negotiation, the *Tampa* refugees were transferred to Nauru, an island republic in the central Pacific. There they were detained in a conference facility under the supervision of the International Organization for Migration. Officials sent by the United Nations High Commission for Refugees (UNHCR) were to process them for refugee and asylum status. New Zealand later took 143 of them. The rest remained, and were joined by others intercepted at sea subsequently. By early 2002 the Nauru refugee population totaled over one thousand.

In October 2001 the Australian navy rescued another group of 187 refugees from a sinking boat. It had been sabotaged, the Australian government reported, by the refugees themselves, to prevent being sent back to Indonesia. Furthermore a story sprang up that the refugees had threatened to throw their children overboard if they were not given asylum. It was later proved false, but the image of asylum seekers' cynicism was politically potent. The navy took the refugees to a camp in Manus Island, Papua New Guinea, where their claims were to be heard by the UNHCR.

This incident hardened the public's opinion of refugees trying to enter illegally, and fueled support for the government's firm stance. The incident tipped the balance in the subsequent national election in favor of the incumbent, Prime Minister John Howard, and his Liberal-National Coalition government. Moreover his opponent, Labor's Kim Beasley, supported the government's strict policy, and so did the far right One Australia Party. Only the Australian Democrats demurred.

These clashes in detention centers and at sea triggered unfavorable media reports at home and abroad. The refugees' plight generated sympathy among liberals, refugee support groups, and human rights bodies, some of which condoned the refugees' extreme actions and rallied publicly in their support. The United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights took a critical interest in the issue, much to the indignation of the Australian prime minister and immigration minister. Australia's reputation as a progressive, prosperous, and fair country was challenged. But the Australian government, the principal political parties, and a majority of Australians condemned the

asylum seekers' attempts to enter Australia illegally and to use emotional blackmail to gain special treatment.

Thus the local clashes between guards, detainees, and activists, and between asylum seeker boats and the Australian navy, escalated into a major rift in Australian politics and beyond. Australia's relations with the United Nations and Australia's reputation in international public opinion were questioned.

International Perspective: Australia Was Not Alone

The phenomenon of asylum-seeker detention centers was not unique to Australia. Some half-dozen Western European governments, Britain, the United States, and New Zealand prescribed detention of aliens illegally present in their jurisdictions, particularly those whose identities were not established. Their changing detainee populations, kept in facilities ranging from "holding centers" and "immigration zones" at airports to ordinary state prisons, numbered from dozens to thousands at any given time and place.

Nor was detention camp violence unique to Australia. In February 2002 detainees in Great Britain burned the recently remodeled Yarl's Wood facility. Britain's Campsfield facility has suffered intermittent unrest since 1997. Refugee activists and human rights groups condemned the British government for putting over 1,500 refugees into ordinary prisons until detention centers could be readied. In 2001 in France, migrants in the Sangatte camp seeking to cross illegally into Britain—some by knocking down fences and jumping trucks or the cross-Channel train—clashed with French gendarmes and refugee camp guards.

The Australian clashes, however, made the headlines more often. According to one theory, refugees are prone to violence in Australia because they have no place farther to go. Those from the Middle East, mainly Afghanistan, Iraq, and Iran, arrived after passing through many intermediate countries. During their difficult and sometimes hazardous transit they were buoyed by the hope of eventually reaching Australia and finally gaining security and prosperity.

Their expectations were unrealistically high, having been built up by stories proffered by migration agents and amplified by their own hopes and dreams. Their interception on the sea or incarceration upon arrival was a rude shock, and the slow progress of their applications for residence or asylum status was demoralizing. Their frustra-



AN IRAQI REFUGEE HOLDS PHOTOS OF HIS WIFE AND THREE DAUGHTERS, WHO PERISHED ON AN OVERLOADED FISHING BOAT CARRYING ILLEGAL IMMIGRANTS. THE BOAT SANK ON ITS WAY TO AUSTRALIA. (Photograph by Rick Rycroft. AP/Wide World Photos. Reproduced by permission.)

tion was compounded by the isolated locations of Australia's detention centers, far from urban areas from which they might get visitors, and a paucity of communications links provided in the centers.

Over the years the majority of applicants were found to be "economic migrants" rather than true refugees facing imminent danger at home that would make them eligible for political asylum (see sidebar). On average four out of five were put on notice that pending their final appeals they were to be deported. These failed applicants often became the leaders of the violence in the centers.

HISTORICAL BACKGROUND

Illegal migration and asylum-seeking are not new, but have assumed a new aspect in the past two decades. Human migrations in search of food, living space, or freedom are as old as human history. In the century after 1820, the equivalent of five percent of the world's population migrated from Europe to North America and the new colonies of Britain, France, Netherlands, and other powers.

The consolidation of nation-states in the late 1800s, however, entailed the drawing and guarding of boundaries and the requiring of passports and visas to cross them. A legal regime was imposed on

1951 CONVENTION RELATING TO THE STATUS OF REFUGEES, EXCERPTS

Article 1

[A refugee is a person who] owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . .

....

Article 31: Refugees unlawfully in the country of refuge.

(1) The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

(2) The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32: Expulsion

(1) The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

(2) The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

(3) The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 33: Prohibition of expulsion or return ("refoulement")

(1) No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

UFSIA Faculty of Law Web pages. [Cited 5-10-02.] Available on the World Wide Web at <http://www.ufsia.ac.be/dovanbeul/genconv.html>.

the traditional ebb and flow. All persons became the responsibility of one state or another, and stateless persons became an anomaly. Travelers who lacked documentation from both the state of origin and the destination state were defined as illegal.

In the mid-1800s refugees from persecution or want, for example liberal Germans fleeing autocracy, or Irish, Scots, or Swedes displaced by land enclosures, found new homes in the United States, Canada, or colonies such as Australia. But their acceptance was a privilege granted by the host state, not a right inherent in their status as migrants. Some of the nationalities displaced after the collapse of empires after World War I (1914–18) were acknowledged by a refugee agency set up by the League of Nations. In contrast, however, Armenians fleeing the massacre by the Ottoman Turks, Russians fleeing Bolshevism, Chinese fleeing civil war and invasion by Japan, and Jews fleeing Nazism were not given systematic international relief, only voluntary individual charity.

The persons displaced by World War II (1939–45), including Holocaust survivors and also

Germans expelled from Eastern Europe, were regarded as a temporary problem. By 1947 most had returned home or found new homes, for example, in the Palestine Mandate or post-war Germany. By the later 1940s the declaration of independence of Israel, the separation of Pakistan from India, the communist victory in China, and Soviet domination of Eastern Europe generated new waves of refugees. The Palestinians in the West Bank, Gaza, Jordan, Lebanon, and throughout the Middle East are the most visible reminder today of that troubled period.

International recognition of the growing numbers of refugees led the United Nations (UN) in 1948 to adopt an asylum clause, Article 14, in the Universal Declaration of Human Rights (see sidebar). The General Assembly then enlarged the agency set up by the League of Nations and named it the UN High Commission on Refugees (UNHCR). It began its work in 1950. The UNHCR is now one of the largest and most active of the affiliated agencies of the UN.

The UN also sponsored the Convention Relating to the Status of Refugees in 1951 (see sidebar). It was extended by another protocol in 1967. Further internationally agreed conventions (or resolutions) of 1954 and 1961 enjoined states to protect stateless persons, and the 1967 UN Declaration on Territorial Asylum reiterated the duty of states to give refuge to persons facing danger to their lives at home.

Meanwhile the number of refugees continued to grow, from nearly six million in 1980 to nearly 15 million in 1990 to 19 million in 1993. The largest groups of refugees at present are Palestinians, Afghans, Iraqis, former Yugoslavs, and various African and Southeast Asian ethnic groups fleeing ethno-nationalist conflict. Most are encamped in adjacent countries or in sympathetic Western countries such as Germany, France, Britain, and the United States.

There is some hope that many of the estimated three million Afghans in Iran and Pakistan will return since the removal of the Taliban government in 2001 and restoration of peace, and also that peace will draw Africans home as well. There are encouraging precedents. Refugees from China in the 1950s and 1980s and from Vietnam and Cambodia in the 1970s have now either returned home or been integrated into new host countries. The prospects, however, are not good for Palestinians or Iraqis under current governments.

Today the UNHCR estimates there are 12 million persons living in fear of returning to their home country and another 10–20 million displaced within their own country. The UNHCR and the UN Relief and Works Agency are assuming responsibility for many of the displaced Palestinians. The UNHCR maintains relief programs and refugee camps, registers and screens refugees, and negotiates with countries willing to accept them.

Most Western countries take an annual quota of refugees in consultation with the UNHCR. They take additional refugees by way of family reunion schemes. Many offer special quotas in response to wars, civil conflicts, or natural disasters. Some use refugee policy to fulfill political commitments. For example, the United States has made special provisions for Hungarian, Vietnamese, Cambodian, Cuban, Central American, and Chinese refugees at various times in pursuit of its foreign policy interests. France has been especially generous to applicants from former colonies in the Francophone area, notably North Africa and Indochina. Britain has given preference to refugees

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 14

1. Everyone has the right to seek and enjoy in other countries asylum from persecution.

United Nations High Commission for Human Rights. Available on the World Wide Web at <http://www.unhcr.ch/udhr/lang/eng.htm>.

from the Commonwealth countries, and Holland to refugees from the former Dutch East Indies.

Some Necessary Distinctions

A distinction must be made between immigrants, refugees, asylum seekers, and illegal migrants. Aspiring immigrants make applications from their homes to prospective host countries. They are processed routinely according to the host government's criteria, and if successful they can immigrate, become permanent residents, and eventually achieve citizenship. No state is obliged to accept immigrants; each state takes as many (the United States) or as few (Japan) as it wishes, and applies the criteria it judges appropriate. No international agreements specifically regulate immigration; it remains a prerogative of individual states.

In contrast, states are enjoined by their adherence to international refugee conventions and membership in the UNHCR to accept a fair share of the world's refugees. But they retain control of the size of their quota and the choice of refugees to take. Refugees need not always fulfill the criteria required of immigrants—education, health, youth, wealth, and language ability, for example. They are, however, usually screened to eliminate known criminals, terrorists, or those with communicable diseases. Healthy family groups and individuals with professional qualifications are favored. Once accepted, refugees, like immigrants, are given full residency rights and citizenship in due course, and integrated into the host society.

Refugees may become asylum seekers, whereupon they are treated differently. The 1951 Refugee Convention specifies that any individual who fronts up to a government official and claims asylum (that is, refuge from persecution at home) must be accorded a process of inquiry and decision. During this process the individual must be given protection by the host government. That govern-



ILLEGAL IMMIGRANTS STAND BEHIND A BARBED WIRE FENCE SURROUNDING THE WOOMERA DETENTION CENTER IN SOUTH AUSTRALIA, AUGUST 2000, WHERE DETAINEES RIOTED AFTER LEARNING THEIR APPLICATIONS TO REMAIN IN AUSTRALIA HAD BEEN DENIED. (AP/Wide World Photos. Reproduced by permission.)

ment is prohibited from forcing the individual to return home if his or her life would be put at risk thereby. If that government determines that there is no physical risk (economic hardship is not a criterion), it can deny asylum and remove the asylum seeker from its jurisdiction in due course. Or it may decide to accept the individual as a refugee or immigrant.

Migration Politics and Constraints

In the last two decades, the number of people seeking to immigrate, or who become refugees or asylum seekers because of interstate wars, civil strife, economic hardship, or environmental disaster, has risen rapidly. The quotas for immigration and refugee status offered by politically and economically attractive countries, however, have not risen as fast. Economists and demographers agree that "destination" countries in western Europe, North America, industrializing Asia, and Australasia gain economically from immigration, particularly by educated and ambitious individuals. The prosperity of the United States is manifestly the result of immigration by skilled and energetic persons over the past two centuries. One could just as well cite the contribution of immigration to the prosperity of Canada, Britain, West Germany, the Scandinavian countries, Australia, and New Zealand.

Immigration is politically controversial at home, however, and growing more so. Recent elections in Denmark, Switzerland, Netherlands, France, and Australia have revealed an upsurge in anti-immigrant sentiment. Governments are careful to impose visible and strict limits on intakes from abroad to avoid criticism by vocal groups such as unions fearing job competition; nationalists fearing changing ethnic balance; and traditionalists fearing disruption of familiar cultural patterns.

People Smuggling, Illegal Entry, and Crime

Migrants determined to enter a particular "destination country," but finding little chance of gaining entry by the official immigration or refugee route, are tempted to fall back on an extreme alternative: enter the country illegally. This course is encouraged by professional migration facilitators. These middlemen range from unscrupulous travel agents to organized criminals called people smugglers or human traffickers. In Asia they are called snakeheads to emphasize their cold-bloodedness.

These shady businessmen not only exaggerate the attractions of the destination country but also advise on how to evade the border controls. Many go farther and provide false documentation and cover stories, arrange transportation through intervening countries to the destination country, and

promise contacts, hiding places, and jobs upon arrival. The International Organization for Migration estimated that Russian, Yugoslav, and Chinese gangs smuggled five hundred thousand people into Europe in 1999. Up to four million people a year pay a total of \$12 billion to be smuggled to a destination country of their choice. The profitability of people smuggling is said to rival that of the drug trade.

The cost is high, however, US\$3,000 on the average for "boat people" or "truck people" but up to \$10,000 per person for "plane people." In addition, the risks of being caught by border guards and deported empty handed are also high. Worse are the risks of perishing by drowning in an unsafe boat or suffocating in a locked truck or cargo container. In 1996 three hundred refugees drowned off the coast of Malta. In 1999 over two hundred refugees were recorded dead or missing en route to Europe. In 2001 the *MV Pati*, en route from Turkey to Greece, ran onto rocks in a storm and 73 smuggled persons locked in the hold were lost. Also in 2001 a boatload of refugees setting out from Indonesia sank with a loss of some 350 persons. In 2001 a total of over one thousand persons died while in the hands of people smugglers, and thousands more were injured, molested, robbed, intercepted, or turned back.

Many remain stranded en route, for example in Indonesia, Albania, or Turkey, unable to go ahead, unwilling to go back to the Middle East or the Balkans, and running out of money to finance another clandestine run at the Australian or Italian coast. Those who did make it were often consigned to sweatshop labor, prostitution, or drug dealing, and were exploited by organized criminals, who threaten exposure for non-compliance. Thus illegal migration and people smuggling are intertwined with international organized crime rings.

Asylum Seekers

Upon arrival, those whose forged travel documents fail to convince the immigration officer, or who are later caught without valid documents, can apply for asylum, as the people smugglers coached them to do. If they have identity papers and are of good character, they are normally allowed to remain free, and can work and qualify for welfare while their case is being considered. If their application is turned down, they can lodge an appeal.

A subprofession of immigration lawyers and consultants has sprung up to facilitate—and prolong—the application and appeal processes. Be-

cause of the overload on immigration departments, refugee tribunals, appeal boards, and ultimately the civil courts, the process can take several years. UNHCR figures show that asylum applications grew from 178,680 in 1980 to 570,030 in 1990 and shot up to 848,630 in 1992 before settling down to about five hundred thousand per year. The top ten countries attracting asylum applications in the 1990s were Germany, the United Kingdom, the United States, Netherlands, France, Canada, Switzerland, Sweden, Australia, and Italy.

Because of lengthy appeals, the applicant may have married a citizen; become the parent of a child; earned educational or vocational qualifications; gained the support of an employer, religious, or ethnic association, human rights group, or political or media influential, any of which might provide alternative grounds for a further appeal process. Or adverse events in his or her home country, such as an outbreak of violence might give fortuitous credibility to the claim of asylum. The immigration authorities may calculate that a removal order might incur a heavy cost in administrative effort, or the minister may wish to avoid political controversy. For any of these reasons, the applicant may be lucky, and be allowed to stay.

For those who are caught without credible identity papers, or who are intercepted in an obvious attempt to enter illegally, for instance aboard a ship run by a known people smuggler, the outlook is grimmer. For many, a detention center is the next stop, followed by deportation. As governments become stricter, this is becoming the predominant outcome. The typical success-to-failure ratio is one-to-four. But the news of the one success seems to outweigh the news of the four failures by the time it reaches the source country. Fresh migrants set out, pushed by insecurity and adversity, pulled by visions of safety and opportunity, and heedless of warnings from destination governments.

Australia and Illegal Immigration

In the 1970s the Australian authorities had to deal with thousands of "boat people" from Vietnam and Cambodia. In the late 1980s and early 1990s, they faced a wave of boats from southern China. The current run of illegal boat arrivals, mostly people of Middle East origin, began in 1989 with 224 persons appearing on Australia's shores. Initially most were given asylum or allowed to stay on humanitarian grounds. But after 1992, which saw the advent of "plane people" (arrivals by air with fraudulent or destroyed documents claiming asylum), the patience of Australian leaders with the illegal entrants wore thin. The government passed the Migration

BY AIR AND BY SEA, UNAUTHORIZED ARRIVALS INCREASE

Illegal immigration has increased markedly in Australia since 1989–90. According to Australia's Department of Immigration in its Multicultural and Indigenous Affairs Fact Sheet 74 ("Unauthorised Arrivals by Air and Sea," February 20, 2002), the two primary means of illegal entry into the country are by air and by sea. Since 1989, 13,475 people have arrived illegally in Australia by boat, the most popular method. Boat arrivals are primarily carried out by groups, while illegal air entries are most frequently committed by individuals. People arriving illicitly in Australia by air often arrive without travel documentation or with false documents. More than 1,500 people were refused immigration clearance at Australian airports in 1999–2000.

Unauthorized entry posed a much smaller problem for Australia as recently as ten years ago. Fewer than 500 arrivals occurred by boat in 1989–90, with no record of illegal entries by air. Five years later, however, boat arrivals were up to more than 1,000 and air

arrivals had reached 500 per year. The numbers continued to climb in succeeding years, following a trend of rising illegal immigration in other parts of the world. The last three years have seen the most significant jump in illegal entries, with 1998–99 registering just under 1,000 entering the country unlawfully by boat and more than 2,000 by air. The period of 1999–2000 experienced a drastic increase—more than 4,000 illegal immigrants arrived by boat and 1,600 by air. Data for the most recent year, 2000–01, notes that close to 4,500 people entered the country by boat and 1,000 by air.

People who enter Australia without authorization are required by law to be held in an immigration detention center until their situation is resolved. The Multicultural and Indigenous Affairs Fact Sheet 74, "Unauthorised Arrivals by Air and Sea," reports that "[r]ecent arrivals include Chinese, Turkish, Iraqi, Pakistani, Sri Lankan, Afghan, and Bangladeshi nationals."

Amendment Act 1992 to make detention mandatory for individuals found to be on Australian soil illegally.

Undeterred, the illegal entrants kept coming. The annual influx grew from a few hundred to over four thousand in 1999 and 2000, taking the decade's total past 13,000 in boat arrivals alone, and another eight thousand or so in unauthorized air arrivals (see sidebar). The policy of detention grew apace, with numbers rising steadily from 460 in 1993 to the 2001 total of 2,736, down from a peak of five thousand in 1998. This required the opening of new detention centers at Curtin and Woomera in 1999. Four more detention centers are planned for Darwin, Singleton, Port Augusta, and Brisbane, and temporary detention facilities have been set up on Christmas and Cocos Islands.

The numbers seeking asylum have ballooned correspondingly, growing far beyond the ability of the administrative and appeal machinery to keep pace. In the 1980s the number of applications was around five hundred annually. In the post-Tiananmen Square massacre period the figure rocketed to 16,248, three-quarters of them Chinese students. As the Chinese were absorbed by liberal grants of asylum, however, the new wave of "boat people" and "plane people" took the num-

bers back up. In 2000–01 the number was 13,015, up by 302 from the previous year. It is estimated that 53,000 persons now live in Australia illegally, having either entered illegally or overstayed their visas. Corresponding numbers of illegals in Britain and France are 200,000–300,000 and five million in the United States.

Australia's Policy Responses

In response to the rising numbers of illegal arrivals and asylum applications, successive governments led by the Labor Party (1984–96) and the Liberal-National Coalition (1996–present) in the past decade have introduced a number of policies to curb illegal entry:

- Legislation to increase penalties against those who smuggle or harbor illegal entrants, to fine airlines that allow fraudulent passengers on board aircraft bound for Australian airports, to deny residency to fraudulent applicants, to strengthen the immigration service and border control mechanisms, and to restrict discretion by judges and prevent class action appeals to the courts.
- A campaign to publicize the legal, financial, and physical risks of dealing with people smugglers or hiring illegal residents.



ANTI-REFUGEE SENTIMENT IS EXPRESSED IN A BANNER IN WOOMERA, AUSTRALIA, WHERE A LARGE DETENTION FACILITY HOUSES MORE THAN ONE THOUSAND ASYLUM SEEKERS. (Photograph by Rob Griffith. AP/Wide World Photos. Reproduced by permission.)

- The deployment of boats and planes of Coastwatch Australia (a contracted civilian coast guard service) and warships and surveillance aircraft of the Royal Australian Navy and Air Force to intercept boats crossing from Indonesia.
- Initiation of the “Pacific solution”: the subsidizing of the Pacific island governments, Nauru and Papua New Guinea so far, to take refugees intercepted at sea.
- Travel by Minister of Immigration Philip Ruddock to China, Indonesia, and Middle East source countries to negotiate agreements of cooperation in restraining migrant trafficking. Indonesia agreed to set up holding camps subsidized by Australia.
- Exchange of views in the Inter-Governmental Consultations on Asylum, Refugee and Migrations Policies (IGC), the Asia Pacific Consultation on Refugees, Displaced Persons and Migrants (APC), the International Organization for Migration (IOM), particularly in the “Manila Process” on migrant trafficking, and regular consultation with the UNHCR.
- Support of the Convention against Transnational Organized Crime and the Protocol Against the Smuggling of Migrants by Land, Air, and Sea, promulgated by the United Nations in December 2000.
- Hosting by Minister Ruddock and his Indonesian counterpart of a conference in Bali of immigration ministers and officials to hammer out common goals and policies to restrain illegal migration in the region.
- Offer of cash to Afghan detainees who agree to repatriation.

RECENT HISTORY AND THE FUTURE

Recent Initiatives

In 2001, in the midst of the *MV Tampa* episode, the government pressed ahead with further legislation to strengthen border control. The legislation provided for the following.

- Removal of Christmas and Cocos Islands and Ashmore Reef from Australia’s legal immigration zone. Individuals landing there could no longer legally engage international Australia’s protection obligations by claiming asylum, nor could they apply for a visa. And they could be removed summarily.
- Strengthened deterrence of unauthorized arrivals and imprisonment of people smugglers.
- Stronger presumption of fraud where unauthorized arrivals fail to provide information to support their claims.

- More restrictive definition of “refugee” for the purposes of Australian law.
- Narrower grounds for judicial review of migration appeals.
- Prohibition of class actions in migration litigation.
- Confirmation of the legality of intercepting boats suspected of carrying illegal migrants.

With these policies the Australian government hoped to accomplish two objectives. First, the refugees were to be prevented from entering the legal migration zone, so the government of Australia would not have to give them the privileges required by the 1951 Refugee Convention and other treaties, with all the administrative effort, prolonged appeals, financial obligation, and political controversy this entailed.

Second, the stronger penalties and more restrictive requirements, coupled with the vigorous patrolling of the offshore waters, were to send a message to prospective asylum seekers and to the people smugglers that Australia would not be easy to enter. Boats would have to land migrants on the mainland before asylum could be claimed. To land on the outlying islands or to be rescued by an Australian navy ship would confer no rights to claim asylum, and those picked up would be sent back to Indonesia or on to a Pacific island camp. Those who managed to enter Australia would go straight to a detention center when they were caught. And their rights to appeal, and thus their chances of gaining asylum, would be narrower.

The government claimed some success. From August to December 2001, the navy intercepted and turned back, or transferred to detention centers in Nauru, Papua New Guinea, Christmas Island, or Cocos Island, a total of 2,446 refugees on fourteen boats. In early 2002 few boats and no landings were reported, suggesting that the combination of deterrence, interception, and deflection was working. Department of Immigration sources indicate that the administrative backlog of asylum applications has stabilized, although it remains large and may take years to bring down to the level of the 1980s.

Australian Policy Criticized and Defended

Critics allege that the government of Australia's policies on refugees are: mean, inefficient, expensive, subversive of judicial process, contrary to obligations under the Refugee Convention and the

Asylum Convention, abusive of civil liberties and human rights, and inhumane.

The government contests each of these allegations. Regarding the charge that its refugee policy is mean, the government points out that it has accepted 650,000 refugees since World War II (equivalent to one-thirtieth of the current population of Australia), taken aboard more than its share of refugees from Indochina and China, and at present has the highest refugee intake in the world relative to Australia's population. It argues that it resists only illegal entrants, not legal refugees and that every illegal entrant that it accepts blocks the way of a legal refugee and undermines the integrity of an orderly and fair refugee policy. Irregular acceptance for sentimental or political reasons would encourage more people to try their luck, adding to the worldwide problem of illegal migrants. Thus, Australia claims its firm policy is serving the interest of an orderly international migration regime.

Regarding the charge that its processing is inefficient so applicants have to wait in limbo for inordinate lengths of time, the government replies that the demands on the decision apparatus keep growing at a time when the budget for staff is held constant. Furthermore, the initial determinations of refugee or asylum status can be made in a matter of weeks, and successful applicants are quickly given residency.

A parliamentary inquiry found that in 1993 the initial decision time was down to an average of 36 days. It is now closer to 25 to 30 days. It is the succession of appeals by unsuccessful applicants that draws the process out to months and even years. Aside from delays because of surges of applicants or unusually difficult cases, the cause of the extended processing time is applicants' refusal to accept the government's decisions.

Regarding cost, critics point out that the government had to allocate an additional \$250 million for the Pacific Solution and offshore processing in the 2002 budget. The government replied that costs would have been incurred anyway if the refugees had landed in Australia, either in detention costs, appeal costs, or welfare and resettlement costs. Other receiving countries have incurred high costs, too. In 1992 Western governments spent an estimated \$7 billion processing asylum claimants, providing for appeals, and making welfare payments while decisions were awaited.

In regards to the charge that it has interfered with judicial prerogative, the government argues that it represents Parliament and the people in a

democratic system, and that refugee policy is inherently a matter for political judgment, not a legal-technical matter. Due process on points of law is still available to individual applicants, all the way to the Supreme Court. Abuses such as class actions stimulated by unscrupulous lawyers and pressure groups, or eccentric decisions by judges inconsistent with the spirit of the policies of the day, however, may legitimately be curbed in the interest of an orderly system.

Regarding the charge that the obligations of the Refugee Convention and the Asylum Convention are not being met, the government points out that all persons accepted as bona fide refugees get all the rights and privileges of an Australian citizen. No bona fide refugee is detained. The issue hinges on who is a bona fide refugee. The Refugee Convention and the Asylum Convention set out some broad criteria, but do not provide a mechanism for determination; that is left up to governments. Marginal cases are given a Temporary Protection Visa valid for three years while their claims are assessed.

But the government has cracked down on those believed to be abusing the asylum privilege, notably those who arrive illegally and appeal for asylum only when caught, or those who already have protection in another country (called "country of first asylum"). The government believes the former are "queue jumpers" if not outright frauds. The latter are scorned as "forum shoppers," that is, just seeking economic opportunity abroad rather than escaping danger at home.

Regarding the charge that detainees are denied civil liberties, the government points out that until an illegally present person's identity and status have been determined, the Australian government has no obligation to guarantee full legal and political rights. Nevertheless even illegals are accorded fundamental human rights such as freedom from abuse (and none has been substantiated) and provision of food, shelter, medical care, and modest education services and amenities. They are also given free legal aid to lodge their applications.

A succession of parliamentary and semi-official inspections and reviews of detention policy have concluded that the detention centers, while austere, are adequate and humane. In light of appeals on humanitarian grounds, the government has inaugurated a program to allow wives and children of male detainees to live in a nearby community. Moreover, the "back door" is always open, that is a detainee can terminate the appeal process at any time and ask to be repatriated or removed to a

country of first asylum or other safe destination, and the Australian government will not only comply but also pay the travel expenses.

Other criticisms are more radical. Humanitarian criticism from the left springs from a conviction that no refugee or asylum seeker should be detained, or that Australia should accept anyone who manages to arrive by whatever means, legal or illegal. These views are not taken seriously by the government or mainstream political opinion leaders. A poll done in February 2002 showed only 15 percent of Australians wished to end the policy of detention and 19 percent approved of keeping males in detention but releasing females and children. A clear majority of 56 percent, however, supported the current policy. Turning back all boats carrying asylum seekers also remains the preference of 50 percent, up from 40 percent five years ago. From the right wing of the political spectrum, hypernationalists criticize the government for overgenerous immigration and refugee quotas and failure summarily to deport all illegal entrants and overstayers. Thus government policy sits in the middle between the extremes of left and right.

The Australian Dilemma

The government of Australia faces a choice. Either it abandons its policy of intercepting and deflecting illegal migrants and detaining those who get through, thus accepting all comers, or it persists with current policy, controlling and limiting migration intake. Given present public opinion and political party views, the most likely course is continuation of existing policy, adjusted to take account of criticisms and costs.

More broadly, Australia is beset by a dilemma, one that is shared with other destination countries. On the one hand it depends on a constant intake of immigrants, including refugees and asylum seekers, for its economic prosperity. It has been generous in the past and is committed to a relatively open immigration regime in future. Yet by erecting policy barriers to deter, intercept, or deflect illegal entrants, and to detain those that get through, it has set the stage for ugly confrontations on land and sea.

The policy has agitated Australian public opinion, attracted criticism by human rights liberals at home and abroad, spurred investigations by UN agencies, and jeopardized Australia's chances of election to the UN Security Council. Even its international reputation is under threat. Paradoxically, in standing firm for the integrity of its entry

regime, and winning popular support and re-election, the government has undermined its moral legitimacy.

An Australian Model?

Conflict and economic inequality in the world will stimulate more, not less, migration. Illegal migration, intertwined with people smuggling and organized transnational crime, may be inescapable, thus trapping Australia and other destination countries in the dilemma. There is a more positive view. Australia has set a good example in the following ways, by:

- conforming to the Refugee Convention, the Asylum Convention, and UNHCR guidelines
- consulting with international migration organizations
- sponsoring regional conferences to encourage multilateral cooperation on illegal migration and people smuggling
- negotiating bilateral cooperation agreements with source countries,
- subsidizing governments willing to take refugees, and
- adjusting its own entry policy and administration to make it humane as well as firm and efficient

These initiatives may prove to be more significant in the long run than the criticism that Australia is copping from human rights liberals and the media. Other destination countries in western Europe, North America, and industrialized Asia could find a model in Australia's experience, for they are not immune to similar dilemmas.

Conclusion: Long-Term Choices

A wider perspective reveals that illegal migration stems not only from the "pull" of attractive destination countries but also the "push" from the source countries. War, strife, and hardship in poor countries must be alleviated with the help of rich countries; otherwise migration will grow out of control. It is futile for destination countries to blame source countries for failing to curb illegal migrants. It is more constructive for governments of destination and source countries to work together to set legal and humane refugee and asylum standards, institute practical and compatible migration policies, and assist each other to curb people smugglers and other human traffickers.

In short, governments have to choose. They can ignore the problem, whereupon refugee hard-

ship will persist and international crime will flourish. They can react to migration surges with interception and detention, whereupon they will attract criticism and controversy at home and undermine their reputation abroad. Or they can work on remedies to manage illegal migration peacefully, cooperatively, and humanely, while moving on to mitigate the root causes of illegal migration. Meanwhile, illegal migration will not stop. The choice is whether to manage it well, badly, or not at all.

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Stephen Hoadley

BANGLADESH: THE DEMOCRATIC ELECTION OF 2001

THE CONFLICT

Bangladesh won its independence from Pakistan at the end of 1972 and has been struggling with its democratic processes since that time. The 2001 electoral competition was between leaders of the Awami League and the Bangladesh Nationalist Party, Sheikh Hasina, who had been prime minister from 1996 to 2001, and Begum Khaleda Zia, prime minister from 1991 until 1996. They have long been extremely bitter enemies. Although there was violence and turmoil in this election, they succeeded in exchanging the control of the government from one party to another without assassination or a coup d'état. The election of 2001 was a landmark, in that it was the first time since Bengali independence in 1971 that a sitting government actually completed an entire constitutionally prescribed five-year term without a coup, mass resignations by opposition parties, or an assassination.

Political

- Since gaining independence in 1971, Bangladesh has experienced two presidential assassinations, three military coups, and 19 failed coup attempts.

Economic

- Tremendous problems remain to be resolved in Bangladesh due to the extreme poverty of the nation. The country remains among the poorest nations in Asia because it lacks natural resources and because of its years of military-civilian conflict.

Religious

- Hasina's Awami League is an Islamic Party, advocating that Bangladesh become an Islamic State similar to Pakistan or Iran. Zia's Bangladesh Nationalist Party is also Islamic, but it has traditionally advocated a socialist secular (non-religious) political system for Bangladesh.

For the eighth time in its 31-year history, the small South Asian nation of Bangladesh ("the land of the Bengalis") held elections for its national parliament. Seventy-five million Bengalis (out of a total population of about 132 million) cast ballots for as many as 50 political parties competing for 300 seats in the Parliament. The October 2001 elections resulted in a change of party control in the Parliament, with Begum Khaleda Zia's Bangladesh Nationalist Party (BNP) winning control from Sheikh Hasina Wazed's Awami League.

The non-partisan caretaker government, appointed to oversee these national elections, quickly tallied the ballots. They announced that Zia's party had won 199 of the 300 parliamentary seats open (Bangladesh's Parliament actually has 330 seats, but 30 of those seats are set aside for female delegates chosen indirectly by local election commissions) leaving the Awami League with only 62. The Jami-ate Islami Bangladesh Party came in third with 17 seats. The BNP and Jami-ate Islami Bangladesh Party formed an alliance along with two other political parties, which gave them even more parliamentary power. All of the parties in the alliance are Islamic parties; however, Zia promised that religion would not play a part in her government.

Bangladesh is a nation of great religious, ethnic, and political violence. Past elections in Bangladesh have proven to be violent and bloody and many wondered if the fate of this election would be the same. The election was, by most standards, quite violent. During the election, over 300 people were killed or injured. Both major party candidates accused the other of bombings, shootings, and intimidation. In order to prevent further shootings, Latifur Rahman, the head of the caretaker government installed to oversee elections, deployed

CHRONOLOGY

April 17, 1971 The formal declaration of independence of Bangladesh is issued; Mujib is named president of the new country. Earlier fighting with Pakistan continues.

December 1971 India supports Bangladesh in the continued fighting with Pakistan and recognizes Bangladesh as an independent nation.

December 16, 1971 Pakistani military forces in East Pakistan surrender to Indian armed forces, marking Bangladeshi independence.

January 1972 Mujib is sworn in first as president, then as prime minister.

November 4, 1972 A Parliamentary Constitution is adopted in Bangladesh.

March 7, 1973 Mujib's Awami League wins an overwhelming victory in parliamentary elections.

December 28, 1974 A state of emergency is declared as the political situation deteriorates; fundamental rights under the Constitution are suspended.

January 25, 1975 The Constitution is amended, abolishing the parliamentary system and establishing a presidential system with *de facto* one-man rule under Mujib.

August 15, 1975 Mujib is assassinated.

November 30, 1976 Ziaur Rahman (Zia) becomes chief martial law administrator; he becomes president the following year.

1978 Zia announces new elections and an independent judiciary and lifts the ban on political parties. He is elected president.

April 6, 1979 Martial law is revoked and the Constitution is restored in full.

1981 Zia is assassinated and Abdus Sattar becomes president.

March 24, 1982 Sattar is ousted in a coup engineered by Lieutenant General Hussain Muhammad Ershad. The Constitution is suspended, Parliament is dissolved, and political parties are abolished as Ershad assumes full power as chief martial law administrator.

February 14–15, 1983 Student riots mark the first major expression of public opposition to Ershad's administration.

1986 Parliamentary elections give the pro-Ershad Jatiyo Party (Nationalist Party) a majority in Parliament. Later that year he is elected president.

November 10, 1986 The Bangladesh Parliament passes the seventh amendment to its Constitution, ratifying all actions of Ershad's martial law administration. Martial law is withdrawn and the Constitution is restored in full.

November 10–12, 1987 In the "Siege of Dhaka," opposition parties unite against Ershad's government.

June 7, 1988 The eighth amendment of the Constitution establishes Islam as the state religion.

1990 Ershad steps down following mass protests.

1991 Begum Khaleda Zia, widow of President Zia Rahman, becomes prime minister. The Constitution is changed to render the position of president ceremonial, giving the prime minister primary executive power.

1996 Two sets of elections see the Awami League win power, with Sheikh Hasina Wajed, the daughter of Sheikh Mujibur Rahman, becoming prime minister.

1997 The opposition BNP begins a campaign of strikes against the government.

April 2001 Seven are killed in bomb blast in Dhaka. Sixteen Indian and three Bangladeshi soldiers are killed in border clashes.

June 2001 A bomb kills ten in Baniarchar town. A bomb near Dhaka kills 22. Parliament approves a bill providing protection for Hasina and her sister Sheikh Rehana, who fear that the killers of their father Mujib are out to get them.

July 2001 Hasina steps down, handing over power to a caretaker authority, becoming the first prime minister in the country's history to complete a five-year term.

September 2001 At least eight people are killed and hundreds injured as two bombs explode at an election rally in southwestern Bangladesh.

October 2001 Hasina loses at the polls to Khaleda Zia's Nationalist Party and its three coalition partners.

more than 500,000 soldiers and police to patrol the voting sites on the day of the election. He also ordered that all cell phones be turned off to prevent anyone from being influenced on how to vote. In the end, although the election of 2001 was difficult, most observers note that in terms of the history of Bangladesh, the levels of violence and bloodshed were actually low.

Since 1995, the Bengali Constitution has specified that during elections, all parties resign and a caretaker government comes to power to oversee the election. As is common in Bengali elections, in the 2001 elections Hasina and the Awami League protested that the election was rigged and that the BNP had committed fraud. Hasina called for new elections, but the Caretaker Electoral Commission denied that request. Hasina then threatened not to cooperate with the new government, but by December she had backed off of that challenge. Most observers believe that the Awami League lost the election to the Bangladesh Nationalist Party because Hasina was unable to control political violence in Bangladesh.

The central electoral competition was between leaders of the two largest political parties in Bangladesh, Sheikh Hasina, the prime minister from 1996 to 2001, and Begum Khaleda Zia, prime minister from 1991 until 1996. Hasina has led the Awami League since 1981, gradually taking over power after the assassination of her father Bangabandhu Sheikh Mujibar Rahman in 1975. Her ascension to the office of prime minister in 1996 up until her term ended in 2001 marked a relatively peaceful time in Bengali history. The election of 2001 was a landmark of sorts, in that it was the first time since Bengali independence in 1971 that a sitting government actually completed an entire constitutionally prescribed five-year term without a coup, mass resignations by opposition parties, or an assassination.

Begum Khaleda Zia served her first term as prime minister from 1991 to 1996. Her former husband was also prime minister of Bangladesh prior to his assassination in 1981. Soon after being sworn into office on October 10, 2001, Zia announced a program that would complete many of her election promises in 100 days. Some of these promises included ridding the country of corruption and extortion. She also promised peace and development and took a stand on economic freedom and the war against terrorism.

While Zia and Hasina may share a common route to political power, they have little else in common. The two represent different political philosophies. Hasina's Awami League is an Islamic Party,

advocating that Bangladesh become an Islamic State similar to Pakistan or Iran. Zia's Bangladesh Nationalist Party is also Islamic, but has traditionally advocated a socialist sectarian (non-religious) political system for Bangladesh.

The two parties (and their leaders) have often exchanged heated political rhetoric—and some violence—in their 25 year histories. In 1994, for example, Hasina and the Awami League protested Zia's rule by resigning from Parliament, forcing a constitutional crisis, which, in a parliamentary government means new elections. The resulting elections (in 1996) brought the Awami League to power, and for the first time in Bengali history, the national legislature was able to finish a full five-year term. As Bangladesh's Internet newspaper the *Dawn* points out: "It is significant that Sheikh Hasina managed to keep her party in office for the full term. Not that it was smooth sailing for her. The BNP along with its allies kept the Awami League government under constant pressure all the while—even boycotting the Parliament for a year." The paper points out that during Hasina's term, the BNP often resorted to street violence, boycotts, and worker strikes in order to thwart the plans of the Awami League government.

Bangladesh has experienced much political violence since gaining independence in 1971, including two presidential assassinations, three military coups, and 19 failed coup attempts. The violence involved in this election was less than in previous elections and was said to be "the most freely and fairly elected Parliament." Leaders across the world were impressed with the decline in violence in this election cycle.

Although they have improved considerably, Bengali elections are still marred by the same kinds of violence and disorder that marked her birth as a nation in 1947, and as a separate nation-state in 1971. To understand the source of that violence, it is necessary to explore the origins of this beautiful, but unstable, nation. This history will reveal that the roots of Bengal political violence are three-fold: violence related to efforts at national independence, violence between the military powers of the nation and its civil leadership, and violence based in ethnic and ideological differences among its many political parties.

HISTORICAL BACKGROUND

Geography and History

Bangladesh is a relatively small southeast Asian nation surrounded on most sides by India. Burma

THE GOVERNMENT OF BANGLADESH

Bangladesh, like many former British colonies, is a parliamentary democracy. Parliamentary governments, unlike presidential systems as found in the United States, merge the powers of the executive functions of government and the legislative functions within an elected legislature.

A prime minister and a cabinet usually lead a parliament. Once elections conclude, the newly elected members of the parliament elect a prime minister, usually along party lines. In Great Britain and in Bangladesh, the prime minister is a member of the party holding the most seats in the parliament. The prime minister then chooses from the members of the parliament a number of other ministers (called the "cabinet") who, with the prime minister, form the "government." In a real sense, this government is much like the U.S. president and cabinet. The prime minister and cabinet propose new laws to the parliament and the government oversees the different departments of government. Different ministers might be responsible, for example, for the functioning of the Department of Agriculture, or the Department of the Interior. In other words, the things that a president and his cabinet would do, the prime minister and the "government" do in a parliamentary system.

Unlike the president of the United States, however, if the prime minister loses a vote over a bill he or she has proposed, then the government resigns office and the parliament chooses another prime minister. There is an exception to this rule: The prime minister can, if he or she so chooses, call for new elections to parliament instead of resigning office. This means that in a parliamentary system, elections do not necessarily occur at regular intervals. For example, in Bangladesh, the Constitution specifies that elections must be held every five years, unless Parliament is "dissolved" (the prime minister calls for new elections) before that time.

Bangladesh is unusual in the manner in which it holds elections. Bangladesh is divided into 300 "constituencies" or electoral districts. Within each district only one person can win election. This is like the U.S. system, but in most parliamentary systems, more than one person can win a seat. The Bengali electoral system is more like the British system than it is a classical parliamentary system. Within each constituency, any number of parties may run for office, but only the person gaining the most votes will win.

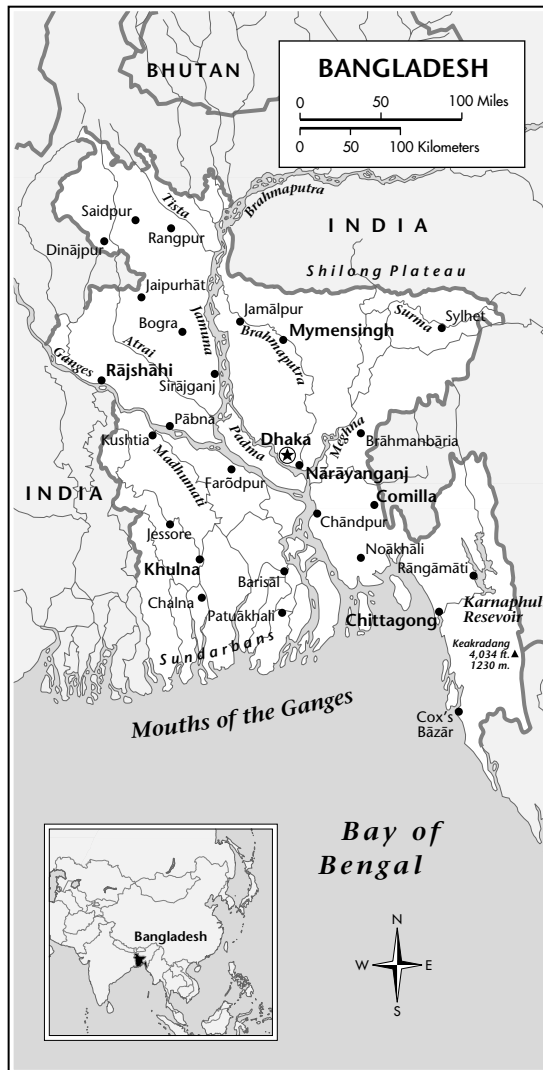
borders it to the east, and to the south is the Bay of Bengal. Nepal touches it to the northeast. Bangladesh has an estimated population of 131,269,860 as of July 2001, (slightly more than five times the population of California) and a literacy rate of about 56 percent. It is one of the least developed nations in the world, with a dense population and extreme poverty. The primary source of income for most Bengalis is agriculture. Bangladesh is such a poor nation that it is common for mothers to breast-feed children until age three because there is no other food available.

Like the Indian nation from which they emerged, Bengalis follow a Hindu "caste" system divided into upper class landowners and lower class servants and laborers. As with most Asian nations, mobility from one class to the next is difficult. The Bengal people are a mix of various cultures, including Dravidian, Indo-Aryan, Mongol-Mughul, Arab, Persian, Turkic, and European. Since about 1200 CE, Islam has played a great role in shaping the nation's history and politics.

Sunni Muslims make up 88.3 percent of the religious population followed by Hindus with 10.5 percent. Other religions such as Christianity (mostly Catholic) and Buddhism are followed by about 1.2 percent of the population. These religious faiths are predominantly found in tribal (non-Bengali) populations of the Chittagong Hill Tracts, which occupy the most southeastern part of Bangladesh. Bengalis speak several languages, but the most common are Bangla (also called Bengali), English, and Kha Kura, the language of those of Nepalese descent. Bangladesh is unique in the region in that despite its ethnic diversity, the only official language is Bangla.

1900–70

Bangladesh began the twentieth century as a province of India, a British colony. India was an unhappy place, divided between Muslim and Hindu populations, each exercising political control over different parts of the nation. The conflict between Muslim and Hindu populations came to a head in 1906 with the creation of the All-India



MAP OF BANGLADESH. (© Maryland Cartographics. Reproduced by permission.)

Muslim League. This league began a 40-year effort to create an independent Indian government within the British Empire. However, the British were unwilling at the time to allow the “Crown Jewel” of the Empire to depart, so for the next 40 years Indian movements for independence would face little success.

During World War II (1939–45), the Japanese attempted to weaken British war efforts by sowing discontent in India. By appealing to Indian independence leaders, particularly Mohandas Gandhi (1869–1948) and Jawaharlal Nehru (1889–1964), to resist British colonial rule, the Japanese hoped to distract England. While the Japanese did not succeed during the war, their efforts would help to create a strong independence movement in India after the war concluded.

The political challenge for separatists was to determine what a new Indian state would be: a secular Hindu state, or an Islamic state led by the Muslim League’s Mohammed Ali Jinnah (1876–1948). By 1947 it was clear that the British would be unable to hold India as a colony, so England’s Parliament began the process of granting India its independence as a full member of the British Commonwealth. This action, however, did not resolve the conflict between India’s Hindu and Muslim populations. Parliament gave Lord (Louis) Mountbatten (1900–79) the job of ending British rule in India, but he failed to resolve the conflict between the Secular Congress Party of Nehru and the Muslim League of Jinnah.

Due to disagreements between the Congress Party and Muslim League, the United Kingdom would grant full dominion status to *two* successor states—India and Pakistan—on August 15, 1947. The lines drawn to separate the new nations followed the religious groupings: Hindu-majority areas became India and the Muslim-majority areas became Pakistan. The whole colony prior to independence was comprised of 562 states indirectly ruled by the British through the agency of Indian princes. In the partition process each prince was told to join either India or Pakistan, despite earlier discussions of possible independence. Their resulting decisions created a Muslim nation that was split by over 1,000 miles of Indian territory—Pakistan as a nation was comprised of one region in the east and another in the west of British India.

The birth of India was marred with tremendous religious and ethnic violence. With the declaration of independence on August 15, 1948, latent and open hostilities between the two populations broke out into street violence. Hindu populations in India attacked their Muslim citizens, as the reverse happened in the new nation of Pakistan. Millions of people fled their homes and, by the end of 1950, almost 12 million people had been resettled. The violence between the new nation of Pakistan and the nation of India would establish a pattern of relations that still dominates.

An important point of conflict between India and Pakistan had to do with the territory of Kashmir, located on the Chinese border. The territory was predominantly Muslim, but its maharajah, or prince, was Hindu. He had hoped that Kashmir would remain independent, but that was not to be. India and Pakistan both claimed the territory, but when Pakistan threatened to invade, the maharajah agreed to become part of India in order to protect himself and his people. The conflict between



RIOT POLICE DISPERSE OPPOSITION PROTESTORS ON THE STREETS OF DHAKA IN A RUN-UP TO ELECTIONS IN 2001. THE PROTESTORS WERE DEMANDING THE RESIGNATION OF PRIME MINISTER SHEIKH HASINA. (Photograph by Pavel Rahman. AP/Wide World Photos. Reproduced by permission.)

India and Pakistan over Kashmir has never been resolved.

The Bengalis in East Pakistan Protest

To the east, Bengal (known as East Pakistan) also found itself at odds with the government of Karachi in the west. East Pakistan was a large territory, separated from the rest of Pakistan by over one thousand miles, yet West Pakistan often treated East Pakistan as a mere province. From the beginning, East Pakistan (later called Bangladesh) protested that political leaders representing them had little experience in Bengal. East Pakistanis also

complained that Karachi continued the British practice of limiting Bengali participation in the military and civil service as punishment for Bengal participation in uprisings during the 1880s. Additionally, East Pakistan suffered economically because the land lacked many natural resources, and what economic progress Bengalis did make was simply reinvested in West Pakistan.

East Pakistan also suffered under the new constitution of 1956. Despite East Pakistan's greater population, the constitution created a 300-seat legislature with only 150 seats allocated to the East. This in effect diluted the strength of the East Pak-

istani population, and guaranteed that political power would remain in Karachi. The issue of representation would plague the national assembly until 1963, when a new constitution was created by General Muhammad Ayub Khan, the army commander in chief. Despite efforts to resolve representation issues, however, the differences between East and West Pakistan would continue to grow. Although the Bengal population lodged protest after protest raising these issues, West Pakistan seemed willing to ignore their complaints. As India and Pakistan prepared for war over their conflict in the province of Kashmir, more East Pakistanis began to call for a separate state.

1971–80

The period from 1963 to 1970 was marked with increased violence and conflict between West Pakistan and East Pakistan. Despite Ayub's efforts to construct a new government, the differences in the two regions were becoming irreconcilable. By 1968 East Pakistan's Awami League was openly calling for reform and a new constitution, while the western-based People's Party of Pakistan (PPP) continued to pursue the existing balance in Parliament. In 1970 Ayub bowed to the inevitable and resigned. General Agha Muhammad Yahya Khan, who was then commander in chief of the armies, took power. Yahya promised to hold elections by the end of the year. He gained some support in East Pakistan by scrapping the old electoral system and creating one that allowed East Pakistan to control 162 seats out of the legislature's 300.

The election of 1970 underscored the degree to which the two provinces were charting different political courses. The Awami League won 160 of the 162 seats set aside for East Pakistan, while in West Pakistan, the PPP won 81 of 138. This should have been an electoral victory for the Awami League, giving its founder and leader Mujibur Rahman (Mujib) the position of being prime minister of Pakistan and his party control of the government.

Yahya attempted to reach an accord with the leaders of the opposition parties, but by March 1971 it seemed clear that no agreement was going to occur. Mujib insisted on a six-point constitutional program he had articulated in 1966, which would provide for self-government for East Pakistan and create a confederation of provinces out of East and West Pakistan. Yahya and Zulfikar Ali Bhutto (leader of the PPP) were adamantly opposed to the idea of a confederation and sought more national integration.

Bengali Independence: Bangladesh

In 1971, when it was time for the newly elected government assembly to meet, Yahya postponed the meeting, delaying Awami League control of the government. Mujib called for resistance against the government forces and the people of East Pakistan protested on the streets. Yahya had positioned a large military force in East Pakistan already, and when the protests began, he acted decisively, sending in more military forces to put down the growing discontent. He had Mujib arrested and moved him to a prison in West Pakistan, and then began a campaign to oppress political activity in East Pakistan. Hundreds of thousands of East Pakistanis are thought to have been killed in this campaign.

The war became a guerilla battle that raged throughout most of 1971. On March 26, 1971, leaders in the cause of resistance announced an independent, sovereign republic of Bangladesh. The Pakistani civil war continued. Starting in March, India received hundreds of thousands of refugees from East Pakistan and supplied aid to the rebels. India and West Pakistan then began to trade threats about the territory of East Pakistan. Finally, on December 4, 1971, India attacked the West Pakistanis in three places.

Aided by East Pakistan's liberation forces and much more powerful than West Pakistan, it took India only two weeks to defeat West Pakistan. On December 16, 1971, the Pakistan Army surrendered to Bangladesh and India. In 1972, Mujib became the country's first prime minister. The Awami League drafted the first Constitution of Bangladesh, creating a government that promised "nationalism, secularism, democracy and socialism." Mujib began the daunting task of governing Bangladesh.

Although the Awami League won a resounding victory in the 1973 elections, by the end of the year, it was clear that Mujib and his followers could not overcome the tremendous economic and social pressures facing Bangladesh. Mujib responded to the mounting crisis by nationalizing (taking over) different industries and running them as if they were state-owned businesses. This effort failed, increasing food shortages and intensifying economic problems in Bangladesh.

Mujib believed that he had to make radical changes in Bangladesh's government in order to control the economic and political chaos he faced. He began this process by proclaiming Bangladesh to be a one-party socialist state. In January 1975 he amended the Constitution to eliminate provisions for democratic electoral government. Mujib changed

SHEIKH HASINA WAZED

1947— Sheikh Hasina Wazed was born in the Gopalganj district on September 28, 1947. Her father was Sheikh Mujibur Rahman, who would lead Bangladesh from its liberation in 1971 until his assassination in 1975. Hasina married in 1968 and went on to finish her education, graduating from the University of Dhaka in 1973. During her time at the University, she was actively involved in politics. During the war for independence, she was arrested by the Pakistani Army along with other members of her family.

In August 1975, Hasina took a trip to West Germany. A group of military officers broke into her parents' home and assassinated her father, mother, three brothers, and other people who happened to be there. Hasina was then forced to live in exile because of restrictions placed on her by President Zia. She returned to Bangladesh after he was assassinated in 1981, and assumed leadership of the Awami League. Soon she was caught up in the opposition movement to the regime of Hussain Muhammad Ershad. She was arrested for her part in the movement and eventually joined forces with the BNP and Begum Khaleda Zia to remove Ershad from office.

Hasina led the opposition to Begum Khaleda Zia and the BNP, after Zia was elected prime minister in 1991. In 1996 Hasina was elected prime minister. Although she lost the next election in 2001, the end of her term marked the first time since Bengali indepen-



BANGLADESHI PRIME MINISTER SHEIKH HASINA COMFORTS A CRYING BOY WHOSE FATHER WAS KILLED IN A BOMB EXPLOSION. HASINA IS THE FIRST PRIME MINISTER IN THE COUNTRY'S HISTORY TO SERVE A FULL TERM IN OFFICE. (Photograph by Pavel Rahman. AP/Wide World Photos. Reproduced by permission.)

dence in 1971 that a sitting government actually completed an entire constitutionally prescribed five-year term without a coup, mass resignations by opposition parties, or an assassination.

the parliamentary government into a single-party presidential system. Later on that year, on August 15, Mujib and several of his family members were assassinated. Three senior-ranking officers were charged with his murder.

For several days, it was not clear who was in power in the capital city of Dhaka, but in the end, the army restored order and placed Chief Justice Abu Sadat Muhammed Sayem (who had served on the Supreme Court under Mujib) in power. For the next two years, the military would assume an even greater role in Bengali politics than it had in its formation.

In April 1977 General Ziaur Rahman (Zia) became president after President Sayem resigned for health reasons. Zia was not a popular president.

He had come into power by postponing presidential and parliamentary elections and installed himself as chief martial law administrator in November 1976. Once in power he was a popular leader among the people and most of the government. The military, however, had been badly divided since Bangladesh's independence. Important opposition to his rule came from factions within the military who had supported the overthrow of Mujib two years earlier.

In September, this faction of the military staged a coup attempt in Bogra (a territory in northwest Bangladesh) that quickly spread to Dhaka. A couple of days earlier, some members of the Japanese terrorist organization Red Army hijacked a Japan Airlines jet and forced it to land in Dhaka. While the eyes of the nation were turned

upon this spectacle, a rebellion arose in the military. A second rebellion a few weeks later resulted in a coup attempt. For a short time, the leader of the coup attempt, Brigadier Khalid Musharraf succeeded in the taking of Dhaka, but was himself assassinated by Army units loyal to Zia on November 7, 1977.

In 1979 Zia experimented with a return to democratic government. He also attempted to open the political system to more "ordinary" citizens. Many upper caste people opposed these changes, as did a number of military officers. Zia also promoted international cooperation among his South Asian neighbors. This effort was particularly successful—after his death, many South East Asian nations would form the South Asian Association for Regional Cooperation (SAARC), an organization which is still in existence.

Zia also attempted to address the tremendous poverty of Bangladesh through agricultural development and food distribution programs. These efforts were only marginally successful. Most of his political reforms, including efforts to open the political system to more citizens, would end as a result of his ultimate assassination.

1981–90

Zia's reforms were generally considered a success, but his tenure as president had continued to irritate opponents in the Bengali military. When Zia had resigned his commission in the military to take office as president, he had appointed Hussain Muhammad Ershad, a general in the Bengali military, to the commander in chief post. Ershad had ties to the old Pakistani regime and had not fought in the 1971 wars against Pakistan. His appointment as commander of the military had irritated a number of Bengali freedom fighters, and one of those, General Munsur, took it upon himself to stage a coup. On March 29, 1981, General Zia was assassinated in the coup and Vice President Abdus Sattar (an elderly man at the time) was sworn in as prime minister the same year.

With the military in a state of rebellion and the president dead, Sattar called a state of emergency and new elections. In 1982 General Ershad overthrew Sattar and attempted to take over the presidency. Many of the same radicals who opposed his ascension to the position of commander of military forces also opposed his efforts to gain control of Bengali political structures as well. In response, Ershad dissolved Parliament and declared martial law. He also reaffirmed Bangladesh's moderate, non-aligned foreign policy, suspended the constitution, and banned political activity. In essence, he

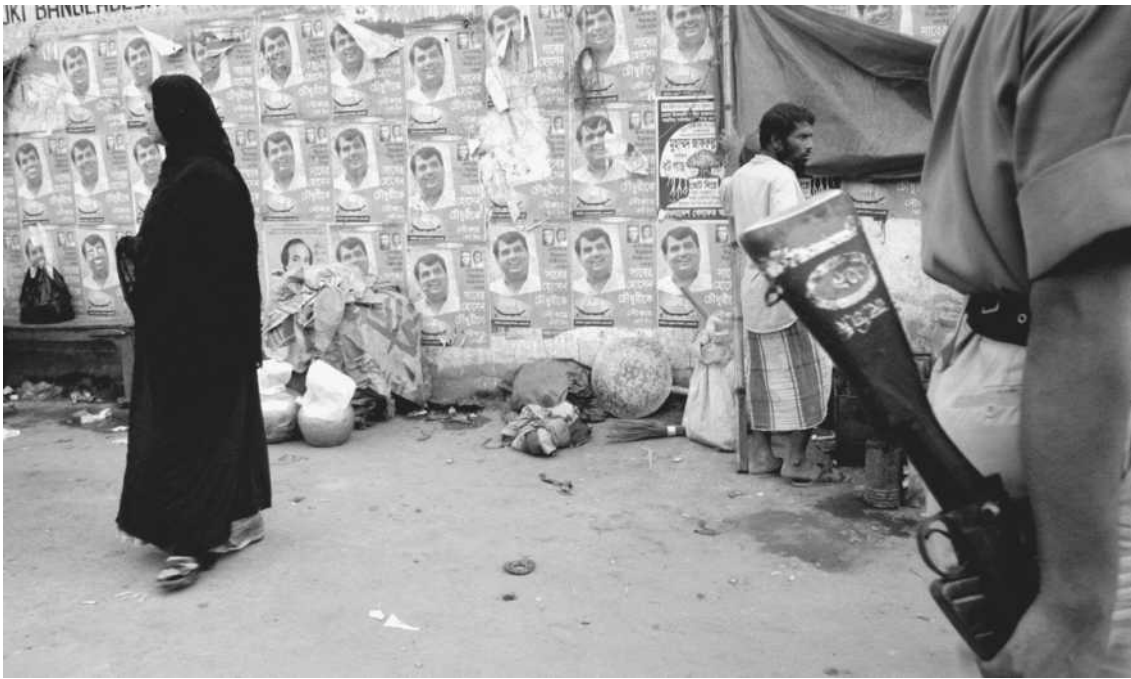
turned a parliamentary democracy into a military dictatorship.

Ershad assumed the presidency in 1984. Ershad realized that his hold on power was tenuous, so to secure his position he promised to restore a number of political freedoms and to hold national elections in two years. In January of 1986 he restored many political rights, and permitted national elections to Parliament. The BNP and the Awami League refused to participate, fearing (with some justification) that Ershad had rigged the election. He eventually convinced the Awami League to participate, but the BNP refused. Ershad renamed an old Bengali National Party (the Jatiya Dal) to the Jatiyo Party. The election of 1986 was much more heatedly contested than anyone imagined. Marred by great violence and political turmoil, Ershad's Jatiyo Party won a bare majority of 152 seats in the 300-seat legislature.

The major opposition parties refused to participate in the new government, alleging that the election had been rigged. In July of 1987, the different opposition parties laid aside their differences and united in opposition to Ershad's rule. By November, the political situation had grown so difficult and violent that Ershad declared a state of emergency and governed with extraordinary powers (without recourse to elected government, but with the power of the military). Ershad's opponents continued to protest and boycott Parliament, and by December Ershad was forced to dissolve Parliament and schedule new elections, to be held in March of 1988.

All of the major parties refused to participate in the elections Ershad had called in protest of his rule. After the election of 1988 reaffirmed Ershad's control of Parliament, he began to reconstruct Bengali government as an Islamic State. On June 7, 1988, Parliament passed the Eighth Amendment to the Bengali Constitution, declaring Bangladesh to be an Islamic State. By mid-1990, opposition to Ershad mounted, with increasing strikes, protest, rallies, and general lawlessness. In December of 1990, Ershad resigned.

Despite his many successes, Ershad could not overcome opposition to his social programs from other parties and he could not overcome opposition from the Bengali military. Because he had not participated in efforts to free Bangladesh from Pakistani rule, and because he had not worked to advance more Bengali soldiers in the military, Ershad could not gain the trust of his military. He also drew strong resistance from the BNP because he overturned many of the socialist reforms put in place by ousted President Zia. Although he did cre-



A BANGLADESHI WOMAN PASSES BY ELECTION POSTERS AND ARMED POLICE IN THE DAYS PRIOR TO THE 2001 ELECTIONS IN BANGLADESH. ELECTIONS ARE HISTORICALLY A TIME OF BLOODSHED AND VIOLENCE IN BANGLADESH. (Photograph by Amit Bhargava. AP/Wide World Photos. Reproduced by permission.)

ate an Islamic State, he could not overcome strong opposition from the Awami League. In the end, Ershad's government was never able to acquire sufficient political power to reform election processes and restore democracy because there was too much dissension among the various parties.

1991–Present

Ershad's resignation naturally triggered new elections, held on February 27, 1991. These elections were considered to be among the freest and fairest held in Bangladesh's short history. The BNP (Bangladesh National Party) won the majority vote. Former President Zia's wife, Begum Khaleda Zia, head of the BNP at the time, became the new prime minister. The turmoil created by Ershad's resignation also led to a restructuring of Bangladesh's government, and in September 1991 the Bengali people adopted a new constitution that returned the Bengal people to a parliamentary form of government with governing power held by the prime minister.

In October 1991 Abdur Rahman Biswas became the new head of state, or president. On January 24, 1993, a bomb exploded during a rally of the Awami League. This led to further protest charging government corruption. In March 1993, border attacks began by Myanmar soldiers on a Bangladesh village.

In December 1994 opposition leaders resigned in an attempt to force Khaleda to step down as prime minister, but Khaleda refused. Biswas dissolved Parliament in November 1995 and called for new elections in February 1996. Biswas asked Khaleda to remain prime minister until a successor was chosen but opposition leaders refused to participate in a government in which Khaleda held a position. This launched many attacks on the government. On March 26, 1996, the government gave in to the demands of the Awami League and other political parties and created a caretaker government. Chief Justice Habibur Rahman was chosen to lead this caretaker government and Parliament was again dissolved. On June 23, 1996, elections were completed and the Awami League won a majority of the vote. Sheikh Hasina Wazed became the new prime minister. Justice Shahabuddin Ahmed was elected to replace Biswas as president.

RECENT HISTORY AND THE FUTURE

By all accounts, the election of 1996 was a fair and free election, but Hasina's term in office was marked by political unrest and violence. She accused Zia of inciting violence, and Zia has accused her of the same thing. Party leaders often publicly got into physical fights and many murders were

BEGUM KHALEDA ZIA

1945– Begum Khaleda Zia was born in the Dinajpur district of northwestern Bangladesh on August 15, 1945. Her father was a businessman, and she was the third of her parent's five children. After graduating from the Dinajpur Government School she went to Surendranath College in Dinajpur. In 1960 she married Ziaur Rahman (Zia), who was, at the time, a captain in the Pakistan Army. Zia was a leader in the Bengali war for independence. He led the new nation after liberation after 1975, and in 1977 became its president and formed the Bangladesh Nationalist Party (BNP). He remained Bangladesh's leader until he was assassinated in 1981. Until that time, Begum Khaleda Zia had shown little interest in the political life, concentrating more on her two sons.

After Zia's assassination, the vice president of the country, Abdus Sattar, assumed control, but he was soon overthrown by General Hussain Muhammad Ershad, the commander of the army. Ershad proclaimed martial law and stepped in to rule Bangladesh. His rule lasted nearly nine years. The aging Sattar made Begum Khaleda Zia a vice chair of the BNP. In 1984 she was elected the party chairperson. She then went to work

to put together a seven-party alliance to overthrow Ershad; she was arrested seven or eight times in the process. Finally, the BNP's alliance joined forces with the rival Awami League's eight-party alliance under Sheikh Hasina Wazed. Under this united opposition, Ershad was forced to step down in 1990.

In the elections that followed in 1991, Begum Khaleda Zia became the prime minister of Bangladesh. In office, she worked to restore Bangladesh's parliamentary government, alleviate poverty, establish free compulsory education, and to ensure the rights of women. In keeping with her party, she advocated a socialist sectarian political system for Bangladesh, rather than an Islamic state. She led the country until 1996, when the BNP lost at the polls to Sheikh Hasina and the Awami League.

Begum Khaleda Zia was elected prime minister a second time in 2001. Upon taking office, she announced her 100-day program, which included ridding the country of corruption and extortion, peace and development, economic freedom, and participation in the war against terrorism.

committed as elections approached. Despite these political challenges, Hasina maintained that her goal was to "ensure the people's right to ballot and bread," indicating that she intended to address both the political turmoil of Bangladesh and its persistent, crushing poverty.

Hasina's government did not accomplish all its political goals, but it became the first government to complete its five-year tenure. When elections came in 2001, Hasina appointed a second caretaker government and Parliament resigned to compete for the elections of 2001. Although Hasina and the Awami League were turned out of power, she can take pride in the fact that the election was considered to be fair and open, and that the violence associated with the election was much less than in the past.

Hasina's initial threat to boycott the Parliament and to resist Zia's efforts to govern have given way to a more cooperative tone. Zia reciprocated that gesture by sending a basket of seasonal fruits, a bouquet, and a sari (traditional dress in Bangladesh, and a sign of respect) to Hasina in celebration of the New Year. Hasina accepted these

gifts graciously, although for personal reasons she did turn down the sari.

Bangladesh has successfully completed two election cycles with less violence and less chance for a military coup. It appears that this South Asian nation is on course to become a stable democratic regime. Tremendous problems remain to be resolved, however, most importantly the extreme poverty of the nation. It is not uncommon, for example, for families to sell female children into sexual slavery in neighboring nations because they see this as a better life for their children.

By some estimates, as many as 200,000 Bengali women and children are living in such conditions in Pakistan. Bangladesh remains among the poorest nations in Asia because it lacks natural resources and because of its years of military-civilian conflict. In 1995, Bangladesh's gross domestic product (a measure of the nation's wealth) was slightly over \$150 billion, while its purchasing power parity (the amount of local currency it would take to buy one dollar of goods in the United States) was \$1,290. In other words, what an American

could purchase for \$1, a typical Bengali would need the equivalent of \$1,290.

The government of Bangladesh is not the only agency attempting to resolve this dilemma. Muhammed Yunus, a Bengali trained in the United States, has established the Grameen Bank (meaning "rural bank") to provide loans and capital for poor Bengalis seeking to escape their poverty. The program is only a few years old, but it seems to be working for those who have access to his services.

Bangladesh is not only attempting to solve its internal problems, it is also taking on a greater role internationally. It has returned to active participation in the SAARC, and in 1991, sent troops to participate in the Gulf War and offered financial support, supporting the Coalition forces. After the war, however, the Bengali foreign minister, expressing shock at the magnitude of death and destruction, criticized the United States for "pounding people who are weak and vulnerable." Bangladesh remains an ally of the United States, although an occasionally uncomfortable one.

The immediate future for Bangladesh looks much like its immediate past. Despite overtures between Zia and Hasina, the two remain bitter rivals with an intense personal dislike for each other. Moreover, their political and religious philosophies continue to place them at odds with each other. Finally, despite the relative calm of the 2001 elections, there were still charges of fraud, acts of violence, murders, and the arrest of party leaders like Abdur Rob, president of the Jatiya Samajtantrik Dal.

In 1999 the United States Department of State classified Bangladesh as a free nation with a multiparty parliamentary system. It is to be hoped that this optimism will be rewarded in the years to come.

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CHILDREN EXPLOITED: COMBATING THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

THE CONFLICT

An international commitment was issued at the end of the Second World Congress Against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, from December 17 to 20, 2001, in the effort to stop the commercial sexual exploitation of children (CSEC). While signing an international declaration is a first step, translating the commitment into national legislation and international law enforcement action represents a real challenge. There is no single international agency to champion the fight against CSEC.

Political

- As expressed through the Convention on the Rights of the Child, basic child rights must be protected worldwide. This would mean an international recognition that children have the right to healthy development, to be heard on matters of concern to them, and to be protected from political and economic actions that will have a negative impact on them.
- In order to counter CSEC, there must be legislation not only at the international level but at the national level.

Social

- There is cross-national disagreement over the definition of basic terms ("child," "trafficking," "child pornography," and "prostitution") and differences abound regarding gender roles and the role of families in the exploitation of their own children.
- A long tradition of devaluing the female and cultures of subjugation allow men to exploit females to their own ends. In some Asian countries, it is an accepted practice that daughters voluntarily sell their bodies as a means for strengthening the economic position of the family. In other cultures, parents have ownership rights over their daughters and sell their sexual services for financial gain.

The Yokohama Global Commitment 2001 was issued at the end of the Second World Congress Against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, from December 17 to 20, 2001. Representatives from 138 governments and a variety of private sector and nongovernmental organizations around the world reaffirmed a 1996 World Congress agenda for action against commercial sexual exploitation of children (CSEC). CSEC consists of the sexual abuse of a child by an adult and remuneration in cash or in kind to the child or a third person(s). The child is treated as a sexual and commercial object. CSEC represents a form of coercion and violence against children. The International Labour Organization (ILO) considers CSEC as slavery. The primary activities involved in CSEC include the trafficking of children for sexual purposes, child pornography, and child prostitution, with which child sex tourism is strongly associated. Conservative estimates suggest that each year over one million children are commercially exploited worldwide.

The principal commitments contained in congress documents were to increase coordination and cooperation at the local, national, regional, and international levels; provide prevention and education services for families and children vulnerable to exploitation; develop laws and policies to protect children and prohibit CSEC; and engage in the psychological recovery and reintegration of child victims. The 2001 Commitment emphasized the importance of addressing the negative impact of technology, especially in the area of child pornography. Taken together, the two world congresses positively advanced cooperative efforts that began in 1989 with adoption by the United Nations (UN) General Assembly of the *Convention on the Rights of the Child* (CRC). This convention is the primary

CHRONOLOGY

1948 UN General Assembly adopts *Universal Declaration of Human Rights*.

November 1989 UN General Assembly adopts *Convention on the Rights of the Child*. This enters into force in September 1990, setting a strong international child rights framework and identifying the commercial sexual exploitation of children (CSEC) as a major problem.

October 1995 World Tourism Organization adopts a statement denouncing organized sex tourism, including tourism for the purpose of engaging in child prostitution.

August 1996 First Congress Against Commercial Sexual Exploitation of Children convenes in Stockholm, Sweden and issues a "call to action" to the international community to fight CSEC.

1998 The *Rome Statute of the International Criminal Court* establishes an International Criminal Court (ICC) with jurisdiction over "crimes against humanity." The statute enters into force in April 2002 and ICC is scheduled to begin hearing cases in mid-2003.

1999 International Labour Organization (ILO) Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour is adopted at the ILO General Con-

ference in Geneva, Switzerland. The convention raises awareness of CSEC and seeks to prevent the sale and trafficking of children, the use of children for prostitution, and the production of pornographic materials.

May 2000 *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography* is adopted by UN General Assembly and was entered into force in February 2002. This protocol makes important improvements in criminal and law enforcement efforts.

2000 The *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children* is adopted by the UN. It is the first universal agreement to address all aspects of trafficking, including for sex purposes.

December 17–20, 2001 The Yokohama Global Commitment 2001 is issued at the end of the Second World Congress Against Commercial Sexual Exploitation of Children, held in Yokohama, Japan. Representatives from 138 governments and a variety of private sector and nongovernmental organizations around the world reaffirm a 1996 World Congress agenda for action against commercial sexual exploitation of children (CSEC).

binding mechanism for active international protection of children's rights; five articles specifically address the sexual exploitation of children.

In stark contrast to the positive tone and implications of this international effort to combat CSEC were several headline stories from early 2002. First came reports of a major cover-up of years of sexual exploitation of young boys by U.S. Catholic priests. This story reached deep into the hierarchical structure of the Catholic Church. While this scandal is largely non-commercial in nature, it demonstrates the vulnerability of children who implicitly trust authority figures in their lives. In March 2002 the U.S. Federal Bureau of Investigation (FBI) announced that the first sweep of the Candyman Operation had resulted in the arrests on child pornography charges of 90 people (including trusted community leaders) throughout the United States. The FBI estimated that more

than 7,000 individuals across the world were participating in an electronic mail child pornography group named "Candyman." Finally, the controversy swirling around the constitutionality of federal legislation to protect children from commercial pornographers re-emerged in the headlines.

The U.S. Supreme Court struck down provisions in the Child Pornography Act of 1996 banning virtual child pornography (computer alterations or creation of images in which children appear to be engaging in sexual activity) and a special three-judge panel of the Third U.S. Circuit Court of Appeals heard testimony on the constitutional merits of the Children's Internet Protection Act (CIPA), signed in 2000 by President Bill Clinton. This legislation, implementation of which was delayed until July 2002, ties federal Internet subsidies for public libraries to the requirement that they install computer software to block pornographic material

on the World Wide Web. This is the third time since 1996 that national legislation of this sort has been challenged on the grounds that filtering Internet material violates the constitutional right of free speech.

These stories suggest that the UN, world governments, nongovernmental organizations, and law enforcement authorities face a difficult uphill battle in their efforts to diminish the impact of CSEC. Signing an international declaration is just a first step; the translation of such a framework document into national legislation and international law enforcement action represents the real challenge. Not only is there cross-national disagreement over the definition of basic terms (“child,” “trafficking,” “child pornography,” and “prostitution”), but differences also abound regarding gender roles, cross-border enforcement jurisdiction, the role of families in the exploitation of their own children, and the criminalization of pornography.

There is no single international agency to champion the fight against CSEC. Statistical data on the various forms of CSEC are difficult to collect and often lack reliability. Finally, development of new technologies such as sophisticated scanners and video and digital cameras, as well as expansion of the Internet, have dramatically facilitated recruitment of children, distribution of pornographic materials, and creation of networks of individuals involved in CSEC.

HISTORICAL BACKGROUND

Child sexual exploitation such as prostitution, trafficking and slavery, and even pornography dates back thousands of years. Child sacrifice was commonplace in early societies and was often accompanied by the ritual rape of virgin girls. In eastern cultures fathers used children of both genders in a variety of sexual practices and older boys used younger children as sex objects. Greek and Roman cities were filled with child brothels and sex slavery. In a 1992 speech, psycho-historian Lloyd deMause noted that Queen Elizabeth I was sexually seduced as a girl and in the early seventeenth century the child who became King Louis XIII of France was included in his parents’ and court sexual activities. Louis XV raped small girls in his royal bedroom. Through the ages, families have sold their daughters into prostitution. In the mid-1990s British police and Interpol discovered a child pornography network that included 180 members in 49 countries. Already, the early twenty-first century has brought major child sexual exploitation scandals.

CSEC can have a devastating impact on child victims. Children are placed in dangerous situations and harmed through rape, assault, psychological manipulation, and contraction of sexually transmitted diseases. Even as their health, education, and nutrition needs are being neglected, child victims also experience feelings of isolation, shame, and extreme humiliation and guilt. Many experience the added fear that family and friends might discover that they have been used in this way. Adults who sexually exploit children are taking advantage of a power imbalance: children are economically and socially less powerful and have fewer rights. They are less able to complain about their plight and less likely to be believed.

Jane Warburton, who prepared the paper “Prevention, Protection and Recovery of Children from Commercial Sexual Exploitation” for the Yokohama Congress, noted that once CSEC has occurred it is very difficult to reintegrate child victims into their communities and families. Community members often stigmatize these children because they do not understand that child victims are not responsible for what has happened to them. Exploited children have many basic needs and must re-establish a sense of self-worth and regain a feeling of safety. The required intensity of caring and respect is frequently greater than family and community can provide.

Child Prostitution and Sex Tourism

Child prostitution is the sexual exploitation of a child for payment in cash or in kind. This activity generally, but not always, involves an intermediary such as a family member, teacher, kidnapper, or procurer. Most people associate child prostitution with girls, but boy prostitution is also quite prevalent. Child prostitution is a worldwide phenomenon. Girls in many Asian countries are routinely sold into prostitution. Eastern Europe’s transition to capitalism has created a new market for child exploitation through prostitution, which is also thriving in Russian cities such as St. Petersburg. A correlation has been found between the presence of peacekeeping troops in various Asian, African, and eastern European nations and increases in child prostitution. In the United States, the National Center for Missing and Exploited Children (NCMEC) suggests that especially in warmer months and climates, child prostitutes can be found in most larger cities. A July 2001 investigative report by BBC Radio reporter Angus Stickler noted that child prostitution “is in danger of spiraling out of control” in England and Wales.

In many parts of the world, child prostitution is not regarded as “wrong.” A long tradition of devaluing the female and cultures of subjugation allow men to exploit females to their own ends. In some Asian countries, it is an accepted practice that daughters voluntarily sell their bodies as a means for strengthening the economic position of the family. In other cultures, parents have ownership rights over their daughters and sell their sexual services for financial gain. In her paper on the sex exploiter, prepared for the Second World Congress, Julia O’Connell Davidson also suggested that worldwide there is a perception that prostitution is a “necessary evil,” meeting the need of men to deal with their natural sexual urges. Men who work away from home (soldiers, migrant workers, businessmen) are especially inclined to the use of prostitutes.

Many child prostitution victims belong to marginalized families or have run away from or been abandoned in the streets by their families. In many parts of the world, child prostitution is viewed as a legitimate means to an economic end. Sex recruiters may target parents in economically stressed families, offering them money or other remuneration in exchange for their young daughters. Numerous children in the poorest countries live in the streets and may trade sex for clothing, food, or a place to stay. Refugee and displaced children, as well as AIDS orphans, are especially vulnerable to trading sex for survival because they are often left to take care of themselves and their younger siblings. Young street girls are easy prey for recruitment into brothels and both girls and boys are lured to tourism resorts.

According to NCMEC, most young prostitutes in the United States are in their mid- to late teens and rather than seeking escape from poverty, are often running from dysfunctional families or school troubles. Many have substance abuse problems and end up with pimps who not only control their drug supply, but also beat and sexually abuse them. In the United States and other parts of the world, there is a growing group of youth who enter into prostitution voluntarily as a way of earning “easy money” for material goods.

It has always been difficult to assess the true numeric dimensions of the child prostitution problem because many statistics have little basis in social science research. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), a leading nonprofit organization in the international fight against CSEC, has estimated that in 1997 there were between 60,000 and 100,000 prostituted children in the Philippines and perhaps as many as one million in



A PAKISTANI WOMAN WHO RUNS A PROSTITUTION SERVICE STANDS IN THE DOORWAY OF HER HOME. POOR ECONOMIC CONDITIONS AND POLITICAL INSTABILITY ARE FACTORS THAT CONTRIBUTE TO WOMEN AND GIRLS TURNING TO PROSTITUTION. (Photography by Laura Rauch. AP/Wide World Photos. Reproduced by permission.)

the Asia region overall. ECPAT uses an estimate of 100,000–300,000 children sexually exploited in the United States. A 2001 ECPAT-USA report by Mia Spangenberg suggested that perhaps 5,000 children are involved in prostitution in New York City alone.

In their 1996 paper “Children and Prostitution,” Ennew, Gopal, Heeran, and Montgomery argued that most of the figures used to describe the problem of child prostitution are “guesstimates” put together by social activists and attorneys. Their

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY.

(Adopted May 2000. Entered into Force January 2002.)

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography . . .

Article 2

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

1. Each State Party shall ensure that...the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

- (a) In the context of sale of children . . .
- (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:
 - a. Sexual exploitation of the child; . . .
- (b) Offering, obtaining, procuring or providing a child for child prostitution . . .
- (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography . . .

Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

- (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;
- (b) When a victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction . . . when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals . . .

Article 5

1. The offences . . . shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them . . .

Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect to the offences . . . including assistance in obtaining evidence at their disposal . . .

Article 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- (a) Recognizing the vulnerability of the child and adapting procedures to recognize their special needs . . . ;
- (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases.
- (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected . . .
- (d) Providing appropriate support services to child victims . . .
- (e) Protecting, as appropriate, the privacy and identity of child victims . . .
- (f) Providing, in appropriate cases, for the safety of child victims . . .

review of the worldwide prostitution literature found inconsistencies such as the mixing of child prostitution estimates with those for child pornography. It is time, these authors argued, to pay attention to the research techniques employed and to use current technology to accurately document the problem of child prostitution.

The combination of differences in cultural views of prostitution, participation by families in the prostitution of their own children, unreliable data, and the fact that children are increasingly engaging voluntarily in prostitution makes difficult the task of reducing child prostitution worldwide. The notion that children have rights to be protected is foreign to families in many cultures. Local authorities are rarely willing to challenge long-time cultural traditions and the right of parents to manage the lives of their children. Ironically, in strife-torn areas of the world such as eastern Europe, Africa, and Latin America, it is the authority figures themselves—military personnel and aid workers—who often promote the sexual exploitation of children through prostitution.

According to ECPAT, a UN report indicated that in six of twelve countries studied, increases in child prostitution occurred with the arrival of peacekeeping forces. In a November 2000 article in the *San Francisco Chronicle*, Dr. Cesar Chelala noted that UNICEF, the UN agency for children, has worked especially hard to counter child prostitution by improving access to education, providing economic support for families, and advocating for children's rights. UNICEF and the individuals and nongovernmental agencies working on this problem, however, are often confronted by the powerful interests of business, local authorities, and national governments.

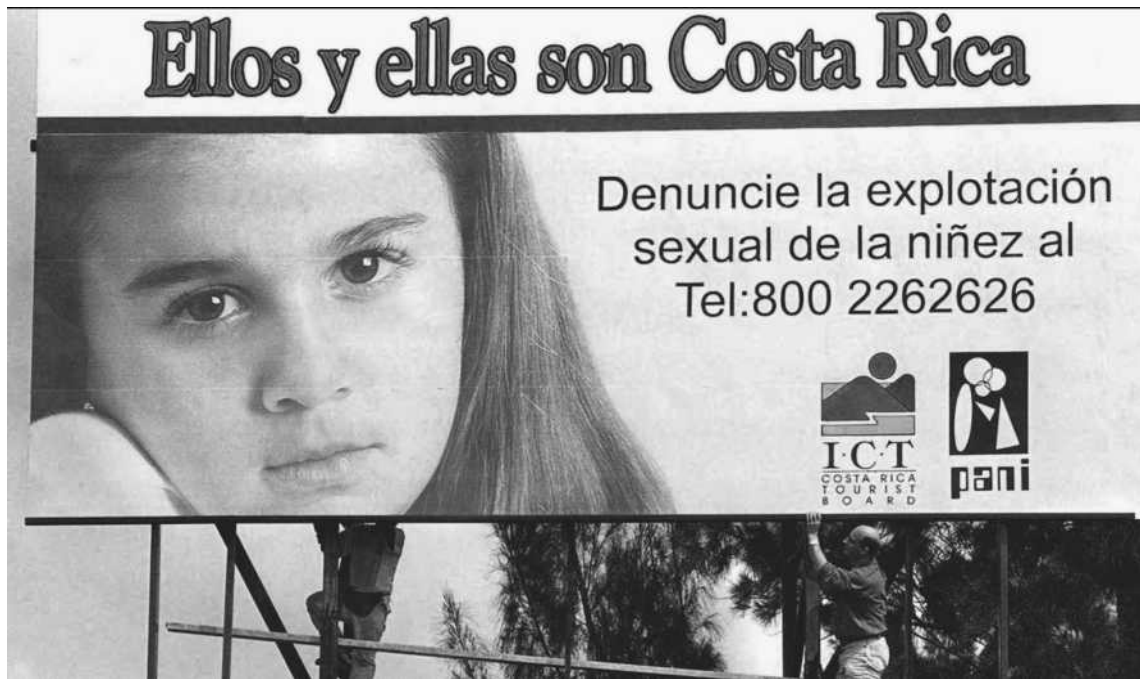
Over the centuries there has been a connection between child prostitution and tourism. Sailors and soldiers have historically created a demand for both adult and child prostitution, as have those who participated in religious pilgrimages and travel to centers of trade. During the past 50 years, cheaper and easier international travel has opened the entire world to business travelers and leisure tourists. While most people do not set out to seek commercial sex while traveling, visitors are sometimes tempted to engage in child prostitution. In some cases, the easy availability of child prostitutes combines with the anonymity and adventure of foreign travel to attract the tourist. Visitors to poorer countries may rationalize their behavior by thinking that they are helping children get money, or they may engage in exploitation to exercise a sense of superiority.

Some tourists deliberately travel to seek sex with children. (The term "sex tourism" emerged in the 1980s as a way of describing the growing problem in Southeast Asia.) A report on child prostitution presented at a 1995 conference in New Delhi, India, noted that poor security and a beach resort environment in Goa attracted sex tourists from all over the world in search of child prostitutes. According to the U.S. Embassy in Stockholm, organized sex tours were operating in 1996 in the Philippines, Cambodia, Thailand, Brazil, and the Dominican Republic. "In Sri Lanka, several thousand boys are reported to be available for sex with male tourists in some areas." A progress report on CSEC in Europe and Central Asia, prepared in November 2001, noted that sex cruises were being operated between mainland Italy and the islands of Sardinia and Elba.

The tourism industry is huge—taking in travel agents; tour operators; airline, bus and train companies; hotels; bars and nightclubs; restaurants; and many other businesses in every country of the world. The World Tourism Organization (WTO), a 138-country intergovernmental group with 350 affiliate groups, has been proactive since 1990 in efforts to reduce child sex tourism. In 1995 WTO members adopted a statement denouncing organized sex tourism. The 1996 Stockholm *Agenda for Action* urged mobilization of "... the business sector, including the tourism industry, against the use of its networks and establishments for the commercial sexual exploitation of children"

At the International Tourism Fair in Berlin in early 1997 a Task Force to Protect Children from Sexual Exploitation in Tourism was formed and quickly instituted an international awareness campaign, "No Child Sex Tourism." The WTO's online service, called The Child Prostitution and Tourism Watch, provides up-to-date information on tourism policies adopted by partner organizations, as well as progress reports on WTO activities. Through special databases, WTO members keep up with national and international laws, the availability of hotlines and emergency services, and participation in the No Child Sex Tourism campaign.

At the Yokohama Congress in December 2001, the WTO Secretary General stated that organized sex tours had in effect been "stamped out." As prevention and education campaigns increase in certain regions, however, child sex tourists simply move along to other locations. According to ECPAT, for example, Costa Rica, which received some 5,000 child sex tourists in 1999, has risen in popularity. There are still many small companies across the world that facilitate child sex tourism and the



A BILLBOARD IN COSTA RICA READS: "SONS AND DAUGHTERS OF COSTA RICA, DENOUNCE THE SEXUAL EXPLOITATION OF CHILDREN." THE COUNTRY, ONCE A POPULAR DESTINATION FOR CHILD SEX TOURISTS, HAS LAUNCHED A CAMPAIGN TO CURB THE EXPLOITATION OF CHILDREN. (Photograph by Teresita Chavarria. AFP/Corbis. Reproduced by permission.)

National Center for Missing and Exploited Children reports that there are more than 100 World Wide Web sites that promote commercial sex in Asia alone. While these sites may not organize formal tours, they offer detailed information and facilitate the matching of individual preferences with sex tourism destinations.

Trafficking in Children for Sexual Purposes

Trafficking (movement of children from their normal location to a new place) of child laborers is a profitable and widespread enterprise. Sexual exploitation of children represents a common aim of trafficking; children are taken from one place to another and forced to engage in prostitution. Children are sometimes trafficked by their own parents or other community members who serve as suppliers to sex recruiters or exploiters. Some children are kidnapped from the streets, intimidated by organized criminal networks or, if displaced, abducted from refugee camps. Others leave their homes willingly after being tricked into believing that they will receive a legitimate job in a hotel or middle class home. With communications advances and easily accessible national borders, international trafficking for sexual purposes has become an increasingly common occurrence.

One of the complexities of trafficking is that it involves many stages and participants. Children

often will be passed from recruiter to travel companions to employers, pimps, or brothel owners. Along the way, there may be drivers, travel agencies, and others involved who are not even aware of the illegal nature of their participation. Each trafficking situation is unique and combating it can require extensive cooperation among law enforcement officials both within a country and across borders.

In "Trafficking in Children for Sexual Purposes—An Analytical Review," prepared for the 2001 Yokohama conference, trafficking is described as enveloped by illegalities of all kinds. The work done by trafficked children, their status as underage workers, the workplace and work conditions, and even their alien status in their new country of residence: all are illegal. Such children have no rights and often cannot access protection or care. Some child victims of trafficking are themselves prosecuted and jailed for violating immigration laws.

Reliable information about trafficking for sex purposes is scarce and rarely separated out from general figures about children who are trafficked for other forms of labor. Furthermore, when children are found in their new countries, many will lie about their age or carry false identification. Most estimates are based upon interviews and dis-

cussions with representatives of nongovernmental organizations, police, government agencies, and other officials, as well as on existing reports and press stories.

One oft-cited estimate that 5,000 to 7,000 Nepali girls are trafficked to India each year comes from Maiti Nepal, a local nongovernmental organization, but with no clarity as to how the figure was determined. A summary report from a 1997 conference on trafficking made the claim that as many as 200,000 Bangladeshi children were working in brothels in Pakistan, and 300,000 in Indian brothels. In her February 2000 paper, "Trafficking in Children in Asia: A Regional Overview," Karen C. Tumlin noted that in Sri Lanka, it is "beach boys" who participate in the sex trade. She observed that estimates vary considerably as to both the number of boys who are prostitutes and the proportion who have been trafficked. She cited more reliable 1998 research commissioned by the ILO International Programme on the Elimination of Child Labour (IPEC) that found approximately 16,000 trafficked prostitutes in Thailand. Of these, about 30 percent were under the age of 18, and 75 percent had been children when originally brought to Thailand.

In 2001, as part of a study on "Child Trafficking in Albania," researchers from the international nonprofit, Save the Children, interviewed teachers in a northern village who were able to identify 87 females trafficked during the last three years, 80 percent of them children. In addition, local sources estimated that 2,000 women from the Berat district were working as prostitutes abroad, and that 80 percent had been children when trafficked. A July 2001 U.S. Department of State report noted that the United States is mostly a destination or transit country for trafficking and estimated that from 45,000 to 50,000 people are trafficked to the United States annually.

Child Pornography

Child pornography is defined in the 2000 *Optional Protocol to the Convention on the Rights of the Child* as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes." This aspect of CSEC has grown significantly in the last few years. Pedophiles who have sought traditionally to add to their own collections of pictures and have used them primarily for their own gratification now use modern technology to digitize and store on a computer as many images as desired. Images can be enhanced, manipulated, and even created.



U.S. ATTORNEY GENERAL JOHN ASHCROFT SPEAKS TO REPORTERS ABOUT AN UNDERCOVER STING OPERATION THAT LED TO THE ARRESTS OF MORE THAN ONE HUNDRED PEOPLE INVOLVED IN COMMERCIAL CHILD PORNOGRAPHY. (Photograph by Ron Edmonds. AP/Wide World Photos. Reproduced by permission.)

The Internet and World Wide Web facilitate the display, trading, and distribution of child pornography, and enable groups of like-minded individuals to make contact anonymously and to lure children into their activity. Child pornography has become a multi-billion dollar international industry. In the United States, the child pornography market is estimated to be worth between two and three billion dollars a year. A Texas corporation, Landslide Inc., was indicted in April 2000 on 87 counts related to running a \$9 million Internet business that offered subscriptions to hardcore and child pornography sites. Five American employees were found guilty, but a Russian and four Indonesians with whom they collaborated had not been arrested as of mid-2001.

Child pornography has attracted both individuals and organized rings. One of the most notable rings was uncovered through Operation Cathedral, which was initiated in California in 1996, but quickly evolved into an international action led by Interpol and the British police. While investigating a single child molester, police learned about a small U.S. group called The Orchid Club, whose members used an Internet chat room to trade images of their own sexual exploitation of children.

ARTICLES OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN.

(Adopted November 1989. Entered into Force September 1990.)

Article 1

... a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier . . .

Article 19

- 1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement . . .

Article 32

- 1. States Parties recognize the right of the child to be protected from economic exploitation and from

performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral, or social development . . .

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

When police seized the first suspect's computer, they found links to three men in England; one of these individuals' computers revealed an extensive network called The Wonderland Club, which spanned 49 identifiable countries.

In his 2001 paper "Child Pornography," prepared for the Yokohama Congress, John Carr captured the dimensions of this one pornography ring. Police identified "photographs or videos of 1,263 different children, only a handful of whom have since been located. Police seized over 750,000 child pornographic images and over 1,800 hours of digitised videos of child sex abuse. One individual had over 180,000 . . . pictures on his machine." The scale of such pornographic activity is mind-boggling and illustrates the difficulty of identifying and breaking up such rings.

While the original perpetrator in California received a 100-year sentence and others in The Orchid Club were also convicted, only 14 of the 49

Wonderland Club countries participated in Operation Cathedral. Explanations for the poor level of involvement in Interpol's operation ranged from lack of capacity, security, or interest on the part of local law enforcement agencies to inadequate local laws. As Carr observed, "Operation Cathedral not only shows what can be done, but also how much more needs to be done."

Despite the accessibility of child pornography through computer use, home videos remain popular and are sent through the mail or passed from one individual to another. Sexually explicit toys, games, comic books, magazines, and drawings are also easily available. Many such materials are now produced and distributed in Eastern Europe or Central America. In a paper delivered at a Vienna conference in 1999, Max Taylor observed that "[c]urrent hard core child pornography produced in the U.S., Australia and Western Europe is mainly domestic in both origin and character." It is gen-

erally produced by individuals (parents, step-parents) who have access to children in the home. “Indeed, perhaps the most disturbing quality of recent pictures is their domestic quality . . .”

That various countries legally approach the child pornography problem differently represents a serious complicating factor. The UN, the United States, and many western countries define anyone younger than 18 as a child and consider a sexually explicit image of anyone 17 or under as child pornography. Yet, in most countries, it is legal for an adult to marry, live with, or date a person under the age of 18 and often the age of majority is actually below 18. In the eyes of local law enforcement authorities, such children hardly need protection. Authorities will most likely act only in situations where the pornographic images are clearly of children who have not yet reached sexual maturity. Furthermore, in many countries the production, distribution, or possession of pornographic images is not a crime and no legal framework exists for bringing action against those involved.

RECENT HISTORY AND THE FUTURE

Awareness of the scope and importance of commercial sexual exploitation of children as a worldwide issue increased gradually during the last decades of the twentieth century. As less developed countries became more accessible through political change and easier travel, and as television projected sometimes-stunning images of child victims of war, exploitation, and neglect, pressure grew for governments to focus more on children’s concerns. Using the Internet, UNICEF, ECPAT, and other non-governmental organizations have been able to build international networks for tracking CSEC in various countries, exchanging information, and developing cross-boundary programs.

As the international dialogue about CSEC has spread, two major frameworks have evolved. The first perspective takes a broader view of children as human beings with rights to be protected and identifies CSEC as a fundamental violation of a child’s right to a sense of dignity and self worth. The second perspective focuses on the criminalization of CSEC and the need to institute and implement specific law enforcement measures to reduce the incidence of child trafficking, prostitution, and pornography.

The Child Rights Perspective

The notion that children have rights to be protected took hold only in the early-twentieth cen-

tury. In 1924 the League of Nations adopted a *Declaration of the Rights of the Child*. Both the United Nations Charter (1945) and the *Universal Declaration of Human Rights* (1948) included children through references to the rights of all human beings. The UN General Assembly adopted its own *Declaration of the Rights of the Child* in 1948. In the world of international agreements, “declarations” are not legally binding; rather, they serve as moral statements.

To establish a child rights framework with more “teeth,” from 1978 to 1989 representatives of many nations guided the *Convention on the Rights of the Child* (CRC) through the UN drafting process. The CRC finally was adopted by the General Assembly in 1989 and entered into force (was ratified by 20 countries and became operational) in September 1990. As of early 2002, the CRC had been signed and ratified by 191 states. The United States was one of only two countries that had not ratified.

The child rights perspective as outlined in the CRC seeks to take into account children living everywhere and to view children as a whole human beings who are the property of no one and are to be respected and protected by family, community, and the governments party to the Convention. As expressed through the CRC the child rights approach recognizes that children have the right to healthy development, to be heard on matters of concern to them, and to be protected from political and economic actions that will have a negative impact on them. According to UNICEF, the Convention “. . . incorporates the full range of human rights—civil and political rights as well as economic, social and cultural rights—of all children.” It is this sweeping notion that children have rights in so many domains that has been objectionable to the United States.

Because the CRC addressed both the broader issue of child rights and contained specific articles regarding child prostitution, pornography, and trafficking, this convention set a firm, international foundation for protection of children against CSEC. Following adoption of the CRC, the UN Commission on Human Rights (UNCHR) appointed a “Special Rapporteur” on the sale of children, child prostitution, and child pornography. This individual collects and analyzes data and makes recommendations aimed at eliminating exploitation.

The UN Committee on the Rights of the Child is responsible for monitoring implementation of the Convention. The committee expects governments to take steps such as passage of



A YOUNG PROSTITUTE (HEAD COVERED) AND HER BABY ARE ESCORTED BY GOVERNMENT AGENCY MEMBERS AFTER A RAID ON AN UNDERAGE PROSTITUTION RING IN SAN JOSE, COSTA RICA. (Photography by Kent Gilbert. AP/Wide World Photos. Reproduced by permission.)

legislation and realignment of budget allocations to promote and protect children's rights. All governmental actions are to be taken in the context of four basic values: non-discrimination, best interests of the child, survival and development, and participation.

The child rights framework encompasses a variety of prevention, education, and awareness initiatives, such as those undertaken by the WTO to combat child sex tourism. Many programs have been initiated worldwide to publicize the rights perspective and equip children and families to resist child sexual exploitation. However, Jane Warburton noted that as yet "... there is little information substantiating a direct relationship between simply knowing about rights and abuse, and a measurable reduction in threats of or actual sexual abuse and exploitation of children."

The Law Enforcement Perspective

Within the broader CRC framework, the 1996 Stockholm agenda represented a loud call to awareness and action targeted specifically at CSEC. This document not only reinforced the importance of protecting children's rights, but also recognized the need for law enforcement strategies. It called for implementation of national laws to establish the criminal responsibility of sex exploiters, strength-

ening of national and international law enforcement networks, and establishment of special CSEC law enforcement units.

In the area of sex tourism, the agenda identified the importance of extraterritorial laws "to criminalize the acts of the nationals of the countries of origin when committed against children in the countries of destination" and also promoted the extradition (return to country of origin) of sex exploiters. Both these principles are controversial because countries tend to be jealous of their territorial jurisdictions. The Stockholm agenda clearly opened the door for adoption by the international community of a number of law enforcement-oriented agreements addressing the CSEC problem.

The 1998 *Rome Statute of the International Criminal Court* established an International Criminal Court (ICC) with jurisdiction over "crimes against humanity," including "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity." As of mid-April 2002, this document had been signed by 139 countries and ratified by 66 (not including the United States) and entered into force in July 2002. The ICC is located in The Hague, Netherlands, and will begin to hear cases in mid-2003.

The *ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* was adopted in 1999 at the ILO General Conference in Geneva, Switzerland. Included in the definition of “worst forms of child labour” is “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.” This convention, which had been ratified by 116 countries by February 2002, triggered considerable national-level action against CSEC. Brazil, for example, adopted a national plan against sexual violence and in 2000 announced a federal program with the goal of removing some 20,000 children from illegal prostitution. China has taken a strong law enforcement approach, breaking up trafficking rings and seeking to help children restore their lives and identities. In 2000 Italy formally charged 831 suspects for the production of child pornography videos and issued a new international warrant for the arrest of a Russian believed to be the mastermind behind the child-sex ring.

The United States, which was the third country to ratify the ILO convention, has been more vigorous in following up this agreement than many of the others. On the law enforcement side, a sophisticated sex ring was broken up in 2000 in the San Francisco area and a university professor received a 105-year sentence for having traveled to Honduras to sexually abuse street children and for trafficking a 14-year old boy back to Florida. Congress passed *The Victims of Trafficking and Violence Protection Act of 2000*, outlining a set of “minimum standards for the elimination of trafficking” to be used by the Department of State in assessing the level of effort of governments to combat this problem.

Beginning in mid-2003 the countries least compliant with these standards will be subject to sanctions such as the termination of certain kinds of U.S. and international bank assistance. Whether through the unilateral threat of withholding assistance the United States can successfully pressure smaller, poverty-bound and tourism-dependent nations into better controlling trafficking remains an open question.

In 2000, the UN General Assembly adopted several additional conventions and protocols. The *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography* entered into force on January 18, 2002. To reduce the possibility that some countries might become safe havens for traffickers or sex tourists, countries party to this protocol are to criminalize CSEC offenses across national boundaries

by allowing extraterritorial jurisdiction and extradition. In addition, Article 8 emphasizes the responsibility of governments for establishment of child-friendly legal proceedings, including protection of CSEC victims and their families and reduction of delays in the disposition of cases.

While applicable only to CSEC offenses carrying a penalty of four or more years of prison, the 2000 *Convention on Transnational Organized Crime* nevertheless established a connection between trafficking and cross-national efforts to combat organized criminal activity. An optional protocol for this convention, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* requires ratifying countries to take measures to prevent trafficking, punish traffickers, and protect victims. This protocol also addresses the obligations of states with regard to recovery of child victims of trafficking and prevention of re-victimization.

Interpol, the International Criminal Police Organization with 177 member states and a mandate to fight sexual crimes against minors, represents a key mechanism for fostering international law enforcement cooperation in the battle against CSEC. The Interpol Standing Working Party on Offenses against Minors meets twice a year and has compiled a list of international child pornography legislation, as well as guidelines for handling crimes against minors. While Interpol has actively advocated for use of undercover operations and other policing techniques aimed at child pornographers, there remains a gap between the ability of police authorities to use the computer to track criminals and the sophisticated Internet skills of the sexual predators.

Looking to the Future

The future success of the campaign against CSEC lies in the pursuit of a synthesis between the child rights and law enforcement approaches. As Geraldine Van Bueren noted in her report, *Child Sexual Exploitation and the Law: A Report on the International Legal Framework and Current National Legislative and Enforcement Responses*, “[e]ffective law enforcement of the sexual exploitation of children is only possible where there is proper protection and assistance to children.” Achieving this synthesis will not be easy. A new level of planning and legislative action at the national government level will be required, and extensive cooperation will have to be forged among governments, local law enforcement authorities, and non-governmental organizations on a country-by-country basis. Agreements will have to be reached with regard to

extraterritorial jurisdiction and the willingness of governments to extradite criminals.

Beyond the problem of creating consistent cross-national legislative standards and law enforcement efforts, the expansion of the Internet represents the most significant dilemma facing those who would eliminate CSEC. While associations of Internet service providers (ISPs) have developed voluntary codes of conduct and mechanisms for addressing complaints, online recruitment to the sex trade, pornography, pedophile groups, and sex tourism opportunities have proliferated. In the United States, Congressional legislation to control Internet content has been challenged repeatedly and successfully in the courts as violating constitutional free speech rights. Particular regimes may be able to control Internet access in their own countries, but the global nature and versatility of the Internet make it impossible to even consider the imposition of worldwide regulations to prevent use of the Internet to victimize children.

In his Yokohama theme paper, John Carr pointed out that some actions have been taken to combat Internet child pornography. For example, the European Union has provided funds for hotline, filtering/rating, and awareness projects involving partnerships across member nations. The so-called G8 nations (the eight countries with the largest economies in the world) have established the Lyon Group to address cross-national organized crime, including Internet-based crime and sex rings. This group is working to develop shared procedures for various aspects of criminal investigation, such as retrieval of evidence, across boundaries. It is hoped that if these eight major countries can reach agreement on basic criminal protocols, other countries will join them in fighting Internet pornography. Recognizing that forging a single international legal approach to Internet use for CSEC is a futile enterprise, Interpol has recommended a country-by-country effort to review and amend criminal laws pertaining to use of communication networks to commit CSEC-related offenses.

The international effort to reduce commercial sexual exploitation of children has come a long way since adoption of the *Convention on the Rights of the Child*. However, for inroads to be made against CSEC, the developing partnership among UN agencies, governments, private industry, non-governmental organizations, and law enforcement authorities, as well as national legislative and law enforcement action must become ever stronger. It

will take many years to establish country-by-country child rights and law enforcement frameworks and all the while, access to the Internet will continue to grow, allowing increased communication among those who would sexually exploit children.

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Natalie Ammarell

CHINA AND ASEAN AGREE TO FREE TRADE AREA: BUT WHY?

In the immensely wealthy but little-known sultanate of Brunei on November 6, 2001, China and the ten countries that comprise the Association of Southeast Asian Nations (ASEAN)—Myanmar (Burma), Laos, Thailand, Cambodia, Vietnam, the Philippines, Brunei, Malaysia, Singapore, and Indonesia—agreed to set up a new free-trade region within ten years. Although the region does not yet have a specific name, it is destined to become the world's largest market, stretching over four thousand miles from Manchuria south to Java, with an estimated population of two trillion and current two-way trade of \$1.7 trillion. Such a free trade zone could eventually rival the North American Free Trade Association (NAFTA) and the European Union (EU). Amid all the fanfare, however, lurk some disquieting concerns.

China's economy has been growing rapidly, and its trade with Southeast Asia is worth \$40 billion a year and rising. This has caused Malaysian prime minister Mahathir Mohamad, among others, to warn that the influx of Chinese goods into Southeast Asia could swamp local industries. There is also a question as to how China will fare with its recent entry into the World Trade Organization (WTO) and what impact this might have on the smaller economies in the region.

Perhaps the greatest challenge will be for the members of ASEAN to act in a concerted manner. That won't be easy given the differences of members' views regarding China. These range from the cool hesitation of Malaysia, Indonesia, and Vietnam to a more open, albeit wary Cambodia and Singapore to the studied coziness of Burma's generals with their giant neighbor to the north.

Given these concerns, why did ASEAN agree to what could become a one-way market for cheap

THE CONFLICT

On November 6, 2001, China and the ten countries that comprise the Association of Southeast Asian Nations (ASEAN) agreed to set up a new free-trade region within ten years, one that could rival the North American Free Trade Association (NAFTA) and the European Union (EU). But the economic advantages of adding China to ASEAN are less clear than some of the political imperatives that may be driving the alliance. In this forum, as in others, China's potential position as a superpower in the near future is being watched with concern and interest.

Political

- In China-ASEAN, China is challenging Japan's dominance in the Asia Pacific. So far, it appears that Japan either cannot, or, more likely, does not, choose to respond to China's challenge.
- ASEAN has a history of very limited intra-ASEAN trade, but political cooperation among members of the group has been more successful.
- Southeast Asian countries believe that China will be the new engine of growth for the region, displacing Japan after thirty years of dominance. They may wish to link up with the next superpower for security, as well as economic, reasons.

Economic

- The influx of Chinese goods into Southeast Asia could swamp local industries.

CHRONOLOGY

October 1949 The People's Republic of China (PRC) is founded.

August 8, 1967 ASEAN is established under a decree known as the Bangkok Declaration, signed by the governments of Indonesia, Malaysia, the Philippines, Singapore, and Thailand to promote economic growth, peace, and security in the region.

1976 Mao Zedong dies and successor Deng Xiaoping initiates an era of economic reform in China.

1985 Brunei becomes a member of ASEAN.

1994 China announces its new investment guidelines, giving priority to high-tech areas such as electronics, automobiles, and petrochemicals, the same areas on which ASEAN has focused for its own development. ASEAN then witnesses a decline in its comparative advantage with China, forcing its members to search for ways to strengthen their economies.

1995 Vietnam becomes a member of ASEAN.

1997 Asia experiences a widespread economic slump.

1997 Laos and Burma become members of ASEAN.

1999 Cambodia becomes a member of ASEAN.

November 6, 2001 China and the ten countries that comprise the Association of Southeast Asian Nations (ASEAN) agree to set up a new free-trade region within ten years.

November 10, 2001 China officially becomes the one hundred forty-third member of the World Trade Organization.

Chinese low-tech goods? And why would China—poised to become the world's second largest economy within a few years given its recent acceptance into the World Trade Organization—decide to attach itself to a faltering, some say irrelevant, economic union, especially when China has the population base to provide its own consumer market?

HISTORICAL BACKGROUND

China

For thirty years after the founding of the People's Republic of China (PRC) in October 1949,

China's leaders experimented with a series of five-year plans designed to develop their centrally directed economy. During this time China's dictator Mao Zedong (1893–1976) launched a number of attempts to communize the country, notably the disastrous Great Leap Forward (1958–60), and the chaotic Cultural Revolution (1966–76). In both cases, but especially in the former, millions of peasants died of starvation due to irrational and ill-conceived government policies based on distorted Marxist-Leninist principles.

After Mao's death in 1976, his successor, Deng Xiaoping (1905–97), moved away from Mao's doctrinaire control to implement a plan for economic development, called the Four Modernizations. The plan, initially announced by Premier Zhou Enlai (1898–1976), was designed to update China's agriculture, industry, military, and science and technology. This launched a new pragmatism in contrast to Mao's emphasis on ideology; technical expertise became valued over intellectual conformity. As Deng famously put it: "What does it matter if the cat is black or white, as long as it catches mice?" (as quoted in *Time* magazine on January 6, 1986).

With this pronouncement, starting in the late 1970s Deng initiated an era of economic reforms that dramatically altered the Chinese countryside in the 1980s and 1990s, and which continue to guide the country's economy today. Had these programs, which included free markets, contract systems, and a burgeoning private business environment, been allowed to flourish unabated, it is possible, even likely, that China's economy would now be much further advanced than it is. Even Deng's pragmatic outlook did not extend to the political realm, however, and China remains a laboratory in which its leaders hope to prove that an open laissez faire proto-capitalist economy can co-exist with, and be guided by, a centralized Marxist government. Most analysts do not think so, but the jury is still out.

An Impeded Move Toward Private Enterprise

If the 1980s saw a tentative break from the Marxist grip on China, the 1990s have witnessed a more open and unabashed drive into private enterprise. But the progression has been saddled with a state-sponsored albatross that neither Deng nor his successor, China's current president, Jiang Zemin, has been able to discard. This is the state-owned enterprises (SOE), the tens of thousands of companies, factories, and businesses that employ the bulk of China's workers, eat up the lion's share



MAP OF CHINA AND THE TEN NATIONS PARTICIPATING IN ASEAN. (Gale Group.)

of the country's resources, and produce about one percent of China's gross domestic product.

These cash cows, many of them huge conglomerates, have become serious problems for the leaders of the PRC. The SOEs are financed by the government, based on the Marxist theory that in a communist state unemployment is impossible. The SOE employees must be retained in order to uphold the theory. Maintaining state support of the SOEs saves jobs and thereby keeps the peace. Needless to say, the SOEs are also a huge drain on the economy. They are due to be phased out as a condition for China joining the WTO, potentially putting tens of millions of people out of work. There's the rub: what to do with as much as a quarter of the population in a rebellious mood? One partial answer is to try to strengthen the economy by increasing exports, and that is where the free

trade area comes in. ASEAN thus becomes an extension of China's own domestic market.

If China sees a new free trade zone as a way to help it export its way to prosperity, what does ASEAN, a grouping of highly disparate societies, envision? The answer to this is more problematic, not only because of the uneven states of the economies of these nations, but also due to the different histories each has experienced with China, ranging from the studied alignment of Vietnam and Burma to the decades of political estrangement with Singapore and Indonesia.

ASEAN

ASEAN was established on August 8, 1967, under a decree known as the Bangkok Declaration and signed by the governments of Indonesia, Malaysia, the Philippines, Singapore, and Thailand

COMPARATIVE ADVANTAGE

Comparative advantage: That which a country produces (usually for export) best at the lowest possible price.

The requirements for producing goods vary around the world. Such factors as capital, labor, technology, raw materials, and infrastructure are different in every country. For instance, some countries are rich in natural resources (Russia, Indonesia, Canada), others in cheap labor (Vietnam, Mexico), and still others in advanced technology or large amounts of capital (Japan, United States, Singapore). A country's "comparative advantage" is its use of those factors or resources that it has most in abundance in order to best develop its economy and society. In other words, Singapore would not want to rely on cheap labor, nor would China hope to capitalize on raw materials, of which it has little. That's why the tendency of some undeveloped countries to build great steel mills or five-star hotels is a waste of money that usually only fills a need for greed and ostentation.

to promote economic growth, peace, and security in the region. Brunei became a member in 1985, followed by Vietnam in 1995, and Laos and Burma in 1997. After being snubbed for electoral manipulations, Cambodia was belatedly admitted in 1999. From the outset the group has sought to promote both intra-ASEAN trade and international business with the rest of the world.

The first few years witnessed a tenuous, walking-on-eggshells relationship among the five charter members, due at least in part to the unsettling reverberations from the Vietnam War (1964–75). But by the mid-1970s, following the end of the war, the balance of power had shifted from the combatant Marxist economies to those professing free-market capitalism, at least in spirit if not in fact. This change, along with the growing self-confidence of the latter countries, generated a new cohesion, and by 1979 the member states were able to make a concerted response to the takeover of Cambodia (then Kampuchea).

In its first two decades, ASEAN met with some success in opening markets, stabilizing prices, and reforming trade and investment issues. But little was done regarding regional economic integration. As a result, intra-ASEAN trade remained limited. Political cooperation among ASEAN nations was more successful, for two reasons. First,

the members' foreign policy goals were and continue to be the same: resist great power interference and seek Western assistance for economic development. Second, the ruling elites shared a conservative approach of making political stability a higher priority than instituting democracy. In addition, ASEAN countries were unanimous in asserting mutual nonintervention in each other's affairs, although in recent years Thailand, and to some extent the Philippines, have quietly questioned this resolve.

Nevertheless, ASEAN's apparent cohesion, given its competitive economies, different political systems, and highly diverse populations, has more often than not proved to be a chimera. The grouping's unity is often held together by vigorous assertions rather than by genuine rapport. This can be seen, for instance, in questions of mutual security in the debate over how to deal with competing claims over the Spratly Islands (see below).

By the 1990s ASEAN as a trading body had grown into prominence due to the stellar performance of Singapore and the impressive growth of the economies in Thailand, Malaysia, Indonesia, and Brunei. At the same time, these nations slowly shed their former anticommunist animosity as Vietnam, Laos, and Cambodia were added to their ranks, and China appeared on their radar screen as a logical trade partner. This set the stage for the eventual, some say inevitable, attraction between the two entities for a more stable and lasting commercial relationship.

Allying with a Future Superpower

Today China looms large in the future of Asia, and in particular of Southeast Asia. This can be seen in the way that China has taken up the slack since Japan's economic stagnation set in over ten years ago. There is much speculation about China becoming a new "economic superpower" that will emerge in East Asia to challenge the roles of Japan, the United States, and Europe. In some ways, such as purchasing power parity (PPP), China may even surpass them by 2005. The question then becomes: Does China compete with ASEAN, or can they complement each other? The answer to this rests on a more fundamental problem: What motivated China and ASEAN to agree to the ASEAN Free Trade Area (AFTA) in the first place?

The Newly Industrializing Economies (NIEs), popularly known as the Four Dragons—South Korea, Taiwan, Hong Kong, and Singapore—have invested heavily in ASEAN, but from the early 1990s their focus has shifted to a more international scope, including an emphasis on China. NIE



CHINESE PREMIER ZHU RONJI (RIGHT) IS WELCOMED BY THEN-PHILIPPINE PRESIDENT JOSEPH ESTRADA IN MANILA IN NOVEMBER 1999. ZHU ATTENDED THE INFORMAL ASEAN SUMMIT THERE, IN WHICH CHINA AND A FEW OTHER NON-MEMBER ASIAN NATIONS ALSO PARTICIPATED. (Photograph by Bullit Marquez. AP/Wide World Photos. Reproduced by permission.)

investment in Southeast Asia remains strong for capital-intensive business, but China is seen as a new frontier for labor-intensive operations and a potential market for exports.

In 1994, however, China announced new investment guidelines, giving priority to high-tech areas such as electronics, automobiles, and petrochemicals. These are the same areas that ASEAN has focused on for its own development, and since the mid-1990s, ASEAN has witnessed a decline in its comparative advantage (see sidebar) with China, forcing its members to search for ways to strengthen their economies. This brought up two important questions for ASEAN: Will there be enough capital, such as foreign direct investment (FDI) and official development assistance (ODA), to go around? And can ASEAN compete with low-cost Chinese labor?

Some observers do not agree that ASEAN is in competition with China. Economist Adrian Foster in the *Far Eastern Economic Review*, (FEER) buttresses this view by arguing that China's internal economic dynamics will eat into excess returns as they appear, and that there is no shortage of capital worldwide. In the first case, Foster maintains that in China, as in any other economy, Marxist or not, workers will eventually

demand higher wages as the economy grows. At the same time, the rising level of technology will force companies to offer skilled workers higher pay and better incentives to keep them satisfied and motivated. This will nullify China's low-cost labor advantage.

In any case, ASEAN felt compelled to take action given the 1997 economic meltdown (see sidebar) on the one hand, and China's growing economic clout on the other. One strategy was to form an ASEAN Free Trade Area (AFTA) that would expand the ASEAN market. In other words, ASEAN may have decided to finesse China to keep the PRC from engulfing Southeast Asian markets, especially at a time when those economies were barely recuperating from the 1997 meltdown, and were therefore all highly vulnerable. This approach would go a long way in dealing with another perception—that China is destined to become the next Asian power and the most effective way of dealing with Chinese power is to build greater economic integration.

In 1997, for instance, the *Far Eastern Economic Review* noted, "the notion that growing economic interdependence will temper Chinese assertiveness has gained widespread currency, especially among the ruling elites of ASEAN countries." Southeast

THE ASIAN FINANCIAL CRISIS OF 1997

As several Asian economies (in particular South Korea, Taiwan, Singapore, Malaysia, Thailand, and Indonesia) grew and expanded throughout the 1980s and 1990s, investors poured money into projects in much the same way that people in the United States bought up shares of NASDAQ stocks in the late 1990s. This continued in Asia until businesses and the money lent to them, collateralized by inflated real estate values, were worth on paper much more than they could realize in profit. No one realized this at the time, however, because most countries' treasuries had pegged their currency to the U.S. dollar, making it difficult to ascertain the underlying financial and economic strength.

Eventually investors realized that something was amiss, and they began to exert pressure on some countries to open up their economies, including letting their currencies reach their natural level. Thailand was the first country in July 1997 to float its currency, the *baht*. Overnight the baht collapsed because everybody wanted to sell it, sensing that the Thai economy was a wreck because of the inflated real estate and business values. This "economic flu" was contagious, and before long other Asian economies had caught the bug. By early 2002 some of these countries were starting to climb back, but others, such as Indonesia, remained in the doldrums.

Asian countries believed that China would be the new engine of growth for the region, displacing Japan after thirty years of dominance. Therefore, it made sense to link up with a future winner.

There may, however, be another factor in the equation. For the last ten years, China has been seen to exercise its sovereign claims over an ever-expanding domain, in particular in the South China Sea. These claims center in particular on two small island groups, known as the Spratly and Paracel islands. Some or all of these islands are also claimed by Taiwan, Vietnam, the Philippines, Malaysia, Brunei, and Indonesia. According to Frank Umbach, a German political scientist, in the 2002 article "ASEAN and Major Powers; Japan and China—A Changing Balance of Power," "China's sovereignty claims in the South China Sea . . . are the litmus test for ASEAN's future relationship to China and a crucial factor for regional stability in East Asia."

A Matter of Security

Therefore, ASEAN's "economic" engagement may be as much for security purposes as for commercial ones. Consider that in spite of various and serious differences among the ASEAN countries, the group's focus on economic issues and its members' strong resolve not to interfere in each other's domestic affairs has enabled ASEAN to hold together as world and regional trade has grown. According to Richard Sokolsky, however, "the impact of the economic crisis on ASEAN's cohesion was amplified by ASEAN's enlargement, which made the organization less homogenous." (*The Role of Southeast Asia in U.S. Strategy Toward China*, 2001). Internal economic strains have generated political tension and reduced the effectiveness of ASEAN to manage regional relations.

With the ending of the Cold War in the early 1990s, security issues have increased in importance. This is because where once the United States could be counted on to maintain a strong military presence to offset Soviet or Chinese power, the region has seen U.S. naval and air forces pull back, especially after being refused the continued use of the bases at Subic Bay and Clark Field in the Philippines. Although some of the slack left by the closing of these bases has been taken up by Singapore, which provides access to, though not permanent occupation of, maintenance facilities, there is a growing sense in ASEAN of being forced to band together against the great powers. As the nearest in proximity, China is one of the most crucial powers to be dealt with. Currently, the territorial dispute among China and four ASEAN states (Vietnam, the Philippines, Malaysia, and Brunei; Indonesia has also shown interest) over the Spratly Islands is the most serious problem affecting the relationship.

The Spratly Islands

The apparent reasons for China claiming a group of reefs seven hundred miles from its closest landfall on Hainan Island may be less significant than implied ones. The Spratlys are important because whoever controls them could control key sea lanes through the South China Sea. These are among the world's major shipping routes that traverse the crucial Malacca and Sunda straits. The area covered by the Spratly group also contains valuable fishing grounds and extensive deposits of oil and natural gas.

These strategic issues aside, however, China's growing interest may reflect an atavistic view that seeks to reclaim what the PRC believes, based on historical grounds, rightfully belongs to the Mid-



ANTI-ASEAN DEMONSTRATORS ARE CONFRONTED WITH WATER CANNON SPRAY AND RIOT POLICE DURING A PROTEST RALLY IN MANILA. (Photograph by Pat Roque. AP/Wide World Photos. Reproduced by permission.)

dle Kingdom. Concerned ASEAN members are on record for opposing this revanchist view. Their fear is that China's increasing military power may embolden it to see the South China Sea as its own "backyard," thereby rendering it less compromising in its territorial demands.

China is pushing the envelope by maintaining garrisons on several sites, such as Mischief Reef, which is also claimed by the Philippines. The potential for serious conflict is obvious—there have already been several minor skirmishes in the past few years. In *In China's Shadow: Regional Perspectives on Chinese Foreign Policy and Military Development* (1998), Derek da Cunha and Jonathan Pollack have voiced a concern shared by ASEAN

that the symbolic aspect of Chinese military activity in the South China Sea may be more important than actual warfare. Why would this be? "Simply because in Southeast Asia, China is not perceived as . . . a country that has been fully integrated into the international system where it would readily abide by rules and norms of international conduct."

The Role of Japan

Therefore, ASEAN's reason for engaging its powerful neighbor to the north is to apply leverage against the PRC to prevent it from gaining too firm a foothold in ASEAN's own "backyard." On the other hand, it has also been noted that the group's move to deal with China's rising power helps to



THE LEADERS OF THE TEN NATIONS OF ASEAN AND CHINA, JAPAN, AND SOUTH KOREA POSE FOR PHOTOS BEFORE THE SEVENTH ASEAN SUMMIT PLUS 3 IN BRUNEI IN NOVEMBER 2001. THE MEETING RESULTED IN AN AGREEMENT TO SET UP A FREE-TRADE REGION DESTINED TO BECOME THE WORLD'S LARGEST. (Photograph by Vincent Thian. AP/Wide World Photos. Reproduced by permission.)

counterbalance the weight of Japan, which heretofore has enjoyed near total domination of private and government investment in Southeast Asia to the extent that the area was seen as Japan's "backyard."

The opinion about Japan's precise role, given the China-ASEAN courtship, is mixed. The *Christian Science Monitor*, for instance, has written that a growing "China and a fiscally beleaguered Japan are ratcheting up a quiet but furious competition for Asian preeminence" (Prusher and Marquand, "Bush Seeks Asian Allies in New War," February 19, 2002). In this scenario, China's increasing national production has forced Japan to react. Because of Japan's stagnant economy, Beijing is making a bid to fill the geopolitical gap. In the December 12, 2001, *Seattle Times* article "China Poised to Usurp Japan as Asian Engine," syndicated columnist Tom Plate notes the prevailing view is that the Japanese economy will never return to what it was in the 1980s and 1990s, when it served as the locomotive for Southeast Asian growth. "Can China fill that role in decades to come?" he asks. ASEAN's answer: Who else?

The *Economist* and the *Asahi Shimbun* (Tokyo) hold to this line as well. The latter's Yamada Atsushi notes in the November 3, 2001, article

"ASEAN, China Bypass Japan," that Japan's sluggish pace in creating an ASEAN economic zone in comparison with the smooth dealings China enjoys with Southeast Asia "highlights the lack of vision and strategy of Japanese political leaders." In fact, a big part of the reason for Japan's hesitation in reaching out to ASEAN is the stranglehold that the Japanese farmers and their political representatives have on policy making.

Ever since World War II (1939–45), farmers have been coddled as the final vestige of a Japan as it used to be. There remains a powerful nostalgic incentive to retain this semblance of a one-time utopian "pure" society. In addition, farmers enjoy inordinate political clout: their votes weigh much more heavily in elections due to specially drawn electoral districts, reminiscent of gerrymandering. Consequently, farmers continue to receive massive price supports. And any hint of opening the Japanese agrarian sector to outside competition is anathema to Japan's political leaders.

Japan may at times sign free trade agreements, even some that include farm products. But it is always a bilateral arrangement, never multilateral (as with ASEAN), and it is always with a country having little or no agricultural products, such as Japan's recent accord with Singapore. Less technically de-

veloped countries with substantial agrarian bases, such as Vietnam, Indonesia, or the Philippines, make Japan chary about becoming too closely involved with ASEAN. And China is right there, ready to take over Japan's lead role.

Unshackled by farm interests, Chinese leaders have convinced ASEAN that a free trade area would benefit everyone. To ASEAN members looking for export markets, China pointed to its vast domestic consumer potential. To the poor agrarian Indochina countries to which Japan has found it hard to open up, Beijing offered economic assistance. China emphasized its role when it told ASEAN that if it waited for Japan to join, the free trade area might never happen.

However, there may be more to this than meets the eye. Two points should be considered: (1) Economically Japan is still Southeast Asia's major partner and benefactor, and (2) strategically Japan remains a key balance to a rising China. So why is Japan apparently dragging its feet in the face of a Chinese challenge to its dominance in the Asia Pacific?

In spite of the doom-and-gloom assessments about Japan's persistent recession, the figures remain staggering. Its \$4.7 trillion economy (compared to a total China/ASEAN annual production of \$2 trillion) is eight times larger than all the ASEAN economies combined; it is nearly five times larger than the Chinese economy. And Japan is still the top aid donor to both ASEAN and China, eclipsing the United States and the European Union. In the year 2000 alone, even after ten years of slow or no growth, Japanese business invested \$2 billion in ASEAN countries.

Yet the weakness of the Japanese economy continue to bedevil the pundits. David Kruger and Murray Hiebert of the *Far Eastern Economic Review*, for instance, point out that a "huge volume of bad loans is smothering the nation's banks. Deflation continues. The unemployment rate is at a record high and bankruptcies are rising." ("Battered but Still on Top," 2002). The government predicts no better than zero growth for 2002–03. So why isn't Japan jumping on the bandwagon and stumping for a Japan-ASEAN free trade area to check China's increasing presence in the region?

One reason is that Japan must still consider its powerful farm lobby. Because of this, Japan is more comfortable regarding ASEAN as a political partner focused on security issues, especially in the aftermath of the terrorist attacks on the United States on September 11, 2001. This explains

Japan's calling for a more open region beyond simply ASEAN+1 (China) or ASEAN+3 (China, Japan, and South Korea), to expand in the long run to the United States, Australia, New Zealand, and others.

RECENT HISTORY AND THE FUTURE

In January 2002, Japan's prime minister, Koizumi Junichiro, made a week-long tour of Southeast Asia. His final stop was Singapore, where he signed a bilateral trade agreement. On the other hand, an overture from Thailand for a similar free trade pact went unanswered, due once again to the farm lobby. So where does this leave the idea of a Japan-ASEAN free trade agreement (FTA)?

ASEAN's secretary-general, Rodolfo Severino, doesn't feel that Koizumi has any intention, at least for now, of being pressured by China's moves towards ASEAN. "Japan does not feel threatened by the proposal for an ASEAN-China free trade area," Mr. Severino said.

In short, Mr. Koizumi has decided that it is too early to draw any conclusions from the China-ASEAN proposal. Severino also noted: "The ASEAN-China FTA is too premature for ASEAN to pin all its hopes on." Indeed, it may be that Japan is more prescient than others in failing to jump to conclusions of a Chinese coup. The November 2001 proposal caught analysts off guard, who viewed it as a bold step by Beijing to play off Asian countries against the United States and the European Union. But public pronouncements now seem to have raced ahead of reality. More and more observers believe that an Asian version of the North American Free Trade Agreement (NAFTA) is still a long way off. Japan understands this and is playing its own game.

In the meantime, China continues to invest in Southeast Asia, though usually on a bilateral basis rather than with ASEAN as a group. This economic buildup has led some observers to conclude that ASEAN is nothing more than a temporary stage in Beijing's strategy of "going outside." In fact, China makes no secret of its global ambitions. What we likely are seeing, the observers suggest, is a new flurry of activity that illustrates China's increasing self-confidence and the need for natural resources to feed its growing economy. So what will it be: China's ambition or Japan's complacency?

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Allen Wittenborn

THE CLONING DEBATE: THE FUTURE IS BURDENED BY ITS PAST

THE CONFLICT

Science has brought the capacity to clone human embryos within reach. In the early twenty-first century, the question is whether or not research on human cloning should be allowed, and if so, for what purpose. For instance, stem cell research is one of the most promising breakthroughs of modern medicine, but stem cells come from newly fertilized human eggs and the use of them is considered murder by some. However, stem cells could be harvested from clones of these eggs, and many support this use of cloning. Cloning for the purpose of creating human beings, however, is a matter for which most scientists do not believe we are ethically, socially, or scientifically prepared.

Political

- The act of genetic engineering can, and has, led to discrimination against those who do not fit in the "right" category. From simply being denied health insurance to being interned in concentration camps for posing a "threat to the gene pool," the social consequences of reproductive cloning are frightening.

Economic

- Because it is potentially a very profitable business, some fertility clinics are already preparing to use human reproductive cloning to help infertile couples. The technological capacity exists and it will be difficult to stop fertility doctors from cloning human beings. The ethical and social issues will probably not be well met with market (business) solutions.

On November 25, 2001, Advanced Cell Technology, a Massachusetts research company, announced that it had produced a human embryo clone for the purpose of medical research. Although the mastering of the technique of human cloning has been widely anticipated, the news created an international stir. The science involved in cloning has outpaced the legal mechanisms to regulate it. While bans on cloning prevail throughout much of the world, controversy over whether the ban on human cloning should be inclusive, or if therapeutic uses should be encouraged, is widespread.

By the end of 2003 the Human Genome Project (HGP) is scheduled to have completed its project of characterizing all human genetic material by determining the complete sequence of the DNA (deoxyribonucleic acid) in the human genome. (The genome of an organism is its set of chromosomes, containing all of its genes and associated DNA.) The goal of this project is to discover all of the more than thirty thousand human genes so that they are available for biological study. Geneticists have mapped the genomes of many plant and animal species as well, but the human genome is particularly important, mostly because the complete map is the most detailed family portrait that the human race can ever have.

The most often-stated purpose for understanding the human genome is the prevention and treatment of disease. Some horrific diseases, such as cancer, multiple sclerosis, diabetes, and schizophrenia, carry a genetic predisposition. For example, because a parent has the gene for cancer, he or she might pass it on to a child, which in turn would give that child a genetic predisposition (though not a genetic certainty) to develop cancer, the likelihood of which would depend on other environ-

CHRONOLOGY

1798 English mathematician, statistician, and economist Thomas Malthus publishes "An Essay on the Principle of Population" in which he argues that the earth can provide only limited resources and therefore populations of any living thing, including humans, will naturally compete for those limited resources. Darwin will later take up this idea in his theory of evolution.

1849 Charles Darwin publishes *The Origin of the Species by Means of Natural Selection*, in which he proposes that the evolution of humankind is the process of gradual change and development throughout the ages by a process of natural selection.

1865 Gregor Mendel writes a paper entitled "Experiments with Plant Hybrids," which will be all but ignored until the turn of the twentieth century, and which describes the method by which traits pass from one generation to the next.

1892 August Weismann publishes *The Germ-Plasm: A Theory of Heredity*, which expands on theories of evolution and natural selection but proves that traits can not be acquired in one generation.

late 1800s The theory of "Social Darwinism" is born, and with it a new phrase coined by English philosopher Herbert Spencer: "the survival of the fittest."

1913 Behaviorism, the psychological science that emphasizes environmental factors as the root of be-

havior and success rather than genetic ones, is introduced.

1920s Eugenics organizations spring up around the United States and elsewhere.

1930s–40s During the Holocaust in Europe, 12 million people are murdered in the name of eugenics and Social Darwinism.

1997 Scientists in Scotland produce the first successful clone of a complex mammal—Dolly, the sheep—and cloning becomes a branch of genetic science.

December 14, 1998 Researchers at Kyeonghee University in Korea announce they have cloned a human, but because their work was for the purpose of creating organs for transplant, they did not implant the cell into a human uterus.

November 25, 2001 American research firm Advanced Cell Technology (ACT) announces that it has created a human embryo clone.

January 2002 The National Academy of Sciences recommends a ban on human cloning for reproductive purposes but supports therapeutic cloning.

2003 The Human Genome Project (HGP) is scheduled to complete its project of characterizing all human genetic material by determining the complete sequence of the DNA (deoxyribonucleic acid) in the human genome.

mental and health variables. Recognizing the existence of these genetic predispositions can help doctors treat—perhaps even eliminate—some terrible diseases. Such treatment is called gene therapy.

Gene therapy is, according to Nelson Wivel of the Institute of Human Gene Therapy, a method of "treating diseases based on modifying the expression of a person's genes toward a therapeutic goal" (available on the World Wide Web at <http://www.uphs.upenn.edu/ihgt/info/whatisgt.html>). By correcting a disease at the level of DNA molecules, gene therapy attempts to compensate for the abnormal genes. There are two kinds of gene therapy: somatic gene therapy and germline gene therapy. Somatic gene therapy manipulates gene expression to help the patient, but does not extend to maintaining the correction for any of the pa-

tient's future descendants. This is the type of therapy pursued by most laboratories. Germline gene therapy deals with modifying gene cells so that only specific characteristics are passed on to offspring. Research in this area is more ethically ambiguous and is less widespread.

Gene therapy involves a type of cell called a stem cell. Each cell of the human body carries the complete genetic information of the entire person. But, shortly after fertilization, each cell in the body begins to specialize. Some become nerve cells, others muscle cells, fat cells, and so forth. Once a cell has taken on a specific function, it can no longer be transformed into another type of cell. Cells that have not yet specialized are called stem cells.

Stem cells have the potential to be the most important biological tool in the hands of doctors

since the discovery of antibiotics because stem cells can turn into any kind of cell. This is especially important for the treatment of victims of nerve damage or of diseases that destroy cells in great quantities. Nerve damage is currently basically untreatable because, unlike other cells in the body, nerves do not regenerate.

If stem cells can be coaxed into being nerve cells, those suffering paralysis from nerve damage can be given back their mobility, victims of ocular cell damage can regain their sight, and so on. Diabetes, Parkinson's, and other similar diseases can now only be controlled; there are no cures. Thousands die every year from diseases that stem cell therapy could eradicate. If any cell in the body can be regenerated, then victims of horrible accidents, crimes, diseases, and wars can be made whole again.

Why would anyone be opposed to research with such a beneficial intent? Opposition to genetic research is generated by where stem cells come from: newly fertilized human eggs. Since 1973 and the Supreme Court case on abortion, *Roe v. Wade*, a bitter political debate has been waged over the definition of the time when human life begins, whether at conception (fertilization) or some later point. If human life (itself a difficult term to define) begins at conception, some will argue, then destroying that life to harvest stem cells is murder. If life begins later, then harvesting stem cells from a zygote (the egg fertilized by sperm is called a zygote) is politically and morally acceptable.

The debate becomes even more complex when the idea of reproductive cloning is introduced. Cloning is a technique of genetic engineering in which an offspring is produced asexually—that is, the egg and the sperm never join. The offspring that results has the exact same genes as its donor organism. Reproductive human cloning is the term used for the cloning procedure from which human offspring is intended as the result. Stem cells can also be harvested from the clone, something that resembles a zygote. The difference, however, is that cells that grow from eggs fertilized by sperm, i.e. made by two people, are zygotes; clones come from one, unfertilized cell. Reproductive cloning was once thought to be the answer to the controversy over using stem cells, but harvesting cells from a clone still destroys the potentiality of human life, even if that potential life was not naturally created.

Every day this debate changes because science makes new discoveries. A late-proposed solution to the stem cell harvesting question comes from fertility clinics that have been creating (as part of normal fertility therapy) zygotes that are, accord-

ing to researchers Mina Alikani and Dr. Steen M. Willadsen of the Institute for Reproductive Medicine and Science (quoted by Gina Kolata in her 1998 book *Clone: The Road to Dolly, and the Path Ahead*), too “aberrant” to be implanted. “Destroying these ‘chimeric’ embryos to get stem cells might not be objectionable to opponents of most stem cell research, the researchers said, since the chimeras were created from embryos with ‘virtually no chance’ of becoming a baby.”

Cloning raises issues other than stem cell research, however. Many evils have resulted from the shortage of organs donated for transplant, such as some people in the third world selling their own organs on the black market, and doctors being forced to choose who will live and who will die based on the availability of organs. Cloning can eliminate these social evils. Scientists are able to harvest a patient's own DNA and grow a replacement organ, a cloned organ that genetically matches the host. Such an organ will not be subject to the body's rejection, and no one will have to go untreated because of a shortage in organ donations.

Most importantly, organs will no longer be harvested from healthy, live people to fill the need. This use of cloning is called therapeutic cloning. But, before it can be used, the science of cloning itself must progress. That is the issue before the world—whether or not research on human cloning should be allowed. The history behind the cloning headlines follows three paths: scientific, political, and ethical, and, as in most matters of great gravity to the human race, the three are nearly inseparable.

HISTORICAL BACKGROUND

Some might say that it all started in Scotland with a sheep named Dolly, the product of the first successful attempt to clone a complex mammal. Before Dolly's birth, cloning as a branch of genetic science was relegated more to the realm of science fiction than scientific fact. But Dolly and each clone like her are exact genetic reproductions of a single adult parent (twins are clones too, but of each other). In and of itself, the fact of a cloned sheep in the Scottish highlands might not be the cause of too much alarm, but, with the successful cloning of a mammal, there was considerable concern about the possible abuses of such cloning in the future, and horrors of the past were brought to bear on the matter. Cloning sheep is not what scares most people; rather, the possibility of cloning a human being gives many scientists, politicians, and ethicists pause.

Before Charles Darwin's publication of the *Origin of Species by Means of Natural Selection* in 1849 created an intellectual explosion in the scientific and intellectual communities around the world, there were few alternatives to the religious view that the creation of humankind was a divine act, accomplished by the most powerful of beings—a god. Advocates of the creationist view of human history viewed the complexity of the world and the universe as evidence that only an omnipotent being could create and maintain such magnificent order. The ideas of randomness and change as determining, and even creative, factors in the development of humankind were difficult to accept. Darwin proposed that the evolution of humankind was the process of gradual change and development throughout the ages by a process of natural selection.

Notwithstanding humankind's need to believe in the divineness of its own origins, humans had, for millennia, manipulated the traits they found desirable in both animals and in plants; husbandry and horticulture—together known as domestication—were the first attempts by humans to favor or discourage with their intelligence the characteristics and traits of other life on earth. Darwin only suggested that nature made the choices based on adaptation and survival, and humans, as mammals, were subject to the same types of pressures that had created change in the rest of the biological world.

Husbandry is the practice of intentionally breeding animals to either spread or eliminate a desired trait. Horticulture has the same goal but is the term used for breeding plants. For example, if an animal keeper decides that sheep with white wool are more desirable (because it is more easily dyed than black wool), he or she will not allow a black sheep to mate with a white one. After observing sheep mating for many sheep generations, the animal keeper will understand that only black sheep will produce black sheep—maybe in one, two, or three generations—but white sheep that have never been bred with black sheep will never produce black lambs. He or she need be no geneticist to understand this (although we now know this is because the gene that causes blackness in wool is a recessive one).

Husbandry has been a tool of humans since the origins of settled civilization. Its appearance in ancient archaeological sites, along with horticulture, is one criterion by which anthropologists determine whether a civilization existed or whether the site only supported a group of hunters and gatherers. Husbandry and horticulture are two defining characteristics of civilization itself. The enormity of



DOLLY THE SHEEP, THE WORLD'S FIRST CLONED MAMMAL, LOOKS THROUGH THE BARS OF A PEN. DOLLY LAUNCHED A HIGH PROFILE, PUBLIC DEBATE ABOUT THE ETHICS OF CLONING. (Getty Images. Reproduced by permission.)

Darwin's theory was to suggest that adaptation to environmental niches and preservation or conservation of traits happened, not with intelligent guidance by God or man, but rather by the random, amoral need to survive. Natural selection did not need to breed the "best," "strongest," or most "moral" specimen; only the one best *adapted* to its surroundings will survive, breed, and pass on the trait that allowed survival.

Evolutionary biologist Stephen Jay Gould made the case best in *Wonderful Life: The Burgess Shale and the Nature of History* (1991). To paraphrase his argument, a prehistoric fish might have been supremely adapted to being a fish; he might even have been the best fish that ever swam in the earth's waters. But if an ice age ended, a meteor struck the earth, or a long drought occurred and dried up the water—or in other words, the environment to which the fish was adapted suddenly changed—our highly adapted, successful fish would perish, while the reptile who had struggled in cold water might then immediately begin to thrive in a warm, dry climate. A mature theory of evolution proffers that change to individuals and species occurs over time, and random events caused that change, not the hand of God. (Certainly it has been possible for religions and the theory of evolution

CLONING TERMS

Cloning is a technique of genetic engineering in which an identical genetic “twin” is produced asexually (without joining egg and sperm). This “twinning technique” is achieved by taking an unfertilized egg from an adult female and removing all of its genetic information-containing DNA, leaving it an empty egg ready to support growth. A cell is then removed from the adult to be cloned and is raised in a growth medium designed to “turn off” its specialized genes and make it think it is an embryo cell. This donor cell is fused electrically with the egg cell, and the artificially fertilized egg starts to divide into an embryo. Transplanted into the womb of a surrogate mother, the egg develops and results in an offspring that is genetically identical to the organism that donated the cell.

Embryonic **stem cells** are “generic” cells of a human being (or other organism). Because they are not specialized, they are capable of becoming all or many of the 210 different kinds of tissues in the human body and can make exact copies of themselves indefinitely. They are useful for medical and research purposes because they can produce cells for almost every tissue in the body. Adult stem cells are not as useful for research as embryonic stem cells because they are specific to certain cell types, such as blood, intestines, skin, and muscle. Embryonic stem cells are obtained from aborted

fetuses or fertilized eggs that are left over from in vitro fertilization (IVF). In order to extract the embryonic stem cell, it is necessary to destroy the host embryo. That is why using cloned human embryos to create a supply of stem cells for therapeutic uses is appealing to many researchers.

Genetic blueprints. The first complete sequencing of an organism’s genetic makeup was accomplished by the Institute for Genomic Research in 1995. They sequenced all 1.8 million base pairs—the rungs of the DNA double helix and the letters of the genetic alphabet—that make up the single circular chromosome of the bacterium *Haemophilus influenzae*. The next year an international team of scientists created the genetic blueprint of an organism similar to human cells. They identified all of the more than six thousand genes that control reproduction, life, and death in yeast cells. For the first time, scientists had access to the full set of genetic instructions in a complex cell. The instructions for making and maintaining a yeast cell are encoded in 12,057,000 “letters” of code which, in turn, are packed into about six thousand genes on sixteen chromosomes. Human instructions are contained in about three billion such “letters” in about eighty thousand genes on forty-six chromosomes.

to coexist in harmony. To many people holding to a strong religious conviction regarding the evolution of life, God might have caused the drought that brought about the change.)

The mistake that Darwin made was in assuming the method by which new traits—ones that allowed survival in changed circumstances—were acquired and then passed onto subsequent generations. Darwin, through observation on his voyage aboard the HMS *Beagle*, had witnessed all sorts of marvelous and exotic creatures in habitats undisturbed by humans, in places like the Galapagos Islands. There he found creatures so highly adapted and specialized for such specific environmental conditions that they could not live anywhere else on earth. How did these traits come to exist in these discreet populations?

Darwin had read the ideas of evolution of French naturalist Jean-Baptiste Lamarck (1744–1829). According to David Clifford of Cambridge

University in the article “Jean-Baptiste Lamarck (1744–1829),” “the overarching component of Lamarckian evolutionism was what became known as the inheritance of acquired characters. This described the means by which the structure of an organism altered over generations. Change occurred because an animal passed on to its offspring physiological changes it had undergone in its own lifetime, and those changes came about by its responding to its survival needs.” For example, the giraffe that stretched its neck the highest to eat the best leaves would, after years of doing that, have offspring with longer necks. Lamarck’s theories were disproved by the work of August Weismann (1834–1914) in his 1892 book *The Germ-Plasm: A Theory of Heredity*. Weismann believed in the theories of evolution and natural selection. But he proved that traits could not be acquired in one generation. As opposed to Lamarck’s idea that new traits occurred when an animal passed on physiological changes it had undergone to its offspring, with the

birth of the science of genetics, science learned that mutation was the source of new traits, thus adding another level of randomness to biological history.

The Birth of Genetics

Farmers and shepherds over thousands of years who practiced husbandry and horticulture knew that they were manipulating traits of the organisms that they bred. Black versus white wool, fat versus lean cattle, large versus small kernels of corn; their intent was to better feed their people and to insure the survival of the group by altering nature to increase resources in the struggle to survive. But the concept of individual genetic structure was unknown to those who manipulated genes in order to produce desired traits in their herds and gardens. Even Charles Darwin, the father of the theory of evolution, was unaware of small sequences of proteins formed on a structure called—because of its geometric shape—a double-helix that carried all of the information for all living creatures on earth. Nor did he know that every cell in every body has the complete map for creating an exact duplicate of itself.

The existence of genes and the science of genetics were unknown before the work of an obscure, quickly forgotten nineteenth-century German monk named Gregor Mendel (1823–84). Mendel gave a paper in 1865 on his discoveries, but he was all but ignored until the turn of the twentieth century, when August Weismann's ideas led to the rediscovery of Mendel's laws, although Weismann himself was unaware of them. In his short paper, "Experiments with Plant Hybrids," Mendel described the method by which traits passed from one generation to the next, thereby confirming Darwin's observations.

Although known as the father of the science of genetics, Mendel was not a famous scientist. His remarkable contribution to the study of biology was one of observation: he was the first person to trace the characteristics of successive generations of a living thing. The child of farmers in Brunn, Moravia, Mendel taught high school students as an Augustinian monk. Mendel's attraction to research was based on his love of nature. He was not only interested in plants but also in meteorology and theories of evolution.

Having read Darwin's *The Origin of Species*, Mendel often wondered how plants obtained atypical characteristics, which Darwin thought were acquired through repetitive behavior and what we now know are mutative. On one of his frequent walks around the monastery, he found an atypical variety of an ornamental plant. He took it and

planted it next to the typical variety. He grew their progeny side by side to see if there would be any approximation of the traits passed on to the next generation. He wanted to test the theories of Lamarck, on whom Darwin had relied. Mendel found that the plants' respective offspring were nearly identical to the parents, and therefore were not influenced by the environment. This simple test gave birth to the idea of heredity.

Mendel then came up with the idea of what we now call dominant and recessive genes and set out to test it in peas. Patient observation was Mendel's most important asset. It took seven years to cross cultivate and record the results to a degree where the tests could be confirmed in order to prove the laws of inheritance. From his studies, Mendel derived certain basic laws of heredity: hereditary factors do not combine, but are passed intact; each member of the parental generation transmits only half of its hereditary factors to each offspring (with certain factors "dominant" over others); and different offspring of the same parents receive different sets of hereditary factors. Mendel's careful observation and reporting became the foundation for modern genetics.

Central to Darwin's theory of the struggle to survive were the notions that more individuals are born than can survive on naturally occurring resources and that populations will compete for these limited resources. These ideas came from English mathematician, statistician, and economist Thomas Malthus (1766–1834) who, in 1798, published a paper titled "An Essay on the Principle of Population." Darwin took these ideas to mean that the individuals that were most well adapted to their environments would be the most successful in the struggle, and those who could not adapt, or, retroactively integrating Mendel's work, those who were not born with the genes that gave them an edge, would lose the battle for limited resources. The winners would live; the losers would die; such is the inevitable outcome of natural selection.

Genetics and Ethics: Eugenics

In the early twentieth century, the rediscovery of Mendel's laws of genetics, in addition to the proliferation of Darwin's theory of evolution and its adoption of Malthusian laws of population, had a cultural and political effect. While Darwin had only studied animals in the wild, where resources were truly limited, the bundle of scientific theories that had come to be known as the theory of evolution had been seized in England and in the United States. Here, they were applied to human populations in industrialized societies where resources



SOUTH KOREAN ENVIRONMENTAL ACTIVISTS PROTEST AGAINST A MEDICAL TEAM'S DEVELOPMENT OF CLONING HUMAN CELLS TO MAKE REPLACEMENT ORGANS. (Photograph by Ahn Young-joon. AP/Wide World Photos. Reproduced by permission.)

were overly abundant but artificially limited to certain populations.

Although human technology effectively removed the human race from the process of natural selection written about by Darwin, the theory of "Social Darwinism" was nonetheless born, and with it came a new phrase coined by English philosopher Herbert Spencer (1820–1903): "the survival of the fittest." The definition of the word "fittest" had dramatic consequences for millions of human beings in the twentieth century. What was meant by fittest? Who would define it?

"Social" sciences were new in the late nineteenth century. The fact that human intelligence could be applied to engineering society as it had been applied to building cities and curing illnesses was a new idea. Social engineering became a way to make real the desire for a utopian future, one without the ravages that rocked the industrial world of the early twentieth century: poverty, disease, overcrowding, disparity in wealth, pollution, and war. Consequently, the new science of genetics—in addition to disciplines that utilized "scientific" methodology such as economics, history, architectural planning, and horticulture—was put to use in the service of society. One path of genetic research, the pseudo-science of eugenics, branched off into the shadows of social theory and in the first quarter of the twentieth century became immensely popular.

Eugenics was presented as a mathematically determined science that could be used to predict the traits and behaviors of humans, and, in a perfect world, to control human breeding so that only people with the "best" genes would reproduce and thus generally improve the species. If the tenets of Social Darwinism were true and only the fittest would survive, the next logical step would be to eliminate "bad" traits and preserve "good" ones. It was an optimistic school of thought with a profound, almost overwhelming faith in the powers of science.

Even in its day, many people saw that eugenics was a frightening, pseudo-scientific discipline, riddled with inconsistencies. But it was championed by very prominent and respected biologists, and its conclusions told many people what they wanted to hear: that certain "racial stock" was superior to others in traits valued in the Progressive Era, such as intelligence, hard work, cleanliness, sobriety, fidelity, and physical strength and beauty. Local eugenics societies and groups sprang up around the United States after World War I (1914–18), with names such as the Race Betterment Foundation. World War I had given many Americans a greater fear of foreigners, and the immediate (but short-lived) postwar economic depression stirred a xenophobic fear of foreigners "taking" jobs that "belonged" to Americans or intermarrying and reducing the hearty "American" racial stock. The Ku Klux Klan reemerged as a force in American politics during the 1920s, spreading not just hatred of African Americans but of immigrants, Jews, Catholics, and anyone else they found to be dissimilar to themselves.

Not only did eugenicists promote better breeding, they wanted to *prevent* poor breeding or the

risk of it. That meant keeping people with “undesirable” traits in their heritage, even traits not genetically predisposed, separate from others or, where law allowed, preventing them from reproducing. The phenomenon even went so far as to allow for the legal sterilization of those who were determined to be “feeble-minded.” Even the revered Supreme Court Justice Oliver Wendell Holmes ruled that forced sterilization of “imbeciles” was appropriate for the sake of society.

Vocal anti-immigrant groups that advocated nativism and racial purity were effective in having laws passed to attain their aims; in 1924, the Immigration Act was passed by majorities in the U.S. House and Senate. It set up strict quotas limiting immigrants from countries believed by eugenicists to have “inferior” stock, particularly southern Europe and Asia. President Calvin Coolidge, who signed the bill into law, had stated when he was vice president, “America should be kept American. . . . Biological laws show that Nordics deteriorate when mixed with other races.”

According to historian R. J. Lambrose in the 2002 *Radical History Review* article “Look Away, Look Away,” the Virginia legislature passed a resolution in February 2001 “expressing ‘profound regret’ for the state’s involvement in a eugenics-driven sterilization program that led to the sterilization of 7,450 Virginians ‘in the name of purifying the white race.’” The sterilization law, similar to the one the Nazis passed in Germany in 1933, was enacted in 1924 and also outlawed interracial marriages. Laws prohibiting interracial marriage were found to be unconstitutional in 1967, but the Virginia eugenics statute was finally repealed only in 1979.

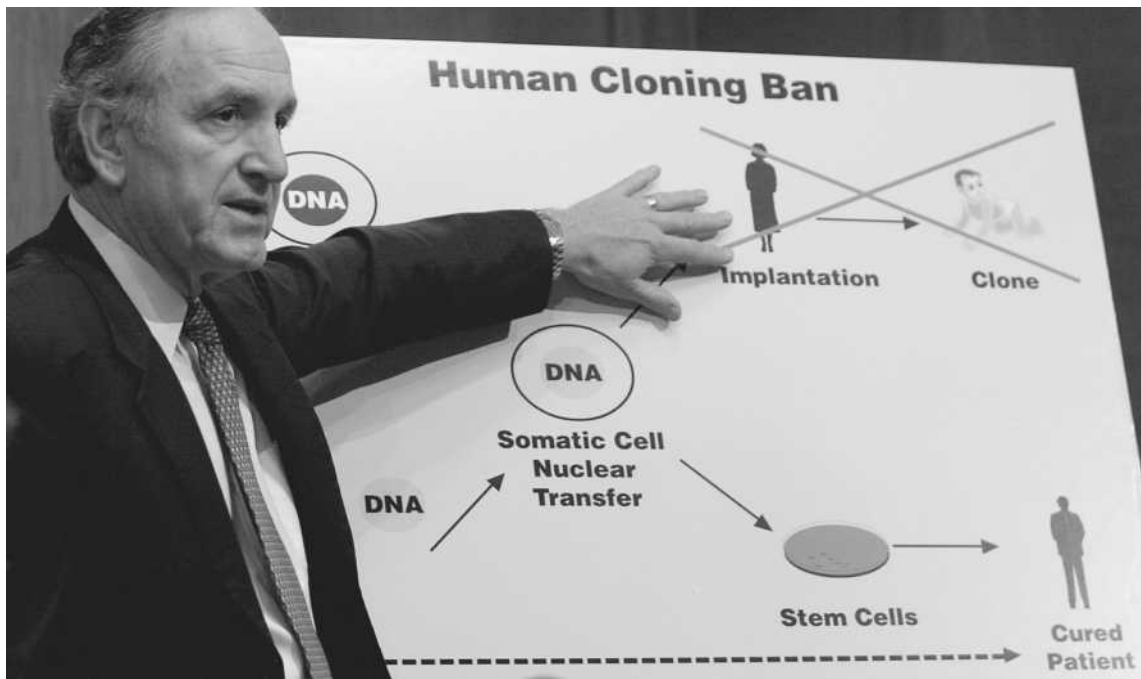
Behaviorism, the psychological science that emphasizes environmental factors as the root of behavior and success rather than genetic ones, was introduced in 1913. After World War I, few scientists joined the ranks of the eugenicists. As the weight of the scientific community shifted toward behaviorism and true genetics, popular opinion followed. Articles about childrearing and self-improvement popularized behaviorism and environmental factors in growth and human potential and deemphasized genetic predetermination still further. The eugenics craze was already fading when the horrors of institutionalized eugenics were revealed in Nazi Germany during World War II and eugenicists became silent, though eugenic sentiments were not yet eradicated. The specter of eugenics, which is now recognized to be akin to racism and white supremacy, is raised by the genetic manipulation called reproductive cloning.

Eugenics, or the creation of a biological “master race,” was the basis of the genocidal rhetoric of madmen like Adolf Hitler. The “Final Solution” of the Third Reich was a mass attempt to rid the “Aryan” race of “inferior” genes, those of Jews, gypsies, homosexuals, the infirm, and anyone else who threatened the dominance of perfect Nordic whiteness, the mythological heritage of Germany. Well over 12 million people were murdered in the 1930s in the name of eugenics and Social Darwinism. In the twenty-first century, to advocate scientifically altering the genetic development of a child in order to create some socially defined exemplar of perfection calls forth the institutional memory of death camps and forced sterilization.

RECENT HISTORY AND THE FUTURE

On November 25, 2001, an American research firm, ACT or Advanced Cell Technology, announced that it had created a human embryo clone. The announcement was made in an online science journal, *The Journal of Regenerative Medicine*. ACT described the process that had been used, including encouraging human eggs to begin dividing on their own in the asexual process known as parthenogenesis. The striking news, according to many commentators, was that the human egg could divide on its own; the production of a human embryo clone was very much expected. In fact, as far back as 1998, researchers in South Korea claimed to have produced a human embryo clone. ACT assured the public that the clone would only be used for medical purposes. “Our intention is not to create cloned human beings, but rather to make life-saving therapies for a wide range of human disease conditions, including diabetes, strokes, cancer, AIDS, and neurodegenerative disorders such as Parkinson’s and Alzheimer’s disease,” said ACT vice president Robert Lanza, as quoted in the November 26, 2001, BBC news article “Controversy over Human Embryo Clone.”

In contrast to ACT and the medical use of the human embryo clone, some fertility clinics in the early 2000s are technologically prepared to enter into the business of human reproductive cloning. For them, the purpose *is* to create human beings. And many in the scientific world believe it is too late to stop them from proceeding with this work, no matter how ill-prepared the world is for the results. Princeton geneticist Lee Silver addressed this issue in the PBS Frontline interview “Human Cloning: How Close Is It?”: “Cloning is certainly going to emerge from the fertility clinics that exist



U.S. SENATOR TOM HARKIN SPEAKS AT A SENATE SUBCOMMITTEE HEARING ON HUMAN CLONING. HARKIN INTRODUCED A BILL IN 2002 THAT WOULD BAN HUMAN REPRODUCTIVE CLONING BUT WOULD ALLOW THE CLONING OF HUMAN EMBRYOS FOR MEDICAL RESEARCH. (Photograph by Dennis Cook. AP/Wide World Photos. Reproduced by permission.)

in this country and elsewhere around the world, because it's only in the fertility clinics where the technology exists from taking eggs out of a woman's ovary, developing the eggs in a petri dish and putting the embryos back into a woman's uterus. That is done at fertility clinics. It is not done at biotech companies . . ." Silver went on to say that even with strong regulations against human cloning, it is likely that some clinics will just go ahead and do it. It will be a very profitable business.

Two fertility doctors have been constantly in the news with plans to use human cloning to help infertile people. Since 1998, Italian embryologist Severino Antinori, who ran a fertility clinic in Rome, has drawn attention to his work in human cloning. Antinori had previously been known for his work in *in vitro* fertilization. In 1994 he implanted a donor's fertilized egg into the uterus of a 63-year-old woman, who then became the oldest woman ever known to give birth. His partner, U.S. cloning researcher Panos Zavos, split off to work on his own amid media assertions that Antinori had already made a woman pregnant with the world's first human clone. Zavos said that the assertions about Antinori were not true, but also suggested that he himself might be the first to accomplish the feat. Both are considered by most scientists as publicity seekers, but that they could

already be implanting clones in infertile women is not unlikely.

Although the kind of human reproductive cloning Antinori and Zavos are working on is not legal in Europe or the United States, their claims have created much concern in the scientific world. People who have worked in animal cloning were particularly critical of the efforts to produce human clones. There were 277 attempts made before Dolly, the first cloned sheep, was produced. The dangers to an impregnated woman and to the embryo are very high—miscarriage, stillbirth, and deformity or other abnormality is likely. Even if the science is sound, there is no consensus on the social and ethical issues that cloning humans would entail.

Efforts to ban human cloning are urgent because the scientific capacity to produce a human clone has preceded consideration of the issues and of the safety of the procedure. In the summer of 2002, the main issue is whether all human cloning will be banned, or if research can continue with cloning for medical purposes. The National Academy of the Sciences in January 2002 recommended that human reproductive cloning done for the purpose of making a human baby should be banned and that the issue should be taken up again in five years if there is public interest. The Academy did

not want the ban on human reproductive cloning to extend to cloning embryos for the purpose of extracting stem cells for medical use, which it held very useful for medicine.

In the United States, President George W. Bush took a stand against all human cloning, including medical research, on the principle that cloning means taking one life (the embryo) for the benefit of another. His is the standard pro-life approach. The U.S. Senate is not readily going along with the idea of a total ban; many wish to keep the medical research options open.

Although many of the countries in the European Union have banned human cloning at a national level, the EU itself has not banned it. In the United Kingdom, the distinction is being made between implanting embryo clones into wombs to impregnate women, which is banned, and therapeutic cloning and stem cell research, which are not.

Although therapeutic cloning bothers those who believe that all human cells have the potentiality to grow into a human being, reproductive cloning is far more worrisome to many more people. Therapeutic cloning creates a bundle of specialized cells that do not have the potentiality to become independent human life. To create an exact replica of oneself without the randomness introduced by nature reminds many of the biological engineering of the early twentieth century. A perfect duplicate is as much one person's decision of what is perfect as was the decision to exterminate sources of "imperfect" genetic information.

The act of genetic engineering can, and has, led to discrimination against those who do not fit in the "right" category. From relatively simple consequences such as being denied health insurance to more radical dangers such as being interned in concentration camps as a threat to the gene pool, the social consequences of reproductive cloning are frightening. History has taught us that the science and technology to manipulate human evolution for relativistic political, social, and cultural ideas of perfection is indeed a path fraught with danger.

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Kate Sampsell

CYBERCRIME: IS THE INTERNET OUTSIDE THE LAW?

THE CONFLICT

In recognizing the limitations of existing laws when applied to cyberspace, individual governments authorized new legislation to tackle rising crime on the Internet in the late 1990s. They also came to recognize the need for cooperative measures. The Council of Europe's Convention on Cybercrime represented the first international treaty designed to deal with computer crime. Thirty countries signed the treaty on November 23, 2001. Moves towards greater government regulation of the Internet, particularly in matters of censorship and surveillance, proved controversial with civil rights and privacy protection groups, who, under the banner of the Global Internet Liberty Campaign, protested the provisions of the European Convention.

Political

- To bring about an end to "lawlessness" on the Internet, governments considered it necessary to work towards a mutually acceptable system of regulation, and, to some extent, put aside their political differences. Fearing the consequences of international legislation for individual rights and freedoms, however, civil liberties groups took issue with the treaty. On a deeper level lay an argument over whether conventional political systems of governance applied to the unique realm of cyberspace.

Economic

- Governments have begun to finance new criminal investigation departments in order to manage cybercrime. Internet service providers may soon be burdened with the costs of recording user traffic and communications. If unchecked, however, Internet-related crime looks set to rise. In a FBI-sponsored survey of computer crime in 2000, a total of 186 organizations from government and industry reported monetary losses totaling \$378 million. In the prior year, 265 responded, with a loss of \$265 million.

Social

- As the explanatory report of the 2001 Convention states, electronic mail, websites, and chat rooms have "changed our society profoundly." Conflict arises from contrasting takes on how cybersociety should evolve, and how the Internet impacts terrestrial matters of national security, commercial productivity, and lifestyle choices.

On November 23, 2001, representatives from thirty nations signed the Council of Europe's Convention on Cybercrime, the first international treaty designed to combat computer-based crime. A total of 26 member states of the Council of Europe, including France, Germany, and the United Kingdom, signed the document. Four nonmember states, Canada, Japan, South Africa, and the United States, participated in its development and were cosignatories. In the months that followed, three more countries endorsed the treaty.

Cybercrime (also known as Internet or computer crime) describes the use of computers, especially computer networks, for illegal activities. Examples of cybercrime include copyright infringement, computer fraud, child pornography, and damage inflicted on computer systems by hacking. By its nature, the World Wide Web transcends national boundaries and raises unique challenges for law enforcement. Criminals are able to circumvent capture by working from countries that lack regulations governing cyberspace, or retain anonymity by using computer technology to disguise their whereabouts. Existing terrestrial laws have proven limited in their application to the digital realm of cyberspace by failing to guarantee the protection of Internet sites from virtual (as opposed to physical) trespass and by not always securing the conviction of offenders. This gives rise to the pertinent question: Is the Internet outside the law?

In response to the rising problem of Internet-related crime, governments have begun to fashion specific legislative packages to deal with cyber issues. Not all parties have responded with the same verve or inclination, however. In the spring of 2000 then-U.S. attorney general Janet Reno, fearing

countries with few Internet laws turning into “safe havens” for offenders, reported to the Senate: “The damage that can be done by somebody halfway around the world is immense. We have got to be able to trace them.” Reno also underlined positive developments in combating cybercrime, however, noting how “we [the U.S. government] have made real progress with our discussions with our colleagues in the G-8 [a group representing the superpowers, including Russia and Japan] and in the Council of Europe.”

Beginning in 1997 the Council of Europe, aided by the United States, Canada, South Africa, and Japan, turned its attention to establishing an international, cooperative framework designed to tackle cybercrime. The result: The Convention on Cybercrime of 2001.

When the Council circulated draft versions of the treaty, U.S. and European libertarian groups, along with representatives from the computer industry, took issue with its call for regulation of the Internet. The World Information Technology and Services Alliance (a conglomeration of IT associations) opposed the idea of Internet service providers (ISPs) being called on to record and monitor communications between users due to the significant costs and liabilities incurred. The draft treaty angered human rights and privacy advocacy groups, including the American Civil Liberties Union (ACLU), the Electronic Frontier Foundation (EFF), the Internet Society (ISOC), Liberty (U.K.), and Imaginons un Réseau Internet Solidaire (IRIS, France).

Thirty organizations came together as the Global Internet Liberty Campaign (GILC) at the annual meeting of the Internet Society in Montreal in 1996 to collectively protest Internet rights infringements. The GILC’s founding members were mainly civil liberties and human rights organizations, such as the American Civil Liberties Union, the Electronic Privacy Information Center, Human Rights Watch, the Internet Society, Privacy International, the Association des Utilisateurs d’Internet. The group has grown considerably and remained very active in protesting government regulation of the Internet.

Libertarian groups opposed plans to extend the monitoring of Internet users, disputed methods of seizing computer data for prosecution, and questioned the “closed environment and secrecy” surrounding the development of the international treaty. The GILC cast the Convention as an invasion of privacy and a key threat to the survival of the Internet as a democratic and free forum.

CHRONOLOGY

- 1969** The U.S. military launches ARPANET (the precursor of today’s Internet).
- 1986** Congress passes the Computer Fraud and Abuse Act to deter hackers.
- 1988** The “Morris” worm affects 10 percent of Internet hosts, causing problems for 6,000 systems.
- 1988** The U.S. Computer Emergency Response Team (CERT) forms.
- 1989** German hackers infiltrate U.S., European, and Japanese facilities.
- 1990** The Electronic Frontier Foundation (EFF) forms in San Francisco.
- 1991** Tim Berners-Lee develops the World Wide Web.
- 1992** Internet Society (ISOC) is inaugurated.
- 1996** Congress passes the Communications Decency Act (CDA).
- 1997** The Supreme Court throws out CDA, citing the First Amendment.
- 1997** The Council of Europe begins work on a treaty to tackle Internet-related crime.
- 1999** Successful hacks target a wide variety of sites, including eBay, Microsoft, and the U.S. Senate.
- 2001** New viruses and worms such as Code Red, Nimda, SirCam, and BadTrans hit the Internet.
- June 22, 2001** The Council of Europe finalizes a treaty on cybercrime.
- October 18, 2001** Members of the Global Internet Liberty Campaign (GILC) send a letter to the Council of Europe protesting its plans to limit Internet freedoms.
- November 23, 2001** Thirty countries sign the Convention on Cybercrime (ETS no.185).
- February 28, 2002** Ireland signs the Convention, making a total of 33 signatories, Iceland and Malta having also signed up in the interim.
- June 30, 2003** The target date for ratification of the treaty by all 15 members of the European Union is reached. For the Convention to come into force, only five states (countries), including three members of the European Council, need to ratify the treaty.



A WOMAN AT A 1999 HACKER CONVENTION HOLDS UP A LAPTOP COMPUTER DISPLAYING THE DEFCON WEB PAGE. (Photography by Clint Karlsen. Hilton/Archive. Reproduced by permission.)

The popular media proved sympathetic to the criticisms voiced by civil liberties factions. “Cybercrime Treaty Condemned” read the BBC Online news, while *NewsBytes* (a division of the Washington Post Company) reported, “Global Net Crime Treaty Hurts Free Speech.” *Wired* posted the headline “Cybercrime Solution Has Bugs.” Within the article, *Wired* noted the concerns of Barry Steinhardt from the ACLU: “I think it’s dangerous for the Internet.”

HISTORICAL BACKGROUND

A Lawless Electronic Frontier?

Favorably compared to romantic images of the Wild West as a lawless frontier, libertarians coveted the Internet for its promotion of grassroots democracy and free expression. Cyberspace, like the frontier West, appeared to be a place where everyone was equal and no single authority took charge, a realm beyond the grasp of conventional means of governance and legislation. Internet technology provided a new form of communications medium. Jon Spencer, a lecturer in Criminal Justice at the University of Manchester, U.K., commented in the August 1999 *Howard Journal* article “Crime on the Internet: Its Presentation and Representation,”

“What distinguishes the Internet from other forms of communication and media is its open access and lack of legal regulation.”

In preparing their argument against the Convention on Cybercrime, organizations such as the Electronic Frontier Foundation drew on the mystique of the Internet as a region free from governmental interference. To self-proclaimed Internet defenders, cyberspace amounted to nothing less than an unrivalled democratic forum, allowing people to voice their opinions without fear of retribution. The “lawless frontier” allowed thousands of individuals to fashion distinctive online personas, encouraging creativity and original forms of expression.

The World Wide Web brought like-minded individuals together where it would be otherwise impossible. Internet technology also leveled the playing field, enabling anyone with a computer to establish a website to be as accessible as major corporate sites. At the same time, users cherished the ability of computer technology to protect their privacy and anonymity through the use of encryption codes and firewalls (advanced computer security programs). According to its most ardent defenders, cyberspace signified an ideal, irreplaceable forum for public debate that required little governmental oversight. Cyberspace prospered due to the absence of regulation. Attempts to regulate the Internet, such as the Council of Europe treaty, were read as threats to the survival of a free and flourishing virtual community.

While arguably true in its infancy, by the late 1990s the Internet rarely resembled a single, homogenous online community. Coming from all over the world, citizens (or netizens) fashioned individual tracts of cyberspace into their own virtual homesteads. Internet service providers such as Yahoo! provided users with multiple navigable routes through a thickening maze of news listings and societies, chat rooms and online games.

On one level, cybersociety, with its virtual shopping malls, business forecasts, and online Bible studies, closely resembled terrestrial society in its promotion of mainstream values. As with real cities, however, subcultures of criminality also developed on the World Wide Web. Alongside sites providing public access to legal advice existed those promoting the illicit copying of music. Internet users could visit police websites soliciting their assistance in finding America’s “Most Wanted” fugitives, or, with some perseverance, locate drug traffickers in chat rooms selling cannabis. Seasoned criminals eluded detection by conducting their

business online, insulated from police investigation by elaborate encryption codes and firewalls. The Internet itself spawned new forms of crime.

Hackers

The first known hackers were Massachusetts Institute of Technology (MIT) programmers toying with PDP-1 mini-computers in the 1960s. They coined the term, which at that time meant “computer virtuoso.” In the early 1980s the public became aware of hackers thanks largely to the blockbuster movie *War Games* (1983). The Hollywood picture depicted a young antihero played by Matthew Broderick accidentally breaking into a military combat simulator, and unconsciously inviting a computer to participate in a game of nuclear war.

The success of a west German hackers’ ring in obtaining U.S., European, and Japanese classified information for the purposes of sale to the KGB between 1986 and 1989 indicated the transborder implications of computer crime. In 1995, U.S. federal agents arrested Kevin Mitnik (known as the Condor). Charged with stealing twenty thousand credit card numbers, Mitnik was imprisoned as a pretrial detainee for four years. The fact that he was not allowed bond is evidence of the serious nature of computer trespass, as well as the significant delays in expediting justice.

While hacker culture rarely condoned significant acts of criminality, some individuals introduced viruses and “worms” to the Internet that caused widespread damage to computer systems, and, at times, breached high levels of corporate and government security. Several prominent Internet and software providers fell prey to hackers and their viruses in the late 1990s, including Yahoo!, Amazon, eBay, and, on more than one occasion, Microsoft. In 1997, users of America Online (AOL) found their emails corrupted thanks largely to novice hackers utilizing a freeware hacking program named AOHell. Chinese hackers also “dropped” email bombs on the White House Web site in May 2001 following an incident in which a U.S. spy craft collided with a Chinese F-8 fighter plane.

With increasing numbers of viruses infecting the Web, hacking seemed to be on the brink of losing its glamour and mischievousness. The U.S. Computer Emergency Response Team Coordination Center (CERT/CC) recorded an increase of 54 percent in the number of reported security breaches in the first nine months of 2000 compared to the whole of 1999. In 2001 computer security company Sophos tracked a total of twelve thousand viruses circulating on the Internet. In particular,

THE LOVE BUG VIRUS

Valentine’s Day seemed to come twice in 2000, once on the traditional date in February, then once again in early May. From May 4 onwards, thousands of Internet users across the globe received a mysterious email, claiming “I love you.” However, once opened, the love letter brought only anguish to its recipients. The Love Bug virus, as it came to be known, spread by using each victim’s computer address book to send on more letters. The virus mutated, deleted computer files, and spread like wildfire. It shut down email servers (including the server used by Britain’s Parliament), ATMs, and caused havoc with email at Congress. A follow up attachment “How to protect yourself from the ILOVEYOU bug!” proved of similarly dubious merit.

The FBI tracked the origins of the bug to a college dropout, Onel de Guzman, living in the Philippines. Due to the failure of existing Philippine regulation to cover his Internet-based malarkey, however, Guzman walked free. Peter Toren, former prosecutor for the Computer Crimes and Intellectual Property Section of the U.S. Department of Justice, commented: “I think the decision not to charge him really points to the weakness in the world regarding the prosecution of computer crimes. As long as there are governments that don’t take these crimes seriously, it’s going to be very difficult for other countries to really protect their computers.”

By highlighting the need for more countries to develop regulatory statutes regarding Internet behavior, and underlining the worth of international cooperation in dealing with border-crossing computer crime, the Love Bug gave added impetus to those working on a draft version of the European Convention on Cybercrime. Meanwhile, the costs of saying “I love you” without meaning it, in this particular instance, were estimated at \$10 billion.

Sophos noted the vulnerability of Internet users to “Trojan Horse” viruses hiding inside communications and software files that allowed hackers to remotely access computer terminals (for example, the BadTrans worm that had spread in November 2001 via Microsoft Outlook 5).

With their colorful names and mysterious origins, viruses and worms regularly captured the attention of the popular press. The Love Bug virus (see sidebar) became a widespread topic of conversation in the summer of 2001. Capable of traveling undetected across continents and penetrating highly protected computer systems, viruses highlighted the

need for international cooperation in matters of security, penal codes, and the apprehension of guilty parties.

Online Pornography

The popular image of the hacker in the 1980s as a renegade code breaker hiding in a dusty basement ready to strike out against millionaire hi-tech companies captured both the romantic allure and the portent criminality of a lawless cyberspace. The reputation of the Internet as an unregulated source of pornography in the mid-1990s, however, struck a blow against those wanting to keep cyberspace free from government interference. Parents were angered by the ease in which adult-related material could be accessed on the World Wide Web. Unsolicited pornographic material popped up with alarming regularity in results from Internet search engines.

Far worse was the actual involvement of minors in indecent sexual acts and the growing use of the Internet for distributing child pornography. Pedophiles exchanged pornography through email, USENET, and other forums with like-minded individuals. Cyberspace helped child molesters remain anonymous and avoid detection in their local areas. The unlikelihood of being caught in cyberspace encouraged a wave of new offenses brought on by organized pedophile rings.

On January 7, 2001, Martin Bright of the London *Observer* reported “an epidemic of Internet child porn . . . sweeping the country” (“Lenient Sentencing Fuels Net Child Porn”). During the third hearings of the International Tribunal of Children’s Rights (1999), attendants heard how, “more and more children are being raped and tortured as fixed images give way to live shows on computers.” The Internet facilitated the proliferation of child pornography with disastrous real-life consequences. The Tribunal concluded that while “the Internet itself is a space where freedom of expression can be enjoyed and lead to many positive results . . . such freedom has its parameters and must not be used to exploit children.”

Hate Mail

The free expression allowed in cyberspace also allowed netizens to send messages of hate. In 1998 Richard Machado sent threatening email to 59 Asian students at the University of California at Irvine. Machado was convicted for violating existing federal civil rights legislation. Others treated the online world as an extension of their offline world, real-life stalking giving rise to the phenomenon of cyberstalking.

Extremist groups used the Internet to spread their messages of hate and took advantage of the lack of clear legal precedents on online conduct. In 1996, radical anti-abortionists in Oregon established a website (named The Nuremberg Files) listing the names and addresses of doctors carrying out abortions, or, in the words of the site, “working in the baby slaughter business.” The website arguably promoted hate crime by posting updates on those doctors wounded in anti-abortion attacks. While a federal jury ordered damages to be paid to medical practitioners listed on the Wild West style “Wanted” posters found at the site, the Ninth U.S. Circuit Court of Appeals considered the provision of such information to fall under the protection of the First Amendment. Law seemed vague on the issue of free speech versus hate speech on the Internet.

The “lawless” Internet further appealed to militias holding grudges against the federal government. Often living in self-imposed isolation from the mainstream, extremists used the Internet to air their ideas and communicate with like-minded people nationwide. Don Black, designer of the white supremacist website Stormfront.org (first online in 1995) claimed two thousands hits (or visits) to his group’s homepage every hour in the immediate aftermath of the Oklahoma bombing in 1995.

Despite so many choices available on the World Wide Web, netizens tended to frequent sites that affirmed their own established, and sometimes prejudiced, opinions. In his 2001 book *Republic.com*, law professor Cass Sunstein noted how the phenomenon of “millions or even tens of millions of people . . . mainly listening to louder echoes of their own voices” had worrying implications for democracy. The ascendancy of partisan groups on the Internet suggested a forum more given over to promoting fixed viewpoints than an arena for valuable, broad-ranging public interaction.

Copyright Issues

On one level, the exchange of information on the Internet seemed to be moving all too quickly. The ability to freely lift images, text, and—with the advent of MP3 technology—near-CD-quality audio files directly from the Web meant that many Internet users were themselves taking part in activities of dubious legality, protected only by their anonymity, the costs entailed in following up copyright transgressions, and the vagueness of existing laws regarding Internet information.

In January 2001 alone, an estimated fifty to sixty million users took 2.7 billion songs from the

Internet using Napster, an online software program encouraging the free exchange of audio files between users. Music companies successfully prosecuted Napster, forcing its software designers to move towards a fee-based service. New music-swapping websites soon sprang up, however, with Internet pioneers seemingly one step ahead of the law.

Regulating Cyberspace: Self-regulation

Although the lack of specific legal mandates governing the Internet (known as cyberlaws) suggested a degree of lawlessness, cyberspace has always been party to regulation. Phone companies, Internet service providers (or “gatekeepers”), and national governments have all influenced the structures and codes of operation within cyberspace. Internet users have themselves taken charge of regulating the space they use by fighting spam mail and establishing rules of conduct in chat rooms. In 1995 Curtis Sliwa, founder of the New York-based Guardian Angels, the first volunteer street patrol, applied the same principles of neighborhood watch and vigilantism to the Internet by setting up the CyberAngels (www.cyberangels.com). Self-regulation allowed the Internet to remain a free domain, but one subject to peer scrutiny.

In response to rising concerns over the widespread availability of pornography on the Web in the mid-1990s, adult-related websites responded by instigating online age checking, significantly reducing the chances of minors inadvertently finding adult-related material on the Web (thus putting an end to “one-click pornography”). In order to defend themselves from computer fraud and hackers, Internet users successfully employed technology, as opposed to legal code, to buttress their privacy and protect their cyberrights. Software security programs averted the stealing of personal information or the destruction of virtual property (such as website defamation). Even with the advent of new cyberlaws as suggested by the Council of Europe Convention, self-regulation and self-protection are likely to remain important in the ongoing development of cyberspace.

Policing Agencies

As more people joined the online revolution in the mid-1990s, cyberspace expanded and the pressure for laws governing the digital realm increased. Corporations became more aware of copyright and logo infraction, organizing their own “Web police” to hunt down offenders. Computer crime increased, spawning a huge market in IT security. Security services were worth \$5.5 billion in 1999 (a figure expected to triple in size by 2004). With the expansion of e-commerce came the issue of legal

USEFUL WEBSITES

- Council of Europe treaty list: <http://conventions.coe.int/Treaty/>
- Computer Crime and Intellectual Property Section, Criminal Division, US Department of Justice: <http://www.cybercrime.gov>
- Electronic Frontier Foundation: <http://www.eff.org>
- Global Internet Liberty Campaign: <http://www.gilc.org>
- Hobbes’ Internet Timeline: <http://www.zakon.org/robert/internet/timeline/>
- Pew Internet & American Life: <http://www.pewinternet.org/index.asp>

protection in online business transactions. With mainstream transactions such as paying bills or buying household items becoming common daily fare, many people assumed they were protected by the same laws that apply to those types of transactions in physical space.

The U.S. Department of Defense invented the first computer network back in the 1960s. Named Advanced Research Project Agency (ARPANET), the military communications system directly prefigured the Internet. Although the development of the Internet in the 1980s followed a path relatively free of government involvement, federal authorities retained an interest in its direction. The pertinent issue of who controls cyberspace underlined the antitrust lawsuit *U.S. v. Microsoft*, which dealt with alleged attempts by Microsoft to quash its competitors in software provision, including Netscape and Sun Microsystems.

In recent years the U.S. government further increased its net-related surveillance and law enforcement resources to cope with Internet crime. In 1998, the U.S. Securities and Exchange Commission (SEC) employed more than one hundred staff members to deal with cyber-related issues. In the United Kingdom, Home Secretary Jack Straw announced a new Hi-Tech Crime Unit (dubbed the “Cyber Cop unit”) in November 2000, boasting eighty officers and a \$35 million opening budget.

The routing of cybercriminals inferred the application of surveillance technology (such as tapping)

MOST FEARED INTERNET CRIMES

The Pew Internet & American Life Project is a non-profit initiative of the Pew Research Center for People and the Press. It seeks to explore "the impact of the Internet on children, families, communities, the work place, schools, health care and civic/political life." In "Fear of Online Crime: Americans Support FBI Interception of Criminal Suspects' Email and New Laws to Protect Online Privacy" (Fox and Lewis, April 2, 2001), Pew reports that 43 percent of all Americans fear Internet crime. Among those Internet crimes people were most concerned about were child pornography (which has proliferated on the Internet), credit card theft, and organized terrorism. Fear of Internet crime, however, was less a concern of individuals with three or more years experience online than it was for newer Internet users or those who did not use the Internet.

and virtual "traps" to the Internet, raising the thorny issue of the right of government to invade the privacy of some individuals in order to protect society as a whole. In 2001 the U.S. Federal Bureau of Investigation's (FBI) Internet surveillance program DCS1000 ("Carnivore") provoked controversy by its ability to access any information passing through an Internet service provider, leading the public interest research center Electronic Privacy Information Center (EPIC) to question how far the FBI should be trusted with such technology.

Cybercrime and the Justice System

Bringing cybercriminals to justice posed further dilemmas. The judicial system found itself in the position of applying and, if necessary, adapting conventional laws in some of the early cases of Internet crime, as well as developing specific legislation to deal with cyber-related criminality. With a limited number of cases to draw on, lawyers found themselves referring to rulings not entirely suited to an electronic domain. The distinctiveness of cybercrime from other, more traditional, forms of illegal activity posed a problem for attorneys. Washington-based policy consultants McConnell International quantified cybercrimes as "harmful acts committed from or against a computer or network" that "differ from most terrestrial crimes in four ways. They are easy to learn how to commit; they require few resources relative to potential dam-

age caused; they can be committed in a jurisdiction without being physically present in it; and they are often not clearly illegal." Others noted how a comprehensive definition of cybercrime had yet to be developed.

Internet-related cases often raised new legal questions for consideration. In *U.S. v. Thomas* (1996), a complaint from a Tennessee resident led to the U.S. District Court for the Western District of Tennessee convicting Robert and Carleen Thomas from northern California for distributing obscene material on the Internet. The Thomases argued that the pictures posted through their computer bulletin board, while deemed offensive in Tennessee, were acceptable in California. Though their computer software most likely logged the picture transfers, the Thomases themselves may not have known that customers from Tennessee could download images liable to cause insult.

The greater challenge highlighted by this case concerned the ability of Internet material to be accessed freely worldwide, set against existing local censorship laws. In response to the growing availability of cyberpornography on the Web, Congress inaugurated the Communications Decency Act (1996). While many felt that pornography on the Internet was too easily available to minors, others argued that provisions in the act threatened civil liberties. The act was successfully appealed in both the District Court and Supreme Court (the first net-related case to reach the court) for its contravention of the First Amendment. Congress duly forwarded more targeted legislation in the form of the Child Online Protection Act in 1998.

International Efforts to Patrol the World Wide Web

Part of the problem faced by legal prosecutors revolved around workable definitions of cyberspace—was it most akin to a library, a broadcast media, a public forum such as a park, or something entirely new? Where did cyberspace begin and end? As in the case of the Thomases, geographical and political boundaries came into play. In 1995, CompuServe faced prosecution by providing an open Web service to German residents, thus enabling access to banned neo-Nazi material and hardcore pornography. Felix Bruno Somm, general manager of CompuServe Deutschland, was sentenced to two years probation as a result. Meanwhile, the transnational quality of cyberspace indicated the need for an internationalist response to Internet-related crime.

But international efforts were underway to crack down on cybercrime. On October 16, 1997,

consumer protection officials around the world issued warnings against illicit online trading as part of International Internet Sweep Day. A year later, the U.S. Customs Service collaborated with European police agencies and closed down the "Wonderland" chat room popular amongst pedophiles. Agencies successfully carried out one hundred raids in 12 countries as part of the exercise. Such success stories highlighted the way forward for international cooperation in tackling Internet crime. Many nations, however, had yet to produce significant cyberlegislation, and were not ready to commit to an international legal framework.

In December 2000, McConnell International, a Washington, DC, global technology policy and management consulting firm that helps clients leverage e-business risks, published a report entitled "Cybercrime . . . and Punishment?" that found only ten out of 52 surveyed nations had successfully applied their criminal legislation to encompass at least half of the most common forms of cybercrime. Thirty-three had not even updated their legal system to confront even one type of Internet-related crime. As consultancy founder Bruce McConnell elaborated, "The long arm of the law does not yet reach across the global Internet . . . Governments, industry and civil society must all work together to develop consistent and enforceable national laws to deter future crimes in cyberspace."

The report strongly backed three approaches, firstly, the responsibility of net users to secure their information (affirming the continued importance of self-regulation); secondly, for governments to update their existing laws to combat cybercrime; and finally, for a cooperative international legal structure to be established. On the latter point, McConnell International applauded the Council of Europe's progress towards a working convention exploring structures of international cooperation on Internet crime.

A Conflict over Digital Freedom

The Council of Europe began investigating issues of computer-based crime in the late 1980s. In 1989, the Council produced its first Recommendation (R.(89)9) on computer crime, noting the need for new laws dealing with network-based activities. This was followed by a second Recommendation (E.(95)13) in 1995, which concerned the applicability of existing legislation to cybercrime. The Council formed a Committee of Experts on Crime in Cyberspace in 1997 to which the United States was invited to participate. The Committee was given the task of writing a convention

PEW INTERNET & AMERICAN LIFE PROJECT SURVEY "MOST FEARED INTERNET CRIMES" AS OF FEBRUARY 2001*

The percentage of all Americans who say they are most concerned about...

<i>Type of Internet Crime</i>	<i>Percent</i>
Child pornography	50%
Credit card theft	10
Organized terrorism	10
Destructive computer viruses	5
Hackers attacking the government	5
Wide-scale fraud	2
Hackers attacking business	1
Another crime not listed as a choice	13

Source: Pew Internet & American Life Project. "Fear of Online Crime: Americans Support FBI Interception of Criminal Suspects' Email and New Laws to Protect Online Privacy," p. 8. Information available online at <http://www.pewinternet.org/reports/toc.asp?Report=32> (cited April 26, 2002).

* Margin of error is ± 2 percent.

(Pew Internet & American Life Project.)

to aid international cooperation in combating computer crime.

In the preamble to the 2001 Convention, participants explained what they defined as, "the need to pursue, as a matter of priority, a common criminal policy aimed at the protection of society against cybercrime, *inter alia* [among other things], by adopting appropriate legislation and fostering international co-operation." The "common criminal policy" passed through more than twenty drafts in four years. The final treaty included articles on illegal access and interception; data and systems interference; computer-related forgery and fraud; the production, dissemination, and possession of child pornography; copyright infringement; and aiding and abetting. It laid out a scheme of international cooperation over such matters as extradition of cybercriminals from other countries and mutual assistance in processing the law among the various nations. It also noted the responsibility of Internet service providers in data retention and monitoring.

For Convention signatories, the treaty not only met its original mandate to aid international coop-



A U.S. DEPARTMENT OF DEFENSE REPRESENTATIVE SPEAKS DURING A JULY 2000 SUMMIT ON INTERNET SECURITY. THE SUMMIT WAS ATTENDED BY MILITARY, GOVERNMENT, INDUSTRY, AND ACADEMIC LEADERS AND CONSIDERED HOW TO REGULATE AN ENTITY WITH NO LAWS, GOVERNMENT, OR GEOGRAPHIC BOUNDARIES. (Photography by Gary Tramontina. AP/Wide World Photos. Reproduced by permission.)

eration in combating computer crime, but also placated concerns over the freedom of cyberspace being eroded by government interference. The Council's legal director Guy de Vel insisted that the treaty managed "a precious balance between the requirements of criminal investigations and respect for individual rights."

Internet libertarians disagreed. In a letter to the Council sent on October 18, 2000, the Global Internet Liberty Campaign (GILC) responded to the twenty-second draft by stating: "We believe that the draft treaty is contrary to well-established norms for the protection of the individual, that it improperly extends the police authority of national governments, that it will undermine the development of network security techniques, and that it will reduce government accountability in future law enforcement conduct."

Members of the GILC called into question plans to invade private communications and limit individual freedoms. It was thought that international control through surveillance, censorship, and legal process would threaten the privacy and free expression the Internet offers. For advocates, the Web represented an extraordinary information system under siege from traditional regulation and political authorities. If it appeared a lawless place that

was because its distinctive heritage placed it beyond conventional tools of governance.

While a revised draft treaty assuaged some of the fears of rights activists, the GILC as a whole remained unimpressed. In a letter to the Council dated December 12, 2000, the member groups explained, "Although some changes have been made in version 24-2, we remain dissatisfied with the substance of the convention . . . we maintain that that protections of individual rights have not been attended to adequately." The conflict over the regulation of cyberspace persisted.

RECENT HISTORY AND THE FUTURE

In 1996, John Barlow, cofounder of the Electronic Frontier Foundation and former member of the rock group the Grateful Dead, responded to the passing of the Communications Decency Act with a "Declaration of the Independence of Cyberspace" (see sidebar). The document mimicked the U.S. Declaration of Independence (1776) in its espousal of the inalienable rights of Americans to liberty and equality. Barlow explained his desire to "dump some tea in the virtual harbor" as a timely counter to the "atrocities" promised by government

legislation. Emotions on the issue of Internet regulation continue to run high.

It seems clear that companies, governments, service providers, and criminals alike are eager to know where we go in cyberspace. Taking account of new forms of computer surveillance, law professor Stuart Biegel comments in his 2001 book *Beyond Our Control?: Confronting the Limits of Our Legal System in the Age of Cyberspace*: "Ironically, at this point in time, people in many ways have more privacy offline than they have online." The World Wide Web has arguably lost both its lawlessness and its freedom. Raising the digital specter of Big Brother, one journalist for the *Observer* commented in the May 2001 article "Another Day Another Hack in the Web's Lawless World," "Globalism has created its own digital nervous system. We don't realize that when we connect to the Internet from home, someone may be watching our every move."

The sheer volume of data (or "traffic") involved in Internet communications, however, coupled with the ongoing development of security systems, suggests that on an everyday level the Internet retains its sense of anonymity and freedom. Total control remains, at least for now, a telecommunications pipe dream. While the federal government expands its jurisdiction of the Internet (bills under review include the Cyber Security Enhancement Act of 2001 and the Cyberterrorism Preparedness Act of 2002), officials recently admitted to CNN.com that, "the United States is still not completely up to the task of preventing or dealing with all cyberattacks."

Cyberspace remains an amorphous and adaptive digital environment that is likely to continue testing conventional ideas of borders and lawmaking. Cyberlaws will require updating to cope with new types of internet crime along with innovations in the technology. With its international, virtual and technological dimensions, cyberspace will consistently challenge lawyers to think in new terms. New forms of cybercrime will most likely develop.

Meanwhile, the 2001 Convention on Cybercrime awaits ratification by five states (with a minimum of three from Europe) before coming into force. In the United States, the treaty awaits inspection by the Senate. An Additional Protocol criminalizing racist and xenophobic material published on computer networks is likely to provoke fresh controversy, especially if it is found to conflict with the First Amendment. On February 6, 2002, the GILC sent a new letter to the Council of Europe requesting full disclosure of the draft



COMPUTER HACKER "MUDGE" TESTIFIES BEFORE A U.S. SENATE HEARING ON COMPUTER SECURITY. MEMBERS OF THE U.S. GOVERNMENT MET WITH HACKERS IN AN INITIATIVE TO BUILD UP THE PROTECTION OF PRIVACY AND COMMERCE ON THE INTERNET. (Photograph by William Philpott. AP/Wide World Photos. Reproduced by permission.)

document. Noting how "the protocol is likely to raise critical questions regarding freedom of expression and human rights," GILC members desired its entry into the public forum in order to "allow vigorous and wide-ranging debate over its merits." A draft version was released into the public domain in March 2002.

In the aftermath of terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, the World Wide Web has become a popular venue for outpourings of grief and reaffirmations of national pride. One survey calculated that 72 percent of U.S. netizens used email to freely discuss the attack. Cybercriminals took advantage of the patriotic climate. In March 2002, officials shut down a site trading in fake .usa domain names. Each buyer forfeited the \$59 registration fee. The Internet also experienced its own brief cyberwar between American hackers calling themselves the Despatchers and a Muslim group, Gforce Pakistan. The Despatchers aimed to shutdown Internet systems in Afghanistan as a way of targeting terrorism, while Gforce Pakistan threatened U.S. and British military cyber-sites.

EXCERPTS FROM "A DECLARATION OF THE INDEPENDENCE OF CYBERSPACE"

Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather.

We have no elected government, nor are we likely to have one, so I address you with no greater authority than that with which liberty itself always speaks. I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear.

Governments derive their just powers from the consent of the governed. You have neither solicited nor received ours. We did not invite you. You do not know us, nor do you know our world. Cyberspace does not lie within your borders. Do not think that you can build it, as though it were a public construction project. You cannot. It is an act of nature and it grows itself through our collective actions.

. . . You claim there are problems among us that you need to solve. You use this claim as an excuse to invade our precincts. Many of these problems don't exist. Where there are real conflicts, where there are wrongs, we will identify them and address them by our means. We are forming our own Social Contract. This governance will arise according

to the conditions of our world, not yours. Our world is different.

. . . We are creating a world that all may enter without privilege or prejudice accorded by race, economic power, military force, or station of birth.

. . . Your increasingly obsolete information industries would perpetuate themselves by proposing laws, in America and elsewhere, that claim to own speech itself throughout the world.

. . . These increasingly hostile and colonial measures place us in the same position as those previous lovers of freedom and self-determination who had to reject the authorities of distant, uninformed powers. We must declare our virtual selves immune to your sovereignty, even as we continue to consent to your rule over our bodies. We will spread ourselves across the Planet so that no one can arrest our thoughts.

We will create a civilization of the Mind in Cyberspace. May it be more humane and fair than the world your governments have made before.

Davos, Switzerland, February 8, 1996

John Perry Barlow. Available on the World Wide Web at <http://www.eff.org/barlow/Declaration-Final.html>.

Meanwhile, issues of cyberterrorism and cybersecurity received greater attention as a result of September 11. What would happen if hackers chose to disable 911 emergency services, deciding to orchestrate physical as opposed to virtual damage? As cyberspace and the real world increasingly mesh, the crossover of virtual into physical crime becomes more likely.

Lawlessness in cyberspace threatens lawlessness in the material environment. A November 2001 telephone survey co-sponsored by the Information Technology Association of America and Tumbleweed Communications revealed that 74 percent of Americans felt uncomfortable over the chances of their personal information being stolen or misused on the Internet. Seventy-eight percent, however, also expressed unease over government-held data on themselves being utilized inappropriately. Such figures ably highlight the ongoing conundrum of Internet regulation, namely, how to protect society from harm while guaranteeing the rights of the individual to liberty and freedom.

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John Wills

ENRON: HOW DID THIS HAPPEN?

THE CONFLICT

In November 2001 Enron, the United States' seventh largest corporation, issued a statement drastically revising its stated profits over the past three years. Within a month, the company was forced to declare bankruptcy—the largest bankruptcy in business history—and numerous charges surfaced that the company had engaged in a repeated pattern of unethical and perhaps illegal practices. In addition to shareholder and employee lawsuits, Enron's executives also faced potential criminal charges for their roles in the scandal.

Political

- Enron contributed money to both major political parties and had close ties with Texas's Republican political establishment, including the Bush family. Critics of Enron's political efforts called for the George W. Bush administration to disclose its ties to Enron.
- Enron owed much of its growth in energy commodities trading to the deregulation of the energy industry in the 1980s. Supporters of deregulation argued that decreased government involvement would translate into greater competition among companies and lower energy prices for consumers. Critics of the new regime noted that the lack of supervision also led to corporate abuses and business failures such as the Enron fiasco.

Economic

- The fall of Enron, which had controlled one-quarter of the gas and oil commodities in the United States and ranked as Europe's largest trader of gas and oil, threw the energy industry into chaos. The economic impact of the bankruptcy also spread across the U.S. economy, as other companies blamed their misfortunes on the uncertainty that Enron's demise had created.

Social

- As the public learned of the dubious and possibly illegal tactics of Enron's executives, confidence in corporate integrity suffered. Some companies came under fire for their own questionable accounting practices, while others decided to disclose much more of their financial information to shareholders than had been common in the past.

In March 2001 *Fortune*, in the Bethany McLean article "Is Enron Overpriced?," profiled one of the United States' hottest companies, Enron, and its ability to surpass earning expectations quarter after quarter. The company had been named "most innovative" on the magazine's "most admired companies" list for six consecutive years and its revenues had doubled in the previous year to over \$100 billion. It had recently announced a move into marketing excess broadband capacity and a new commodities trading site, Enron Online, put it at the forefront of the new Internet economy. For a company that was established in 1985, its brief history was nothing less than astounding.

Enron leaders such as newly-appointed Chief Executive Officer (CEO) Jeff Skilling basked in the glow of the almost uninterrupted praise that the company's success generated in the business press. Yet such confidence sometimes slipped into arrogance. Skilling and other Enron executives derided those who failed to keep up with Enron's cutting-edge innovations and remarkable profits. "People who raise questions," Skilling told *Fortune*, "Are people who have not gone through [our business] in detail and who want to throw rocks at us." Skilling's attitude was typical of the company: insular, competitive, and intimidating. In light of Enron's continued success, the executive's attitude was always forgiven by investors—at least, until the company dissolved into the biggest corporate bankruptcy in business history just a few months later.

HISTORICAL BACKGROUND

Deregulation in the Energy Industry

Gas for heating and cooking had been produced by coal-burning plants for use in private

homes in the United States from the mid-nineteenth century. By 1900 almost nine hundred gas plants served communities under franchises granted by local governments. Given the large startup and fixed costs of operating a gas manufacturing plant, the franchise system—which allowed gas companies to run as a monopoly in a given area—introduced a measure of stability into a growing, yet volatile, industry. The natural gas industry was not a formidable competitor to the manufactured gas industry until the 1920s, when technological improvements made it possible to distribute its product in a safe and reliable manner through pipelines across the country.

With the discovery of major natural gas reserves in the Permian Basin in Texas and the Anadarko Basin in Oklahoma and Kansas, there was a boom in the natural gas industry during the 1920s. Although hundreds of independent natural gas producers were organized in that decade, by the 1930s only four major companies dominated the interstate transmission and distribution of natural gas. Given the difficulties in regulating the major players, Congress passed the Natural Gas Act of 1938 to review prices set by interstate gas companies and to break up some interstate holding companies to prevent the continued monopolization of the industry. Despite the increased federal presence, the natural gas industry continued to be dominated by a few major entities through the late 1970s. By that time, about 46 million homes consumed gas for their heating and cooking needs, and gas usage reached one-third of the nation's total energy consumption.

Despite the apparent success of the natural gas industry since the 1920s, critics urged an overhaul of its regulation in order to introduce more competition into the field. Advocates of deregulation argued that removing federal controls would allow more companies to enter the industry and compete for customers by offering better service and lower prices. This point of view was not unique to the natural gas industry; in the late 1970s similar arguments were advanced in the savings and loan, airline, communication, and trucking industries, all of which underwent some form of deregulation.

The Natural Gas Act of 1978, signed into law by President Jimmy Carter, provided for continuing federal regulation of interstate pipelines, but largely removed federal oversight of natural gas producers. Local distributors remained regulated by individual states. Crucially, natural gas transmission companies could now purchase gas wherever they found the best price. All of these changes were to be implemented by 1985.

CHRONOLOGY

July 1985 Houston Natural Gas merges with InterNorth, creating Enron. Kenneth Lay is named chief executive officer of the new company in February 1986.

1990 Enron moves into natural gas trading.

1990 Jeff Skilling joins Enron; he eventually becomes chief executive officer in February 2001.

1993 Arthur Andersen becomes Enron's sole auditor.

1994 Enron begins commodities trading in electricity.

November 1999 Enron Online begins trading commodities via the Internet.

Spring 2001 Enron directors meet with Vice President Cheney and other administration officials to lobby for changes in the nation's energy policy.

August 14, 2001 Jeff Skilling resigns as Enron chief executive officer.

August 22, 2001 Sherron Smith Watkins delivers six-page outline of questionable practices at Enron to Ken Lay.

October 16, 2001 Enron announces a \$1.2 billion reduction in shareholder equity.

October 24, 2001 Andrew Fastow takes a leave of absence as chief financial officer of Enron.

November 8, 2001 Enron releases revised profit statement covering 1997–2000.

December 2, 2001 Enron files for bankruptcy.

January 9, 2002 U.S. Justice Department announces that it is conducting a criminal investigation of Enron's activities.

March 14, 2002 U.S. Department of Justice gets grand jury indictment of Arthur Andersen for obstruction of justice.

March 26, 2002 Joseph Berardino resigns as head of Arthur Andersen.

The Rise of Enron

The creation of Enron that same year brought together two traditional energy companies, Houston Natural Gas and InterNorth, based in Omaha, under the leadership of Kenneth L. Lay. Born in 1942 in Missouri, Lay was the son of a Baptist preacher and part-time salesman and earned his bachelor's and master's degrees in economics from



ENRON EXECUTIVES SHERRON WATKINS, JEFFREY SKILLING, AND JEFFREY MCMAHON (LEFT TO RIGHT) ARE SWORN IN BEFORE TESTIFYING BEFORE A U.S. SENATE COMMERCE COMMITTEE HEARING ON ENRON. (Photograph by Ron Edmonds. AP/Wide World Photos. Reproduced by permission.)

the University of Missouri. After a stint in the U.S. navy, Lay took his first job in the energy sector with Exxon Corporation in 1965. He then earned his doctorate in economics from the University of Houston and continued his career in the Federal Regulatory Commission and Department of the Interior. Returning to the private sector, Lay took a series of executive positions in the energy field before assuming the office of chair and CEO of Houston Natural Gas in June 1984.

As CEO of Houston Natural Gas, Lay was instrumental in securing the \$2.3 billion merger with InterNorth the following year. A fierce advocate of deregulation, Lay envisioned a new company that would go beyond traditional natural gas distribution into the arena of commodities trading, which was a crucial change ushered in by the Natural Gas Act of 1978. Commodity trading involves investors buying or selling a physical substance such as food or metal. Trading is usually done through a futures contract, which is a legal agreement by the investor to buy or sell the commodity at a designated time in the future.

Lay's concept was an innovative one for the industry, which was still adjusting to the changes implemented under deregulation. While some industry executives were skeptical of the new company's direction, Lay found an able supporter in

Wall Street financier Michael Milken, who helped finance the deal that brought Enron into existence. Even after Milken's conviction on insider trading charges, he remained an inspiration to Lay's commitment to build an aggressive and innovative enterprise.

Lay was named chairman and CEO of Enron in February 1986 and immediately put his personal stamp on the new corporation. Fostering an intensely competitive spirit among its colleagues, Enron's corporate culture thrived on pitting executives against one another to see who could make the best deals. Annual performance reviews became legendary for their ferocity; under the system, one-fifth of the company's employees were given the lowest rating and reassigned or fired accordingly. Desperate to avoid being ranked at the bottom, Enron executives engaged in infighting that often crossed ethical lines. As Marie Brenner described the process in an April 2002 *Vanity Fair* profile of Enron entitled "The Enron Wars," "Your picture was displayed, and your colleagues blasted your job performance, knowing that their own advancement depended on your demise. Originators of deals might find that their numbers had been tampered with so that in the performance review their deal structures no longer made sense. 'Because of the complexity of the math, it could take you weeks to

figure out what had been changed, and by that time your deal was shot down or you were fired,' one former associate recalled."

Despite the sometimes ruthless machinations at Enron, Lay cultivated a high profile in Houston as a philanthropic leader, along with his second wife, Linda. In addition to raising funds for the city's ballet, art museum, symphony, and Holocaust center, Lay led efforts to build a new baseball stadium for the Houston Astros. When it opened in April 7, 2000, the new, \$280 million home of the Astros bore the name Enron Field. In addition to the naming rights, the company won a \$200 million contract to provide power to the ballpark and received some additional tax breaks from the city of Houston.

Lay was also successful in hiring some of the brightest business school graduates to the city. Among his key hires were Jeff Skilling, a former consultant who held an MBA from Harvard, and Andrew Fastow, a Tufts University graduate who had married into one of Houston's wealthiest families. Skilling took Lay's place as Enron's CEO in February 2001 after Lay stepped aside, and Fastow served as chief financial officer.

Like other energy industry executives, Lay formed close ties with the state and political establishments that influenced public policies related to his business. Lay led efforts to bring the 1992 Republican Party Convention to Houston and was a leading supporter of George Bush's race for the presidency in both 1988 and 1992. Between 1992 and 2000, Enron contributed \$5,691,893 to both major parties and their candidates. In U.S. Senate races, Republican candidates received about 79 percent of all contributions; in the U.S. House, Republicans got 57 percent of the total. Lay and his wife gave an additional \$793,110 to the Republican Party between 1988 and 2000. Of that total, the Lays delivered \$550,025 to George W. Bush for his Texas gubernatorial and later presidential runs.

Lay was one of the political insiders named to Bush's Pioneers team of major political donors; members had to contribute at least \$100,000 to qualify for membership. The Lay-Bush partnership was so close that Kenneth Lay earned the nickname "Kenny Boy" from the future president. When President Bush directed Vice President Dick Cheney to conduct an energy policy review in the spring of 2001, Lay was the only energy industry executive to meet one-on-one with the vice president.

Between 1998 and 2000, Enron's revenues climbed from \$31 billion to over \$100 billion, and the company's market capitalization—measured by

the total value of its issued stock—increased to approximately \$60 billion as the stock market drove Enron's share prices higher. While in 1990 80 percent of Enron's profits had come from its pipeline business, the company's profits from energy trading accounted for the same percent of its profits just ten years later. In its pipeline business, Enron delivered natural gas to utility companies through its own network of pipelines; in a tightly regulated market, the company could count on steady revenues from its physical assets.

As it moved into trading future shares of energy commodities in a less regulated environment, however, the company's leaders believed that the Enron's profits from energy trading could far outstrip its traditional pipeline revenues. Jeff Skilling even went so far as to advocate stripping Enron of all its physical, bricks-and-mortar assets to focus solely on energy trading. To Wall Street investors, Skilling had a point. By redirecting its business operations, Enron had become the seventh-largest company listed on the *Fortune* 500 by 2001. The magazine also named Enron the most innovative on its list of admired companies a total of six times; in 2000 it was also named best managed company.

Typical of the tributes was a March 2000 article in *Fortune* that compared Enron's aggressive business practices to Elvis Presley's revolutionary impact on popular music and, improbably enough, Ken Lay's confidence and acumen to Star Trek's brave and visionary Captain Picard. In contrast to his later claims of ignorance of the company's practices, Jeff Skilling was described as an ambitious, yet family-centered man who wanted to be close to Enron's traders while they worked. In the months to come, each of these descriptions would come under drastic reevaluation.

Warning Signs

Enron's ability to manipulate the business media was one of its greatest assets. Not only did the company manage to keep stories about its spectacular investment failures from making headlines, it was able to spin several of them into success stories. Its \$3 billion investment in a power plant near Bombay, India, was hailed as the largest foreign direct-investment project the country had ever seen. The April 2000 *Fortune* article "The Power Merchant" by Brian O'Reilly claimed that Enron "spearheaded an overhaul in the way [India] does business," and added, "Enron isn't finished with changing India." Despite the accolades, Enron's venture into India resulted in an estimated \$1 billion loss to the company. Its officials were nevertheless able to reshape the story into another Enron

triumph and gained credit for revamping India's business and arbitration laws.

On occasions when reporters approached the company's operations with a more critical eye, Enron executives simply intimidated writers from reporting their observations about the corporation. In one of the more balanced stories about Enron, the *Fortune*, March 2001 article, Skilling ended one line of questioning by claiming that the inquiry was "unethical" and simply slamming the phone down, terminating the interview. It was only months later, after Enron's collapse, that this detail was reported by the magazine in its coverage of the company. Instead, the March article had skimmed over some of the questions about Enron's accounting practices before summarizing its continued success as a Wall Street wonder.

Just as reporters and analysts were blinded by the apparent success of Enron and intimidated by the arrogance of its executives, those inside the company were persuaded to go along with business as usual, even when they had evidence that the company's dealings were unethical, if not downright illegal. Jan Avery, who went to work for Enron as an accountant in 1993, discovered the company's dubious accounting procedures when she was asked to close the books on one of the corporation's subsidiaries, Enron Oil. There were few financial records left from Enron Oil, yet Avery was ordered to write a report that showed a \$142 million loss for the company.

As she investigated the case, Avery found that the company's loss had already been declared as \$85 million to the Securities and Exchange Commission (SEC). Apparently, Enron's executives had hidden the loss in order to cover up insider trading practices in the subsidiary in 1985—in fact, from the very start of Enron's existence as a corporation—and to hide the true extent of the loss from Enron's shareholders. As Avery concluded in Marie Brenner's April 2002 *Vanity Fair* profile of Enron, "The Enron Wars," "It was clear to me, even then, that the management wanted as few people as possible to have any access to the records. It was the beginning of management's attempt to hide records from the SEC and the shareholders."

Under chief financial officer Andrew Fastow, Enron's business practices grew even more questionable over the years. In order to make the current balance sheets at Enron appear healthy, Fastow ordered the company's accountants to log projected profits from Enron's divisions as current revenues, a practice known as "monetization." Invoked on a grand scale in the \$100 billion business,

Fastow's monetization of Enron turned it into an elaborate pyramid scheme, where the company's future was inextricably linked to securing even larger deals to cover projected revenues that had already been booked as profits.

Confident that Enron would continue to grow and prosper, Fastow flatly rejected criticism of the practice. Marie Brenner recounted one such exchange between Fastow and Cynthia Harkness, an Enron attorney, in the April 2002 *Vanity Fair* report, noting that Harkness asked Fastow about the logic behind this practice: "Andy, it seems to me that if you do a ten-year deal, and you suck all the earnings out in one year, you will then have to keep the profit coming through years four, five, six, and all the way to ten, by doing more of these deals. . . . How are you going to do that if the market changes? Book more deals?" Though Harkness was aware that Enron's accounting department had agreed to the plan, it looked like a pyramid scheme. Fastow replied, "Yes, you have to keep doing more of these deals each year."

Enron's use of a multitude of Enron subsidiaries—or "special purpose entities"—to keep losses off of Enron's books contributed to the murky financial picture of the company. Typical of the subsidiaries was Enron's Joint Energy Development Investments (JEDI) arm, which the company did not disclose in its accounting reports. When a major investor withdrew from JEDI to put its money into another Enron subsidiary, Enron kept JEDI afloat by loaning and guaranteeing another one of its subsidiaries, Chewco Investments, \$372 million to put into JEDI.

As a result of the deals, Enron had now assumed most of JEDI's debt and the additional loans to Chewco. Instead of finding an outside partner to share the risk in the venture—a crucial fact to any astute investor—Enron had assumed almost all of the entire risk itself. Compounding the irregularity, the multimillion-dollar transaction was kept quiet because JEDI was not listed on Enron's books. JEDI's losses were now coming directly out of Enron's pockets without its parent company ever reporting it.

In similar fashion Enron set up a series of investment subsidiaries under its control known as Raptors. Enron's Raptor subsidiaries took \$1.2 billion worth of shares of Enron stock to guarantee their financial soundness, an important asset for new investment firms entering into a volatile, technology stock-driven business climate. Under the plan, if the Raptors' investments turned sour, they would use the Enron stock to pay back the com-

pany. Enron even declared the \$1.2 billion in promissory notes that it received from the Raptors as an asset on its balance sheet, even though it was essentially hedging losses in its own subsidiary. When some of the major telecommunications investments made by the Raptors indeed plummeted in the dot com bust and Enron's own stock went into decline in March 2001, Enron was forced to liquidate the Raptors. The move erased a declared \$1.2 billion asset from its books along with an additional \$35 million payment to some of the Raptors' outside investors.

In addition to the loss-hiding Enron partnerships, Fastow also set up his own partnership, LJM2, to make deals for Enron. As a consulting agency, LJM2 took about \$11 million for helping to set up each Raptor subsidiary. It also used Fastow's position as Enron's CFO to make aggressive sales pitches to outside investors, who were promised unique access to Enron's deals through Fastow's positions as head of LJM2 and CFO of Enron. In reality, LJM2 was used to hide losses from Enron's bottom line. In one typical deal, LJM2 bought a power plant in Poland from Enron for \$30 million in late 1999, giving Enron a \$16 million profit. When it turned out that the power plant was inoperable, Enron bought the plant back from LJM2 in March 2000 for \$31.6 million. The move kept LJM2 from incurring a huge loss and allowed Enron to declare a \$16 million profit, even though it had actually lost \$1.6 million through the series of transactions.

One of the few Enron executives to question the company's practices was vice president of corporate development Sherron Smith Watkins. Watkins had been openly skeptical about Fastow's monetization policies at Enron and became concerned enough to deliver a six-page, detailed outline of questionable practices at the company to Lay on August 22, 2001. "I am incredibly nervous that we will implode in a wave of accounting scandals," Watkins warned Lay ("Letter to Kenneth Lay"). She asked, "Is there a way our accounting gurus can unwind these deals now?" noting that after the Condor and Raptor deals of 1999 and 2000 respectively the company experienced impressive and high stock prices. Several Enron executives sold stock at this time. "[W]e then try and reverse or fix the deals in 2001 and it's a bit like robbing the bank in one year and trying to pay it back two years later. Nice try, but investors were hurt, they bought at \$70 and \$80/share looking for \$120/share and now they're at \$38 or worse," Watkins stated. She went on to say that the company and its executives were being highly scrutinized and a few disgruntled employees

with enough knowledge about the accounting practices could cause trouble.

In response, Lay turned the letter over to Enron's law firm, Vinson and Elkins, who conducted a review and rejected Watkins's concerns. The law firm also rejected further investigation of Enron's deals by an outside investigator. Months later, Watkins was hailed by many as one of the few Enron executives with a sense of ethics, although some questioned her continued loyalty to Lay, whom she claimed was probably duped by Skilling and Fastow into signing off on some of the more questionable deals.

Sliding Towards Bankruptcy

Enron's stock hovered over \$80 a share through the first half of February 2001, not far off its high the previous year of \$95. Indeed 2001 promised to be another banner year for Enron. In December 2000 Congress took steps to deregulate trading in energy derivatives, a boon to Enron's business. One month later, rolling blackouts in California sent energy prices skyrocketing, another positive trend for the company. Lay's close contacts with George W. Bush also promised to put the company in good stead in terms of the nation's energy policy. Once Vice President Cheney set up an advisory panel, Lay was the only energy industry executive to meet individually with him. Lay, who gave \$100,000 to the 2000 inaugural committee, also served on President Bush's transition team.

Enron's stock lost some of its luster during the summer of 2001 as the California energy crisis abated and Congress set caps on electricity prices in the west. Yet the surprise announcement on August 14 that Jeff Skilling was resigning as CEO sent the stock into an immediate ten-percent decline. Lay resumed his duties as CEO in the wake of Skilling's departure and rallied Enron's employees to the company's cause. In addition to public statements of confidence, Lay told employees in a mass meeting on September 24 to take advantage of Enron's relatively low stock price. In the meantime, Lay was selling large amounts of his Enron stock options back to the company—\$20 million of Enron stock in the six weeks before the Enron pep rally. In all, Lay received \$205 million in stock-option profits between 1997 and 2001.

To Enron insiders such as Sherron Watkins, Skilling's resignation was a moment of crisis. As she predicted to Lay in her letter of August 22, "Skilling's abrupt departure will raise questions of accounting improprieties and valuation issues. . . . Skilling is resigning now for 'personal reasons' but I think he wasn't having fun, looked down the road



ENRON HAD AGREED IN 1999 TO PAY OVER \$100 MILLION IN RETURN FOR THE HOUSTON ASTROS BALLPARK BEING NAMED ENRON FIELD. AFTER THE COMPANY'S FINANCIAL COLLAPSE, WORKERS REMOVE A SIGN IN FEBRUARY 2002 WITH THE CORPORATION'S LOGO. THE BALLPARK WAS RENAMED ASTROS FIELD. (Photograph by Pat Sullivan. AP/Wide World Photos. Reproduced by permission.)

and knew this stuff was unfixable and would rather abandon ship now than resign in shame in two years." Within weeks, Watkins's worst fears were realized.

On October 16 Enron announced a \$618 million loss for the third quarter; it also admitted a \$1.2 billion loss in equity—the total value of the company's assets after its liabilities had been tallied—due to bad investments. On November 8 the company announced a revised profit statement covering the prior four years, which lowered the company's earnings by almost \$600 million. Faced with

a financial crisis, Lay entered into abortive merger discussions with Enron's chief rival, Dynegy. Unable to secure bank financing to allow it to meet its immediate debt payments—a crucial issue once Enron's debt fell below investment grade status by investors—Enron filed for bankruptcy in a New York court on December 2, 2001.

Collateral Damage: Arthur Andersen

The accounting firm of Arthur Andersen had been brought in to close the books on the Enron Oil scandal in 1987. Enron's executives were impressed by the firm's willingness to present the com-

pany's financial statements in the most optimistic light possible—even if it meant blatantly hiding some of the company's multimillion-dollar losses. Arthur Andersen oversaw all of Enron's accounting reports after 1993 and eventually handled the company's business in offices in Chicago; Houston; Portland, Oregon; and London, England.

The smallest of the “Big Five” accounting firms in the United States, Arthur Andersen's other clients included Sara Lee, Abbott Laboratories, Kerr-McGee, Delta Air Lines, Texaco, Federal Express, and Merck. Andersen provided accounting services for about 20 percent of the United States' publicly traded companies. By 2001 its relationship with Enron generated \$52 million in revenue for Andersen, \$25 million for its auditing services, and an additional \$27 million for consulting work. While its Enron contracts were only a fraction of its almost \$4.5 billion in North American revenues for 2001, Enron was Andersen's largest corporate client in its Gulf Coast region. Like Enron, Andersen was also a major contributor to the Republican Party. It ranked as the fifth-largest political donor to George W. Bush's 2000 presidential race and the head of its Houston office, D. Stephen Goddard, was a \$100,000 Pioneer member in Bush's inner circle in Texas.

With the announcement on October 16, 2002, that Enron had taken a \$1.2 billion reduction in shareholder equity, Andersen's role in Enron's corporate affairs immediately came under scrutiny. The following day, the SEC formally began an investigation of Enron and sent requests for documentary information to the company. By the end of the week, Enron had conferred with Andersen regarding the SEC investigation, and it was agreed that the accounting firm would begin to assemble the documents related to the SEC's inquiry. As alleged in a complaint later brought before a grand jury by the U.S. Department of Justice (DOJ) in the U.S. District Court for the Southern District of Texas, Andersen's next steps constituted obstruction of justice.

According to testimony in *United States of America vs. Arthur Andersen* (U.S. District Court Southern District of Texas), one day after a meeting of Arthur Andersen's partners at Enron a “wholesale destruction of documents at Andersen's offices in Houston, Texas” occurred. The ensuing weeks saw more document destruction, of paper records and computer files. “. . . [T]o handle the overload, dozens of large trunks filled with Enron documents were sent to Andersen's main Houston office to be shredded. A systematic effort was also

undertaken and carried out to purge the computer hard-drives and E-mail system of Enron-related files.”

According to the complaint, the shredding and deletions continued at offices in Houston, Chicago, Portland, and London until Andersen itself was served with an SEC subpoena on November 8, 2001. After reviewing the DOJ's complaint, the grand jury returned an indictment against Andersen on March 7, 2002 which was made public one week later.

The fact that the DOJ filed criminal charges against Andersen stunned the financial world. It also represented another grave misstep on the part of the accounting firm. DOJ attorneys had attempted to solicit Andersen's full cooperation in its investigation, a primary reason why the DOJ had held off from unsealing the indictment. For its part, Andersen portrayed itself as the victim of a government conspiracy. It noted in its press releases that it had, at first, cooperated with the DOJ and claimed that the firm had alerted federal authorities about the shredding. While the firm admitted in a press release on March 14 that “the expedited effort to destroy documents was confined to a relatively few partners and employees of the firm and was almost entirely limited to the Houston office,” it insisted that the firm as a whole was without blame.” The action taken against Arthur Andersen, by the U.S. Department of Justice today is without precedent and an extraordinary abuse of prosecutorial discretion,” it stated. “Given the circumstances in this case, this is a gross abuse of government power.”

While Andersen had already fired David Duncan, the lead accountant on the Enron team, its latest effort at damage control backfired. After losing several major clients—including Sara Lee, Merck, and Delta Airlines—the firm was also barred from doing accounting work for any federal agency. Andersen had already been fired as Enron's accountant on January 17, 2001. As its foreign offices deserted the firm to affiliate with Andersen's rivals, its American office attempted to merge with another Big Five agency.

The release of the DOJ indictment and fears of assuming its future liabilities related to Enron's fate effectively quashed the firm's desperate efforts to team up with one of its rivals. So too did publicity over Andersen's other legal troubles, including its past role in approving fraudulent accounting at Sunbeam in the 1990s and its \$217 million settlement for mismanaging accounts at the Baptist Foundation of Arizona.

Hiring former U.S. Federal Reserve chairman Paul Volcker to review Andersen's policies, the firm hoped to put the scandal behind it, even as its clients and foreign affiliates fled. Its troubles continued with the abrupt resignation of CEO Joe Berardino on March 26, 2002. In an announcement released by the firm, Berardino took responsibility for the company's dire predicament. "I have concluded that my continuing as Worldwide CEO could become an impediment to the efforts of Mr. Volcker and many others to save the U.S. firm," Berardino's statement read. "The fact is that the improper shredding of documents took place on my watch—and I believe it is now in the best interests of the firm for me to step down from the CEO position."

Campaign Finance Reform

As Andersen engaged in public relations battles to keep afloat and Enron's remaining executives struggled to keep the bankrupt company going, attention shifted to the political arena with the first Congressional hearings into the affair on December 12, 2001. Lay, who had resigned as Enron's CEO on January 23, 2002, backed out of his initial agreement to testify, but a subpoena compelled his appearance on Capitol Hill on February 12, 2002. Taking the Fifth Amendment to avoid self-incrimination, Lay refused to answer the questions put to him; Fastow followed the same tactic when he was called to testify.

Five days earlier, Skilling had also appeared before one of the numerous Congressional committees now looking into Enron's practices. The former CEO insisted that he knew little of Enron's accounting practices or of its many special purpose entities. Skilling's professed ignorance was questioned by Watkins when she appeared before the House Committee on Energy and Commerce. Watkins still believed that Fastow and Skilling had somehow duped Lay into believing that Enron's accounting practices were legitimate.

While the refusal of Lay and Fastow to testify and the seemingly incomplete nature of Skilling's testimony generated renewed criticism of the executives, their appearances also raised questions of Enron's prior undue influence on the very body that was now investigating it. Members of the Senate Committee on Government Affairs, which was looking at possible regulatory violations by Enron, had received a total of \$154,801 in campaign contributions from Enron and Andersen during the 1990s. The Senate Committee on Energy and Natural Resources had received a total of \$388,839 from the two companies; the committee's members

were now charged with looking into how Enron's practices had potentially cheated consumers. The Senate Commerce, Science, and Transportation Committee—now investigating possible negligence on the part of Enron—had received a combined total of \$440,369 from Enron and its accounting firm. In the House, members of the Finance Committee, who had received \$386,913 from Enron and Andersen, were now responsible for investigating securities and accounting fraud. Perhaps the most significant investigative body of all, the House's Energy and Commerce Committee, had gotten \$626,639 in campaign contributions for its members from Enron and Andersen.

As current and former Enron executives were called before Congress during the February 2002 hearings, their appearances gave momentum to Senator John McCain's long battle for campaign finance reform legislation. The Republican had made the issue the centerpiece of his 2000 presidential run and had continued to battle the Bush administration in his efforts to get such a bill through Congress. Sensing that public support had reached a peak with the Enron hearings and that the White House was vulnerable on the issue, McCain rallied enough bipartisan support to get the measure enacted.

Banning most "soft" money donations to political parties from corporations, unions, and individuals—money that the parties could use in almost any way they saw fit, including issue-oriented advertising, voter registration drives, and campaign literature—the legislation also limited the amount of "hard" money given directly to candidates in federal elections. The new law banned contributions from foreign citizens to any election and also placed limits on certain kinds of political advertising in the weeks before an election. Although he had opposed the measure, President Bush quietly signed it into law on March 27, 2002, before leaving on a two-day fundraising tour that brought over \$3 million to Republican Congressional candidates in South Carolina and Georgia.

Access to the White House: Cheney and the GAO Lawsuit

In the midst of fighting McCain's campaign finance reform bill, the Bush administration faced additional challenges over Enron's alleged influence on its energy policy initiatives. As Senate committees probed charges of Enron's influence peddling, the Government Accounting Office (GAO) sent a series of requests to the White House for information on how it had conducted its spring 2001 energy policy review. The task force for the review

EXCERPT FROM A LETTER FROM HOUSE REPRESENTATIVE HENRY A. WAXMAN TO ATTORNEY GENERAL JOHN ASHCROFT

January 10, 2002

Dear Attorney General Ashcroft:

According to press reports, the Justice Department's criminal division in Washington, D.C., has opened an investigation of Enron Corporation. This is a significant step in ensuring that the very serious allegations of fraud and self-dealing that have been leveled against the company and its officers and directors are thoroughly investigated and, if appropriate, prosecuted. The Department's investigation can help to shed light on the mysterious events surrounding the sudden collapse of the seventh-largest company in the country.

As welcome as the Department of Justice's involvement is, it raises an awkward question regarding your own personal background with Enron. As you know, during your last election campaign in 2000, Enron was one of your largest contributors. In total, you received \$55,000 from Enron's PAC and Kenneth Lay, the CEO of Enron. On October 31, 2000, just one week before the election, Mr. Lay himself gave \$25,000 to the "Ashcroft Victory Committee." The amount of Mr. Lay's contribution was many times greater than the maximum allowable contribution by individuals to federal candidates, which is just \$2,000, and it appears to have been given in a manner that many campaign finance experts believe thwarted the intent of election laws.

At this time, I am not writing to recommend a specific course of action for you, but rather to seek your thoughts about the impact of your previous association with Enron.

The Justice Department's Manual for U.S. Attorneys provides that "[w]here there is the appearance of a conflict of interest, the United States Attorney should consider a recusal." I am interested in your views on whether your previous connections with Enron would pose either a "conflict of interest" or an "appearance of a conflict of interest" that would warrant a recusal. I would also like to know whether you are considering other measures to ensure the impartiality of the Enron investigation

The Enron collapse is a scandal of significant proportions. It clearly warrants thorough investigation by the Justice Department and congressional committees. At a minimum, I would hope that you would immediately fully disclose your past background and contacts with Enron and seriously consider whether it is appropriate for you to be involved in the criminal investigation of Enron.

Sincerely,
Henry A. Waxman
Ranking Minority Member
One Hundred Seventh Congress
Congress of the United States
House of Representatives
Committee on Government Reform

Henry A. Waxman. Letter to Attorney General John Ashcroft Requesting Recusal from, or Removal from Involvement in, the Enron Matter. Printed in the Washington Post on January 10, 2002. Available online at http://www.washingtonpost.com/wp-srv/business/daily/transcripts/enron_keydocuments.html. Public domain.

was led by Vice President Cheney, who had met with numerous energy industry officials during the course of the review; in all, 64 of the 65 people brought before the review board were industry executives or lobbyists, including Enron officials. Hoping to deflect the controversy, Cheney insisted that Enron's financial problems were never discussed in the meetings. Yet he refused to cooperate with the GAO's request for the notes and minutes of his task force's meetings by claiming that the administration had the right to keep such matters secret.

Considering the public policy nature of the board's work, most Americans disagreed with the vice president. A *Newsweek* poll in February 2002 showed that 60 percent of Americans supported Congress's right to investigate Cheney's work over the administration's right to privacy on the matter. On February 22, 2002, the GAO filed a lawsuit against the administration to investigate the

records; the DOJ instructed the White House not to destroy any documents related to its Enron ties. Citing the need for confidentiality and security, the Bush Administration continued to reject calls to turn over all of the requested Enron documents, although it did begin to turn over thousands of pages of materials to Senate investigating committees in early June 2002.

Corporate Reforms

In the wake of the Enron scandal, public companies across the United States scrambled to avoid being cast in the same light. Some companies, such as Tyco International and Qwest Communications International, faced questions about their financial stability by inaugurating weekly conference calls with stock analysts, reporters, and shareholders. General Electric decided to include far more financial data about its individual business segments in its annual report; instead of reporting on 12 of



A FORMER ENRON EMPLOYEE ATTENDS A RALLY IN HOUSTON, TEXAS, IN JANUARY 2002. ENRON WORKERS FOUND THEMSELVES SUDDENLY UNEMPLOYED, AND THEIR RETIREMENT JEOPARDIZED, WHEN THE COMPANY PUBLICLY ANNOUNCED ITS FINANCIAL TROUBLES. (Photograph by Pat Sullivan. AP/Wide World Photos. Reproduced by permission.)

its divisions, its 2001 annual report would include information on 26 separate industrial and financial services divisions.

In addition to disclosing more of their financial information, other companies announced that they would stop using some of the more questionable accounting methods that had brought Enron down. For its 2002 earnings statement, Wal-Mart clearly outlined the bottom-line boost it received from a change in the amortization laws, which regulate the repayment of loans by installment, instead

of showing it as a non-specified contribution to its profit. Apple Computer also joined the list of companies that barred its accounting firm from also working as its consultant.

As *Fortune* bluntly described the jolt that Enron gave to the United States' corporate culture in a February 18, 2002 review by Stanley Bing ("Lessons from the Abyss"): "There's something terribly rotten with American business right now, and it's making a lot of us sick. All the new-economy lying and cheating that went on back in the '90s has come back to bite us in the you-know-what." Bing goes on to state that the time for excuses, extended deadlines, and additional credit is past. "Even as Wall Street gazes hopefully at signs of recovery, the market is ruthlessly separating the haves (as in, your numbers are on the level) from the have-nots (your numbers stink!)."

RECENT HISTORY AND THE FUTURE

Together with the terrorist attacks of September 11, 2001, Enron's spectacular fall led to a reevaluation of many other facets of contemporary American life. The media's role in helping to sustain the corrupt corporation's fortunes for so long was one area of speculation as several well-known journalists revealed that they had been on Enron's payroll. Lawrence Kudlow, a contributing editor to the *National Review* and co-host of a show on CNBC, received \$50,000 for giving two speeches at Enron. The company paid *Fortune* columnist Paul Krugman the same amount for four days of service on its advisory board. *Weekly Standard* editor Bill Kristol took \$100,000 for working on the same board for eight days over two years. Media pundit Peggy Noonan was another familiar name on the Enron list of consultants; she received up to \$50,000 for working with Lay on his speeches and annual reports.

Each of the journalists insisted that no ethical standards had been transgressed, but the argument seemed unconvincing to many observers. As journalism professor Keith Woods of the Poynter Institute commented to National Public Radio's *Morning Edition* on February 8, 2002, "I can't say that I've ever heard of any case even this close in terms of an organization attempting to influence journalists by paying such large sums of money for a relatively small amount of work. You can only conclude that this was an attempt to befriend somebody for reasons other than the work they were performing."

Enron's money trail also threatened to define the 2002 political season, as contributions from the company came back to haunt several political hopefuls. In February 2002 the Democratic Party in North Carolina aired commercials that exposed Republican Senate candidate Elizabeth Dole's acceptance of \$20,000 at a September 20, 2001, fundraiser chaired by Ken Lay in Houston. Dole was also criticized for holding the event so soon after the terrorist attacks of September 11. In Colorado, incumbent Republican senator Wayne Allard was challenged for his past opposition to conflict-of-interest legislation that might have prevented some of the Andersen-Enron abuses by limiting the ability of accounting companies to serve as both auditors and consultants to their clients.

While Enron's money had not gone only to Republican officials, a vast majority of it had ended up in GOP hands during the previous election cycle. In light of the party's ties to Enron, Democrats planned to highlight the issue during the next round of elections. As Janet Hooks of the *Los Angeles Times* quoted the Democratic Party's strategic analysis in her February 2002 article "The Fall of Enron: Ties to Enron Pose Vexing Problem on Campaign Trail," "Enron has the potential to shape the entire political environment for 2002, impact other issues, and reduce confidence in the Bush administration and Republicans." For a Democratic Party struggling to counter Bush's popularity for his stand against terrorism, the Enron scandal seemed like a winning issue.

More ambiguous was the company's ultimate effect on the American economy. Coming as it did so soon after the September 11 attacks, Enron's implosion seemed to confirm that the economy was in a slump, if not an outright recession. When Kmart, the nation's second-largest discount retailer after Wal-Mart, announced its own bankruptcy filing on January 22, 2002, some analysts blamed the "Enron effect" for triggering the crisis. While the retailer had experienced a slight decline in sales during the crucial holiday shopping season, tighter controls on credit in the insurance industry brought on a financial crisis. Like Enron and many other companies, Kmart received credit by posting surety bonds to creditors that guaranteed its debt by promising repayment out of its future earnings.

Once Enron made the surety market unstable by its collapse, fewer creditors were willing to extend repayment terms to companies with uncertain futures, such as Kmart. Kmart's creditors thus demanded an estimated \$600 million in cash, making it impossible to meet its obligations to its vendors. As Karen Taleski described the chain of events in

the *Detroit Free Press* article "Enron's Fall Sped Kmart into Tails핀" on January 27, 2002, "If suppliers started looking around at Enron—another Standard & Poor's company that shut down within weeks—then they heard the report about a possible Kmart bankruptcy, they probably started to tighten up on terms, asking for more cash." With \$16.3 billion in assets, Kmart had been the sixth-largest corporation to ever declare bankruptcy.

But what about Enron, the largest-ever bankruptcy? As it worked its way through bankruptcy court, Enron attempted to regroup and refocus on its core assets. Enron Wind, a manufacturer of wind turbines, was sold to General Electric in February 2002. On February 27, 2002, Enron agreed to remove its name from the Houston Astros' baseball field in exchange for \$2.1 million. Its merger talks with rival Dynegy had failed, but it retained about \$1.5 billion in cash that Dynegy had advanced it during their negotiations. The payment became the subject of another lawsuit against Enron, joining the action by former Enron employees against Lay for urging them to keep their Enron stock even while he was selling massive chunks of his own.

Under an agreement with Swiss-based UBS Warburg in January 2002, Enron sold the rights to its energy contracts but would continue to receive one-third of the profits from the transactions for ten years or until Warburg purchased Enron's remaining royalty rights. Enron also retained its core asset—30,000 miles of interstate natural gas pipelines—which gave it control of about 15 percent of the nation's natural gas transmission capability. The company's other major remaining assets included Portland General Electric, the energy supplier for 1.4 million customers in Oregon; Wessex Water, a utility with 1.2 million customers in southeast England; and EOTT Energy, a crude oil transporter. Based on the value of its existing energy contracts and other assets, Enron—with 19,000 people on its payroll—continued to rank as the fifth-largest corporation on the *Fortune* 500 list announced in April 2002.

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Timothy G. Borden

EUROPEAN UNION: ADVANCEMENTS AND DELAYS IN EUROPEAN INTEGRATION

THE CONFLICT

As the European Union (EU) expands its membership and settles into its new single monetary system, the need for clear and democratic processes rises. The possibility of creating a new constitution for the EU is being promoted, but opposition to expanding the EU's powers over those of the individual European nations remains great. Although the role of the EU is larger than ever before, there are many differing views within the community about what exactly its function should be.

Political

- European Union nations have had differing viewpoints regarding the expansion of the EU's powers in recent times. Until recently, the existence of the EU had little impact on the everyday citizens of the EU's member nations. The introduction of the euro and the decommissioning of national currencies in 2001, however, have had profound effects on citizens in the participating countries, among them the concern that European "unity" will supersede or threaten national culture and identity.
- With a likely expansion of the EU to 26 members, which would encompass a population of 500 million, issues such as democratic representation and accessibility to individual nations' populations have become of greater concern to EU member states.
- From 1970 to 1990, the decision makers of the European Community (later named the European Union) began to develop routine interactions. The Community became the preferred mechanism for dealing with conflicts among the member states. The future admission to the EU of the states of central and eastern Europe will bring in millions of people who have no history within European Union institutions and have significantly different visions of the role of government, perhaps threatening to undermine the EU's equilibrium.

On December 14, 2001, leaders of the European Union (EU) converged on Laeken, a suburb of Brussels, Belgium, for one of their semi-annual summits. By tradition this summit was hosted by the outgoing EU president, Belgian prime minister Guy Verhofstadt. The Laeken Summit came during a significant period of transition for the Union. Within weeks the paper currencies of 11 of its 15 members would be replaced by a new universal currency, the euro, an event unprecedented in recent history. At the same time, more than a dozen new countries from central Europe appeared to be on the verge of membership.

The concept of the European Union came into being on May 9, 1950, when six European nations agreed in the interest of peace to cooperate in matters to do with steel and coal. At that time the member nations were: Belgium, Germany, France, Italy, Luxembourg, and the Netherlands. There was little thought when these nations pooled their commercial interests that the federation would grow and change its function drastically. Today, the EU has 15 member states and is preparing for the accession of 13 eastern and southern European countries. At this time, the EU is neither a nation (as the United States) nor an international organization (like the United Nations), but a framework for economic and political cooperation.

Within the EU are several institutions that represent the whole union on matters of joint concern. To varying degrees these institutions can act on their own, with the authority of the member states behind them. As the EU expands, many believe it needs a stronger infrastructure to meet the demands of a large federation. For some members, the benefits of granting more power to the union are appealing. Security, trade, and diplomacy could be

CHRONOLOGY

800 CE Charlemagne is crowned the first Holy Roman Emperor. He unites the Germanic lands of present-day France and Germany with the Roman lands of Italy, beginning the Roman empire, which would wax and wane for the next millennium.

1866–1945 A series of civil wars divide Europe, starting with the unification of Germany and ending with World War II.

1871 France is defeated by a newly unified German state. The Germans absorb significant parts of France, including part of the resource-rich Lorraine.

1914–18 France regains its lost territories in Alsace and Lorraine from Germany in World War I at the cost of 25 percent of its manpower. France's harsh stance toward Germany after the war results in bitterness for many years to come.

1939–45 World War II devastates Europe.

1948 The North Atlantic Treaty Organization (NATO) binds the states of Western Europe to the United States. This reassures the French that the United States will protect Europe from another resurgence of German power. Over the long term, it also effectively removes security affairs from being the centerpiece of intra-European diplomacy.

1950 Foreign Minister Robert Schuman of France proposes that the countries of Western Europe pool their resources in the areas of coal and steel into a supranational authority in the Schuman Plan. Germany, France, Italy, Belgium, the Netherlands, and Luxembourg begin negotiations that lead to the European Coal and Steel Community (ECSC).

1957 The six countries of the ECSC sign the Treaty of Rome and form the European Economic Community (EEC). The EEC is initially designed as a cus-

toms union with the primary mission of removing duties of all sorts between the member states.

1963 A British application for membership in the EEC is rejected, largely because Charles de Gaulle opposed it.

1965 Charles De Gaulle boycotts a series of EEC meetings, eventually leading to the Luxembourg Compromise, the relegation of most key powers to the Council of Ministers, which is made up of representatives from the national governments.

1973 The European Community expands to include Britain, Ireland, and Denmark.

1981 Greece joins the EU.

1986 Portugal and Spain join the EU.

1987 The Single European Act is adopted, by which all barriers to trade and free movement between the member states are to be eliminated by 1992.

1991 The Treaty of Maastricht renames the European Union (EU) and seeks to broaden the political scope of the European project.

1997 The Treaty of Amsterdam seeks to simplify the institutions of the Union to allow for greater democracy and to prepare for the inclusion of as many as a dozen new members from Central Europe.

2000 The Treaty of Nice continues the quest for rationalized decision making within the EU.

December 14, 2001 Leaders of the European Union (EU) meet in Laeken, a suburb of Brussels, Belgium, for a semi-annual summit at which they take up the idea of a European Constitution.

2002 The euro becomes the sole currency of 15 EU members.

strengthened. For others, the idea of granting more sovereignty to the union causes great concern about reducing the sovereignty of the individual nations.

EU leaders at the Laeken Summit addressed what was perhaps the most radical of matters before it, the creation of a European Constitution. The idea of an EU Constitution is by no means accepted by all members. While some member states do favor advancing toward a federalized Eu-

rope, others view the union primarily as a unified trading position among sovereign states. Nevertheless, in the late 1990s, the members of the EU, at the Cologne summit, agreed to appoint a group of representatives to draft a document that spelled out the traditions and fundamental rights of the European Union.

By 2000 this body of representatives, the "Convention," had drafted the EU Charter of

Fundamental Rights. In the Treaty of Nice that year, the charter was accepted by the EU, and it was agreed that another round of constitutional discussions, along with public debate, over the upcoming four-year period would lead to an intergovernmental conference in 2004 for the purpose of creating a document—perhaps the European constitution—to set forth the distribution of powers between the members of the European Union and the roles of national governments within the union. At the Laeken meeting the leaders approved the plan of a commission to present proposed drafts of the constitution by early 2003.

Several weeks after the summit's close, Valéry Giscard d'Estaing, a former president of France, was chosen to preside over a year-long 105-person convention to review the EU's strengths and weaknesses and propose change. Among the issues the convention will examine are a possible European constitution and an elected EU president. It is expected that the convention will produce two blueprints: one, backed by Belgium and Germany, for a stronger confederation (although a federal super state was ruled out at Laeken); and one for a Europe comprised of individual nation-states, which is what Britain and Spain have advocated. Either way, the object of the convention's work will be to pave the way for yet another treaty (a document that will spell out the relations among members) in 2004 to cope with an enlarged union of thirty or more states.

The 2000 Treaty of Nice that spelled out these objects, however, was never ratified. Almost immediately, disagreement emerged between members over precisely what was meant by a "Constitution of Europe." The summit at Laeken was thoroughly disrupted by disagreement over which nations would get the important agencies of the union, most notably the food safety authority. The leaders were unable to overcome these seemingly minor disagreements. Up until this point, the European Union had been governed by a series of treaties, beginning with the Treaty of Rome signed in 1957 and most recently augmented by the Treaty of Nice. These treaties have created a hodgepodge of bureaucracies and have spawned regulations and structures that the general public outside of the EU officials in Brussels do not understand.

The treaties that have bound the European Union have always been strong; some would say strong enough to comprise a constitution, since some of the governing institutions within the union have the authority to make decisions that are binding on the member states. But there is so little con-

sensus among the member states on issues ranging from minor details up to the concept of federation that many believe a new treaty is needed to reform the operation of the EU: to bring clarity to the processes of joint decision making, not only to representatives but to the public as well.

Ambivalence from individual member states' governments and populace toward the idea of a new constitution was demonstrated when Ireland's voters rejected the provisions of the Treaty of Nice in a June 2001 referendum. Ireland, traditionally a staunchly pro-European country, rejected the treaty because the political opposition managed to portray the provisions of the treaty in an unsympathetic light to a populace who had a difficult time understanding what it intended.

All that EU leaders can agree on is the need to simplify the language governing the Union to make it more accessible to the public. Beyond that, however, officials are divided over how the EU should move forward. Germany and France, two of the more powerful countries that belong to the Union, are already discussing a "European Constitution" in grand terms. They would like to see a unified European Union with a strong central government, and have set the U.S. Constitution as an example of the direction they would like to take. To them, a stronger EU with sovereign powers could advance the political cooperation among European states on social policy, employment, asylum, immigration, police, justice, foreign policy and a common security and defense policy. They would also like to see the European Union take a leading role in world conflicts.

Britain has always been skeptical about increasing the powers of the EU. With Prime Minister Tony Blair at the helm, however, at Laeken Britain was behind many of the campaigns to reform and, in some cases, strengthen the union's authority. In England, however, a country that could not even agree to join in the common currency of the euro, there is great consternation about loss of the British national identity and loss of sovereignty. A British politician quoted in the December 6, 2001, *Economist* article "The Latest Battle for the Continent's New Shape" reacted to the ideas of a federation akin to the United States, by grumbling that, "all references to founding fathers and 1787 should be banned."

Viewed against the backdrop of an EU enlargement into eastern Europe and the implementation of the euro, discussions of a constitution were ambitious at best in light of the other important issues on the EU's plate. At the same time, the is-

sues that a constitution would presumably address, such as more transparent (available and understandable to the public) and democratic decision making in Brussels and the emergence of a European foreign policy, are made even more crucial by the ongoing expansion and monetary union. With a likely expansion to 28 members and a population of 500 million, it is essential that the citizens of Europe understand and participate in the EU government and that there are clear-cut procedures by which the EU leadership debates and reaches consensus for its part in governing Europe.

The key issue discussed at Laeken, as indeed at practically every summit since 1992, is how to make the EU more answerable to the people over which it exerts increasing power. They have also raised a fundamental questioning of the purpose of the Union: Is it primarily political or economic in nature and, perhaps more importantly, is it workable as a political entity?

HISTORICAL BACKGROUND

What is Europe? This is a question that has been asked since antiquity. It is not even really a continent—merely a peninsula of the Eurasian landmass that stretches from Vladivostok to Lisbon. Europe is as much a cultural idea as it is a geographical one. What makes Europeans European are unifying cultural symbols, from Aristotle to the teachings of the Bible. Politically speaking, Europe can probably be traced to the Romans—even though that largely excludes the significant Germanic influence on the continent. Never before, however, has Europe considered adopting a constitution to preside over its many nations and peoples.

European Civil Wars and World Wars

The first to unify the Roman and Germanic strains of Europe into a coherent state was Charlemagne, or Charles the Great, who was crowned the first Holy Roman Emperor in 800 CE. Charlemagne united the Germanic lands of present-day France and Germany with the Roman lands of Italy and began an empire that was to wax and wane in size and power throughout the next millennium. For the first time, Europe boasted governable states that, under the Roman empire, were united in leadership and policy. As the Roman empire disintegrated, the European states broke away into independent or conquered entities. It wasn't until 1806 that another effort was made to unify Europe under one leadership.

Napoleon of France attempted in 1806 to conquer the many states of Europe and incorporate

them under France's revolutionary banner, but he failed. In the wake of Napoleon's aborted unification attempt, there was a period of relative peace as new feelings of nationalism (intense ethnic or patriotic feeling) took hold in Europe. Nationalism in Europe increased markedly after the unification of Germany in 1866 during the Austrian War. The unified Germany took the lead in the rise of national and ethnic feeling and became an aggressor, conquering neighboring nations and precipitating the start of World War II (1939–45), which left much of the continent devastated.

The two principle protagonists in the European civil wars were France and Germany, which had competed for the political upper hand on the continent at least since the Thirty Years War (1618–48). France held the advantage for most of this period, but the defeat of Napoleon began a decline in French fortunes that culminated in France's defeat at the hands of a newly unified German state in 1871. The Germans were not particularly generous in victory and absorbed significant parts of France, including part of the resource-rich Lorraine. Forty years later the French attempted to redress this balance during World War I (1914–18), an extremely costly and ultimately futile war for France. While France regained its lost territories in Alsace and Lorraine, it came at the cost of 25 percent of its manpower that had fallen during over four years of bloodshed.

Operating at an even more pronounced demographic disadvantage after World War I, French policy was to try to keep the defeated Germans down as much as possible. This policy even included occupying the key German industrial area in the Ruhr Valley when Germany was unable to meet its steep reparation payments. France's unbending policy had the practical effect of alienating Great Britain and the United States, the two allies that had made its victory in World War I possible, and of embittering the Germans.

The effects of the Great Depression hit Germany particularly hard. The continuing German grievances over the Versailles Treaty signed at the end of World War I, coupled with resentment and fear of the outside world, led to the rise of radical movements in Germany. Most notable among these was the National Socialist or Nazi Party led by Adolf Hitler (1889–1945). After Hitler's appointment as chancellor in 1933, German economic and political policy became increasingly self-sufficient and focused toward exploitation of the weaker states of Central and Eastern Europe. Hitler saw eventual conflict with France and Britain as inevitable, but he was more concerned



ACTIVISTS LOBBY FOR A EUROPEAN CONSTITUTION DURING AN EU SUMMIT IN NICE, FRANCE, IN DECEMBER 2000. A SIGN READS, "ONE GOVERNMENT FOR EUROPE." SENTIMENT OVER WHETHER EUROPE SHOULD HAVE A CONSTITUTION IS MIXED. (Photograph by Patrick Gardin. AP/Wide World Photos. Reproduced by permission.)

with consolidating his position in eastern Europe against what he perceived as a greater threat: Russian communism under Joseph Stalin (1879–1953). Eventually, Hitler reached a short-term accommodation with Stalin over Poland, but ended up provoking France and Britain to war in the process.

The devastation of World War II dwarfed that of the first world war. By the end of the second war much of the industrial might of Germany was destroyed, along with significant parts of the rest of Europe. Russian forces were in position on the Elbe River in the middle of the country, and the Western Allies of the United States, France, and Great Britain occupied the rest of Germany.

Initial French policy toward Germany paralleled its policies following World War I. The continued involvement of Britain and, more importantly, the United States, helped soften the dislocations that followed the war, however. The emergence of the Soviet threat, which within a couple of years of the end of World War II was to precipitate the Cold War, led to the formation of the North Atlantic Treaty Organization (NATO) in 1948. This security treaty bound the states of Western Europe to the United States. The most important short-term effect of this treaty was its reassurance to the French that the United States would protect Europe from yet another resurgence

of German power. Over the long term, it also effectively removed security affairs from being the centerpiece of intra-European diplomacy.

A further American effort, the Marshall Plan, helped to rebuild the shattered economies of Europe and made economic rationalization more plausible. In desperate circumstances the governments of Western Europe were more likely to compete in a destructive manner with one another for economic dominance. The Marshall Plan helped to ameliorate those circumstances and, furthermore, encouraged the governments involved to cooperate in distributing the funds from the United States.

The Schuman Plan

In 1950 French foreign minister Robert Schuman proposed a radical solution to the problem of Franco-German rivalry when he suggested that the countries of Western Europe pool their resources in the areas of coal and steel into a supranational (beyond national borders) authority. At one stroke the Schuman Plan, as it became known, cut through the center of a number of thorny issues.

First of all, its motivation on the surface was to take the fractured nature of the European coal and steel industries and to rationalize them into one organization. At the same time it appealed to the French politically since it essentially accomplished what they had attempted during the 1920s without breeding German resentment: it gave them at least partial control over German coal and steel resources—considered key to the German capacity to rearm. On a deeper level Schuman felt that Europe's eternal civil wars could only be solved by a genuine Franco-German rapprochement, or return to cordial relations. He was joined in this belief by German chancellor Konrad Adenauer and other key German and French leaders.

The European Coal and Steel Community

In June 1950 Germany, France, Italy, Belgium, the Netherlands, and Luxembourg began the negotiations that were to lead to the European Coal and Steel Community (ECSC), a precursor of the European Union. While all of these countries eventually agreed to the treaty, they did so for differing reasons, and the consequences of the lack of shared vision are still with us today. As Derek Urwin points out in *The Community of Europe: A History of European Integration since 1945* (1991), the ECSC Treaty received wide support despite its complexity because it was a rather subjective agreement that allowed a variety of interpretations. "In that sense, ECSC was a child of a specific coal-

ition of interests and a conjunction of specific events. It came into being on the groundswell of the earlier federalist enthusiasm, while still being sufficiently limited and pragmatic to be deemed feasible by senior politicians who themselves were keenly interested in fostering moves towards greater and effective cooperation." Such a unity of interests, however, did not hold over time.

Even within the limited aims of the ECSC it was already clear that there were differing views of the scope and aims of the European project. The limitations of the ECSC from an economic perspective quickly became apparent. While some efficiencies were attained, without discretion over such key areas as transport there were hard limits to what could be achieved. One of the aims of the new organization was to give the struggling coal and steel industries a chance to compete with the vast industrial strength of the United States—further swollen at the time due to the legacies of the war. Within a few years it became clear from an economic perspective that a far broader customs union was required. (A customs union implies that all duties and tariffs between the member states be eliminated and that instead there is a uniform external tariff applying only to states outside the community's membership.)

The Treaty of Rome and the European Economic Community

Accordingly, in 1958 the six countries of the ECSC signed the Treaty of Rome and formed the European Economic Community (EEC). The EEC was initially designed as a customs union whose primary mission was the removal of duties, or taxes on imported goods, of all sorts between the member states. Advocates of European federalism hailed the agreement as the first step toward eventual political union. This treaty, like the ECSC treaty before it, gained most of its momentum from the economic rationale held by its signatories.

The most important initial ramification of the Treaty of Rome was, however, political in nature and would herald the interlocking nature of politics and economics in the European project. As significant as the formation of the EEC was in economic terms, it was equally significant in what it did not include: the membership of Great Britain. Britain was initially very skeptical about the European project. London looked at the formation of the EEC as a potential competitor to NATO as well as the shriveling British Empire. It was also quite concerned about the economic ramifications for its own trade with the rest of Europe.

INSTITUTIONS OF THE EUROPEAN UNION

The EU is run by five institutions, each playing a specific role:

European Parliament

Elected every five years by direct universal suffrage, the European Parliament is the expression of the democratic will of the Union's 374 million citizens. Brought together within pan-European political groups, the major political parties operating in the Member States are represented.

Parliament has three essential functions: It shares with the Council the power to legislate, i.e. to adopt European laws (directives, regulations, decisions). Its involvement in the legislative process helps to guarantee the democratic legitimacy of the texts adopted; it shares budgetary authority with the Council, and can therefore influence EU spending. At the end of the procedure, it adopts the budget in its entirety; it exercises democratic supervision over the Commission. It approves the nomination of Commissioners and has the right to censure the Commission. It also exercises political supervision over all the institutions.

Council of the European Union

The Council is the EU's main decision-making body. It is the embodiment of the Member States, whose representatives it brings together regularly at ministerial level. According to the matters on the agenda, the Council meets in different compositions: foreign affairs, finance, education, telecommunications, etc.

The Council has a number of key responsibilities: It is the Union's legislative body; for a wide range of EU issues, it exercises that legislative power in co-decision with the European Parliament; it coordinates the broad economic policies of the Member States; it concludes, on behalf of the EU, international agreements with one or more States or international organisations; it shares budgetary authority with Parliament; it takes the decisions necessary for framing and implementing the common foreign and security policy, on

the basis of general guidelines established by the European Council; it coordinates the activities of Member States and adopts measures in the field of police and judicial cooperation in criminal matters.

European Commission

The European Commission embodies and upholds the general interest of the Union. The President and Members of the Commission are appointed by the Member States after they have been approved by the European Parliament.

The Commission is the driving force in the Union's institutional system: It has the right to initiate draft legislation and therefore presents legislative proposals to Parliament and the Council; as the Union's executive body, it is responsible for implementing the European legislation (directives, regulations, decisions), budget and programmes adopted by Parliament and the Council; it acts as guardian of the Treaties and, together with the Court of Justice, ensures that Community law is properly applied; it represents the Union on the international stage and negotiates international agreements, chiefly in the field of trade and cooperation.

Court of Justice

The Court of Justice ensures that Community law is uniformly interpreted and effectively applied. It has jurisdiction in disputes involving Member States, EU institutions, businesses and individuals. A Court of First Instance has been attached to it since 1989.

Court of Auditors

The Court of Auditors checks that all the Union's revenue has been received and all its expenditure incurred in a lawful and regular manner and that financial management of the EU budget has been sound.

Europa, the portal site of the European Union. [Cited April 10, 2002.] Available on the World Wide Web at <http://europa.eu.int/inst-en.htm>.

Accordingly, in the months leading up to the adoption of the Treaty of Rome, Britain floated a number of alternative proposals designed to derail the project. It was too little, too late. Britain's moves, however, did engender the hostility of a number of European leaders committed to the new EEC; most significantly the new president of France, Charles de Gaulle (1890–1970).

De Gaulle's hostility to Britain came from a number of sources, most of which had absolutely nothing to do with the EEC. In NATO, France felt that Britain's "special relationship" with the United States gave it undue influence and made Britain's commitment to Europe questionable. This suspicion was only reinforced by Britain's machinations against the Treaty of Rome and the

EEC. France increasingly believed that one of the primary roles of the new organization was to build a balance against undue American influence; because of its close ties to the United States, any inclusion of Britain into that process would in effect be introducing an American mole into the grander designs de Gaulle envisioned for Europe and, by extension, France.

As the 1960s began, therefore, Britain found itself in an unenviable position. Its empire was rapidly dissolving under pressure from the United States, and at the same time it was being actively excluded from the European alternative by the French. A British application for membership in the EEC was rejected in 1963 largely because of

de Gaulle's opposition. Britain would not become a member until a decade later.

In the interim serious splits began to occur between the key partners in the European project: Germany and France. These splits were the first real indication that different leaders and countries had different ideas about what the EEC was really about. Federalists in Germany and the Benelux countries (Belgium, the Netherlands, and Luxembourg) saw the Community taking increasing political power away from the states as a way of making decision making more efficient. This implied greater power for the European Commission and Parliament and less power for the inter-governmental Council of Ministers.

De Gaulle embarked on a project of enhancing France's power and prestige. He boycotted a series of EEC meetings in 1965, effectively crippling decision-making in Brussels over such issues as a common agricultural policy among the member states. This "policy of the empty chair" eventually led to the capitulation of the federalists and the relegation of most key powers to the Council of Ministers, which is made up of representatives from the national governments. The Luxembourg Compromise (1966) that was the product of this showdown became an amendment to the EEC Treaty. It stated that Council decisions were to be reached by a majority vote and if "very important interests" of a member state were involved, the Council would attempt to reach a decision amenable to all. The Compromise had the unintended effect of strengthening the permanent bureaucrats in Brussels, known under their French acronym COREPER. Since the Council of Ministers did not meet all of the time, in the interim periods the COREPER civil servants were left with most of the day-to-day decision making in Brussels.

The division between the federalists, who supported more power for the Commission and the elected (after 1979) European Parliaments, and the confederalists, who were keen to maintain national sovereignty and tended to rely on the Council of Ministers, was soon to be complicated by the expansion of the Community to include Britain, Ireland, and Denmark in 1973. These three countries shared a viewpoint that was significantly different from the original six countries centered (with the exception of Italy) on the Rhine Valley.

Despite this expansion, and the subsequent expansion to include the Mediterranean countries of Greece in 1981 and Portugal and Spain in 1986, during the period from 1970 to 1990 relative equa-



LEADERS OF EUROPEAN UNION NATIONS, GERMAN CHANCELLOR GERHARD SCHROEDER (RIGHT) AND FRENCH PRESIDENT JACQUES CHIRAC (CENTER) DEPART THE ELYSÉE PALACE AFTER A MEETING IN PARIS, FRANCE. (Photograph by Michel Lipchitz. AP/Wide World Photos. Reproduced by permission.)

nity prevailed in regard to the political shape of the newly renamed European Community (EC). The principles embodied in the 1966 Luxembourg Compromise essentially held sway despite heated disputes over the budget. Through the new European Council, the EC's leaders tentatively pledged to consult one another on foreign and defense policies, but these were largely window dressing in a Cold War world dominated by the United States and Russia.

What is significant about this period of relative calm is that the decision makers of the Community began to develop routine interactions. The Community was an established forum for dispute resolution and became the preferred mechanism for dealing with conflicts among the member states. These habits would help to hold the Community together during the difficult times that lay ahead in the 1990s and beyond.

The harmonization of decision making did not extend very effectively to the populations of the member countries. The presence of the EC in the average European citizen's life was slight. Specific groups would occasionally protest decisions that came out of Brussels over some economic

NATIONS OF THE EUROPEAN UNION

Member States

- Austria
- Belgium
- Denmark
- Finland
- France
- Germany
- Greece
- Ireland
- Italy
- Luxembourg
- the Netherlands
- Portugal
- Spain
- Sweden
- United Kingdom

Candidate Countries

- Bulgaria
- Cyprus
- Czech Republic
- Estonia
- Hungary
- Latvia
- Lithuania
- Malta
- Poland
- Romania
- Slovakia
- Slovenia
- Turkey

regulation, but the day-to-day impact of the EC went relatively unnoticed by the average citizen of Germany, France, or Britain. Unless you were a farmer, national policy formulated in Bonn, Paris, and London was far more important than anything that came out of Brussels. Elections to the European Parliament, which began in 1979, scarcely attracted any attention or voter turnout.

Single European Act (SEA)

This all began to change in 1987 with the adoption of the Single European Act (SEA). The plan was that by 1992 all barriers to trade and free movement between the member states would be eliminated. This move was primarily dictated by the economic logic of fulfilling the original goal of the EEC to remove customs barriers. While this had largely been accomplished by the 1980s the effect was not entirely satisfactory, as there were still significant barriers to the movement of services and, perhaps most controversially, the movement of people from one country to another. As the economies of Europe became increasingly oriented toward services, these issues threatened the achievements of the customs union.

Under the SEA these barriers were to be removed by 1992. For the first time, the economic decisions of the Community had potentially profound political implications for the people. Germans, for example, feared everything from a flood of cheap labor from Spain and Portugal to the watering down of their cherished *reinheitsgebot*, which governs the purity of German beer.

The End of the Cold War

The SEA led to series of torturous negotiations covering a huge range of issues that would suddenly crop up with the opening of borders in 1992. These negotiations took on a new urgency as the world around the EC underwent cataclysmic changes in 1989–91 with the fall of the Berlin Wall and the eventual dissolution of the Soviet Union.

German reunification posed the most immediate challenge to the EC. The prospect of a reawakened superpower in the center of Europe caused consternation, particularly in Paris. Up until this point the three main powers of the EC—France, Britain, and (West) Germany—were relatively equal in population if not in industrial output. With the inclusion of the German Democratic Republic after German reunification in October 1991, the new country was a third larger than any of the other members. There were also fears that the collapse of Russian domination over Central and Eastern Europe would pull Germany away from its traditional focus on the EC and NATO.

Even Germany's closest partners were openly fearful of what the future might hold. French president François Mitterrand actively sought alternatives to German reunification, and British prime minister Margaret Thatcher openly voiced her concern over this turn of events. The Germans, led by their strongly pro-European chancellor Helmut Kohl, determinably tried to assuage these fears and assured their partners that Germany would maintain its traditional orientation toward the European institutions of NATO and the EC. Furthermore, it would not ask for any additional weight in European decision-making institutions based on its population.

The Treaty of Maastricht

The immediate response to German reunification was the Treaty of Maastricht, signed in December 1991. Maastricht was a bold new statement of the purposes of the EC, now renamed the European Union (EU) and was the brainchild of Kohl, Mitterrand, and Jacques Delors, president of the European Commission. For the first time, Maastricht sought to explicitly broaden the political

scope of the European project. This was to be done through three “pillars” designed to strengthen the integration of the EU.

The first pillar was the expansion of the foreign policy apparatus of the EU. The EU had become an actor in and of itself on the world stage by this point, participating in the periodic General Agreement on Tariffs and Trade (GATT) negotiations and other international meetings. Expansion in this area was accomplished by formalizing the informal arrangements that had existed since the 1970s. This was done in the Treaty of Maastricht by proposing a Common Foreign and Security Policy (CFSP), which envisioned regularized decision making in the areas traditionally reserved for the United States and NATO.

The second pillar was an outgrowth of the 1992 negotiations, but nevertheless had a significant societal impact. This was the implementation of agreements ranging from common rights for all European citizens to intensified law enforcement cooperation. Even with the SEA it was quickly discovered that differences in labor regulations were an impediment to increased economic cooperation. At the same time, this harmonization caused concern, particularly in Great Britain, which “opted out” of many of these social clauses of Maastricht for fear of loss of sovereignty.

The most ambitious pillar was the proposal of a monetary union, which would eventually replace all European currencies. The timetable for this change was what caused the most concern. European Monetary Union (EMU) was to be accomplished by 1998 with the elimination of paper currencies to follow in 2001. Few believed that this timetable was realistic, and Britain and Denmark opted out of the arrangement entirely in subsequent years.

The Maastricht Treaty largely deferred the political issues of rationalization and democratization until an Intergovernmental Conference (IGC) was convened in 1996. The lack of significant advancement in this area was one of the contributing factors to a series of referenda on the treaty throughout the Union. Denmark narrowly defeated the Treaty the following summer, forcing a renegotiation that eventually resulted in its “opting out” of the EMU and portions of the social charter. Disconcerted by nationalist politicians who raised the specter of a European Union dominated by Germany, France barely passed the Treaty. Even the traditionally staunchly European Germans did not wholeheartedly endorse the new direction of the EU—largely because they feared the loss of

their precious currency, the mark, to the EMU. Eventually, all of the members passed the revised Maastricht Treaty.

The subsequent Treaties of Amsterdam (1997) and Nice (2000) sought to simplify the institutions of the Union to allow for greater democracy and to prepare for the next political challenge of the organization: the inclusion of as many as a dozen new members from Central Europe. Among other things the Treaty of Amsterdam created the post of European foreign policy representative, whose job it was to speak for Brussels under the new CFSP. The new post was filled by Javier Solana, a former NATO secretary-general, who then sought to unify an EU that had been badly split over responses to the civil war in Yugoslavia.

The Treaty of Amsterdam also made an effort to rationalize decision making and to diminish the effect of the Luxembourg Compromise over a number of key areas. The idea was to create a system of expanded majority voting. With two dozen countries ranging in size from Germany to Malta, and in political outlook from Great Britain to Poland, a system based on vetoes would become increasingly unworkable.

RECENT HISTORY AND THE FUTURE

Dealing with the issue of rationalized decision making, which was again the centerpiece of the Treaty of Nice in 2000, brought to a head the divisions over the community’s mission. These divisions had been in existence since at least 1950 and had largely been swept under the table since the Luxembourg Compromise had ended the dispute between the federalists and the confederalists.

Four Positions in Regard to the EU

In *Rethinking Europe’s Future*, (2001) political scientist David Calleo posits that the constellation of these forces can be categorized in four distinct groupings: Atlantic Europe, Federal Europe, Confederal Europe, and an anarchic Europe of the States.

Atlantic Europe is primarily concerned with maintaining close relations with the United States and is concerned with a strengthened EU only inasmuch as it does not impact the strong economic, military, and political presence of the United States in Europe. This view has traditionally been defended most adamantly by sections of the British political spectrum, particularly in the conservative Tory Party. Ireland, Denmark, and more-recent



THE CHAIRMAN OF THE EUROPEAN UNION CONVENTION ON THE FUTURE OF EUROPE, VALÉRY GISCARD D'ESTAING, CENTER, ADDRESSES THE CONVENTION AT ITS FIRST MEETING IN FEBRUARY 2002. MEMBERS WILL BE WORKING TOWARDS FORMULATING A CONSTITUTION FOR EUROPE. (Photograph by Yves Logghe. AP/Wide World Photos. Reproduced by permission.)

member Sweden also tend to follow Britain's lead in this area.

Federal Europe envisions the gradual fading of national sovereignties into the European Union. It is primarily concerned with the strengthening and legitimization of European institutions such as the European Parliament, European Court of Justice, and, to a lesser extent, the European Commission. The heart of support for this approach comes from the Benelux countries (Belgium, the Netherlands, and Luxembourg), most of the German political spectrum, and some parts of the French party system. Traditionally, Italy has also strongly supported Federalism, but recent conservative governments there have been more skeptical of the idea. Federalists get their biggest push when Germany and France are in political agreement on the subject.

Confederal Europe follows the vision of de Gaulle of significantly shared sovereignty between Brussels and the national governments. Supporters of this arrangement favor a stronger Council of Ministers as agreed to in the Luxembourg Compromise of 1966, which ended France's boycott of the Community. Another key element in this approach is the maintenance of national vetoes over many policy areas. Support for this approach is centered on conservative circles in Germany and

France, as well as key portions of the British political spectrum.

The final grouping, which Calleo calls "Europe of the States" or anarchic Europe, postulates the continued strong existence of nation-states within the European system. In this nonsystem what is important is not the institutionalization of Europe's international discourse, but rather the informal contacts and boundaries that have been established between the states over decades of working together. Under this approach everything is negotiable. While none of the European countries has advocated this approach, the reality of the interactions between the states that now make up the European Union indicates that this approach is a significant factor in determining how policy really works in Europe.

The Europe of today is an amalgamation of these four perspectives. Generally, people agree that the Federal vision is most likely to solve the problem of the "democratic deficit" by strengthening the only elected institution of the Union, the European Parliament. Strengthening the Parliament, however, implies watering down the power of the national governments in the Council of Ministers and, by implication, national sovereignty. Confederalists argue that since all of the national

governments are democratically elected and closer to the people they represent, they adequately express the will of the people in Brussels. This argument is undermined somewhat by the fact that surveys indicate that most people in Europe do not elect their national governments with an eye toward their EU policy.

The debate is strikingly similar to the controversies surrounding the formation of the United States government in 1787. Federalists argued that a strong central government was necessary, while anti-Federalists (read Confederalists) argued that state and local governments best served the interests of the people. Europe has attempted to dodge this issue through the principle of subsidiarity, where policy decisions are supposed to be solved at the lowest possible level of government. In practice, however, increasing numbers of decisions are made at the European level, and this will only accelerate as the EU attempts to master its new currency, the euro. Ironically, it was also economics that provided the primary motivation for the American Constitutional Convention of 1787.

Expansion of the EU

The real danger to the Union, however, comes from the theory identified by Calleo's fourth characterization of Europe, the "Europe of States." Under this theory the key element of European cooperation is the shared practices that have arisen among the now 15 members of the EU. As previously mentioned, between roughly 1970 and 1990 the European Community experienced a period of informal institutional strengthening as European states got used to working with one another.

The inclusion of Sweden, Finland, and Austria, which joined the EU in 1995, did not significantly impact the progress made in this area as the new members, while traditionally neutral during the Cold War, were already well integrated into most European institutions outside of the security realm. The inclusion of the states of central and eastern Europe threatens to undermine this equilibrium, however, as it will signify the inclusion of millions of people who have no history within the European Union's institutions. Many come from ex-Soviet republics and other states that do not have a long history of democracy and free-market economic policies.

Excluding these states from full membership in the Union is not politically feasible as it could result in instability along the EU's eastern border. The EU, therefore, feels compelled to admit a large number of new members in the coming decade. Significant questions, particularly regarding agricultural and regional aid policy, remain as to how

to accomplish this. Moreover, the political controversy over where to draw the line remains unresolved. Expansion, whatever its size and shape, however, is a foregone conclusion.

This does not mean that expansion will spell the end of the European Union, or that, as is feared in some of the oldest of the EU nations, the identity of the EU and of each of its member states will be subsumed by a new and unknown identity that includes peoples of a much wider cultural, political, and economic range than has been true in the past. History indicates that the European project is one of fits and starts. There is a period of ambitious enlargement or institution building as new states are admitted or new political structures are formed.

The period of the 1980s marked the expansion of the European Community to include the poorer states of southern Europe while the 1990s marked a profound deepening of EU institutions and a political expansion into new areas of competency. The coming decade will likely see the inclusion of another large group of states. Like a diner who has just eaten a large meal, it will take time to digest these changes. The reforms of the Single European Act that were supposed to be completed in 1992, as well as the proposals surrounding the Maastricht Treaty of 1991, are still not completely implemented. Progress is often slower than the decision makers would like, but it does eventually come.

The "solution" to the European Union's problems has always been to muddle through with imperfect compromises. What makes the constitutional project so ambitious is that it attempts to clarify these compromises. Unfortunately, by clarifying the scope and nature of the Union, it directly confronts the fact that the Union means different things to different people. It is likely that the constitution, if we can call it that, will continue this tradition and, contrary to the desires of almost all of the members, will do nothing to simplify things.

Europe is a long way from becoming a United States of Europe. Even within the core states that have accepted the euro and are generally more federalist in their orientation, there are serious differences of opinion over the future direction of the Union. France and Germany are no longer as united in this vision as they once were, and their agreement is the traditional key to advancements in European integration. At the same time, France and Germany, whatever their current differences of opinion, know that they will eventually have to come to some sort of accommodation with one another as to the goals of the EU. Neither side is

going away. That is a key lesson that fifty years of cooperation has taught the members of the EU.

It is impossible to tell what the EU will be like in ten years. The incorporation of millions of eastern Europeans will certainly change the complexion of the Union by making it even more diverse than it already is. More diversity will mean more discord in Brussels as competing agendas become even more difficult to reconcile. At the same time, the new members will bring an even greater level of commitment to the Union. They do not want to see the European project that they have been trying to join for a decade or more fail. Even for the established members the alternative to the EU is seen as rather unattractive—if for differing reasons. In other words, although the disagreements may at times become fierce, they are unlikely to lead to the dissolution of the EU. Just as in the past, all sides will learn to adjust.

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Thomas Haymes

GIBRALTAR: A THORN IN THE SIDE OF THE EU

On February 28, 2002, the Gibraltarian Assembly, made up of local politicians in Gibraltar, approved a draft constitution—the first revision of the Gibraltar Constitution since 1969—that would give the residents of “the Rock” greater autonomy. The introduction to the new constitution states:

Gibraltar is part of Her Majesty’s dominions and Her Majesty’s Government have given assurances to the people of Gibraltar that Gibraltar will remain part of Her Majesty’s dominions unless and until an Act of Parliament otherwise provides, and furthermore that Her Majesty’s Government will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes.

The introduction states the simple fact that Gibraltar is a British colony until the British government legislates otherwise. The last clause, however, is more telling of the unusual situation Gibraltar is in. It in effect reminds Britain of promises that it has made to never act against the collective will of the Gibraltarians, and specifically states that Gibraltar should not be made a colony of another nation. The reason for this clause is most likely a response to the threat of being handed over to Spain. An article in the 300-year old Treaty of Utrecht, which ended the War of Spanish Succession (1701–14) dictates that if Britain gives up its claim on Gibraltar, it will become a Spanish dominion once again.

Declarations made in the United Nations (UN) that Gibraltar be decolonized, as well as meetings between British foreign secretary Jack Straw and Spanish foreign minister Josep Pique over the future of its sovereignty, have brought the possibility of a Spanish Gibraltar into the foreseeable future.

THE CONFLICT

Gibraltar has been a British colony since the eighteenth century, when Britain won it from Spain in wartime. Spain objects to Britain’s presence there; the United Nations wants Britain to decolonize the peninsula; and Britain itself would also like to disentangle from the situation, but the majority of Gibraltar’s citizens oppose movements toward losing British sovereignty for fear of being ruled by Spain. Britain has promised that it will act in accord with Gibraltarians’ wishes. This causes some tensions between the United Kingdom and Spain, who need to be able to work together as members of the European Union and NATO.

Political

- Britain and Spain continue to abide by the the Treaty of Utrecht—a treaty signed almost three hundred years ago. The treaty was written for military and strategic reasons that are no longer applicable.

Economic

- During the 1980s Gibraltar took advantage of legal loopholes due to its special status within the European Community (EC) to make the peninsula a tax haven. There are currently more than 40,000 companies registered to operate in Gibraltar, whose population is only 32,000. These corporations account for much of Gibraltar’s nominal gross domestic product of over \$7 billion Euros.

CHRONOLOGY:

- 711 CE** A Moorish leader, Gíbel Táriq, conquers Gibraltar, giving it his name.
- 1160** Abdul Mamen, Caliph of Morocco, orders a fortified city to be built on the peninsula and the first permanent civilian settlement is founded.
- 1462** Gibraltar is taken from the Moors by the Kingdom of Castile.
- c. 1500** Gibraltar becomes part of Spain.
- 1704** Gibraltar is captured by a joint Anglo-Dutch force in the War of Spanish Succession.
- 1714** The War of Spanish Succession ends with the signing of the Treaty of Utrecht, under which Spain is forced to cede Gibraltar to England.
- 1727, 1779, and 1783** Spain attacks the fortress on Gibraltar, but is not successful in recovering it from England.
- 1830** Gibraltar is granted colony status by England.
- 1859** Gibraltar's colony status is expanded to allow for a permanent civilian colonial secretary to be based on the peninsula.
- 1865** A cholera epidemic breaks out on Gibraltar, forcing many inhabitants onto the isthmus that connects the Rock to mainland Spain.
- 1914–18** Gibraltar plays an important military role in World War I as an important staging area for trans-Atlantic convoys.
- 1921** The first elected city council of Gibraltar is created.
- 1939** Francisco Franco achieves victory in the Spanish Civil War.
- 1939–45** The British military orders all civilians on Gibraltar to be evacuated for the duration of World War II; Gibraltar plays a key military role in the war, controlling the sea-lanes in and out of the Mediterranean and becoming the home base of the naval fleet Force H.
- 1942** Albert Risso and Joshua Hassan form the Association for the Advancement of Civil Rights in Gibraltar (AACR), which would strive to give Gibraltarians a voice in their own affairs.
- 1950** Gibraltar is granted a legislative council that has at least partially elected representation.
- 1964** A new constitution allows for the election of a democratic government of Gibraltar; Joshua Hassan is elected the first chief minister.
- 1969** Gibraltar establishes its current constitution in which Britain agrees to respect the wishes of the Gibraltarians in any future negotiations with Spain over sovereignty.
- 1969** Franco closes all land access to the Rock and severs all telephone lines that ran through Spain in a final siege of Gibraltar that was to last until 1985.
- 1980** The Lisbon Agreement gives a specific timeline and set of conditions for the re-opening of the border.
- 1984** In the Brussels Declaration, Britain agrees to discuss the issue of Gibraltar's sovereignty.
- 1986** Spain joins the European Community.
- 1987** The Gibraltar airport on the disputed isthmus territory becomes the focus of new disagreements.
- 1988** Joe Bossano of the Gibraltar Socialist Labour Party (GSLP) is elected chief minister.
- 2002** The Gibraltarian Assembly approves a draft constitution—the first revision of the Gibraltar Constitution since 1969—that would give the residents of the Rock greater autonomy.

This, however, is something the Gibraltarians adamantly do not want. Both the United Kingdom (UK) and Spain have pledged to come to some sort of permanent arrangement by August 2002, and there are indications that a real deal is in the works.

The British government, however, pledged in its approval of the 1969 Gibraltar Constitution to respect the wishes of the Gibraltarians in all dis-

cussions over sovereignty. In other words, any arrangement made between Britain and Spain will have to be approved by a referendum, a vote in which the 32,000 citizens of Gibraltar will state if they support the arrangement. The United Kingdom's current Labour government under Tony Blair has repeatedly affirmed that it intends to honor that pledge.

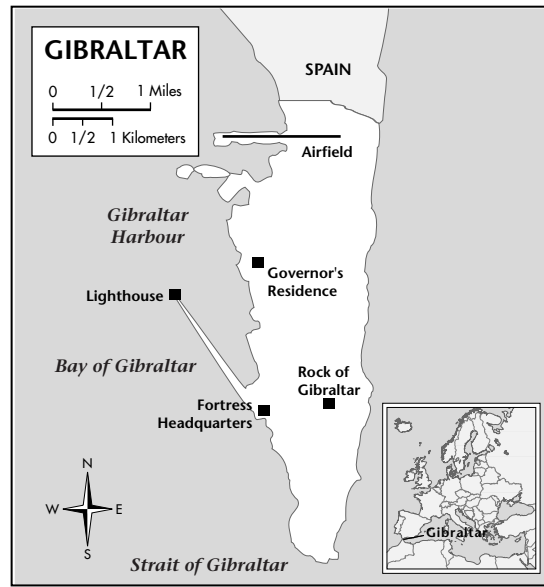
Because of the provision of the Treaty of Utrecht, the two major political parties in Gibraltar, the Gibraltar Social Democrats (GSD) and the Gibraltar Socialist Labour Party (GSLP) uniformly oppose any movement on the question of sovereignty. They are apparently backed by the public, who support continued British sovereignty. The leader of the GSD, Chief Minister Peter Caruana—the highest elected official in Gibraltar—is accordingly boycotting the current talks between Britain and Spain because Britain refuses to give him a veto over the proceedings.

To further complicate matters, the situation is a thorn in the side of the European Union (EU), as a number of agreements on border controls and air travel, in particular, are being held hostage to the situation over Gibraltar. Spain and Britain have recently found themselves on the same side of the debate in most issues before the EU—particularly issues such as the shape of the proposed European Constitution. The specter of Gibraltar, however, constantly creeps into these discussions. It is a complication both countries would rather be rid of were it not for the resistance of the inhabitants over any sort of creative sovereignty arrangement.

HISTORICAL BACKGROUND

The Rock of Gibraltar is a peninsula formed of Jurassic limestone jutting out from the southern part of Spain. It is approximately four miles (6.4 kilometers) long and less than one mile (1.6 kilometers) across, making up a total of about four square miles (10.36 square kilometers). Its location in the Strait of Gibraltar makes it the entrance to the Mediterranean Sea from the North Atlantic Ocean, and it has long been considered one of the world's strategic crossroads.

Gibraltar's strategic significance, in fact, goes back to ancient times, being mentioned by Plato as one of the Pillars of Hercules. Despite this, there was no permanent settlement on the Rock until the Moorish invasion in the eighth century, from which it got its modern name. Originally called "Gibel Tariq," or Tariq's Mountain, after the Moor who conquered it in 711 CE, the name was gradually transformed through transliteration and everyday use to "Gibraltar." In the early part of its history, there were only a few fortifications on the outcropping. It was in 1160 that Abdul Mamen, Caliph of Morocco, ordered a fortified city to be built on the peninsula, and the first permanent civilian settlement was founded on the western side.



MAP OF GIBRALTAR. (© Maryland Cartographics. Reproduced by permission.)

The War of Spanish Succession

Gibraltar remained in Moorish hands until 1462, when it was taken by the Kingdom of Castile. It became part of Spain forty years later. Spain then claimed the Rock for 240 years until it was captured by a joint Anglo-Dutch force in 1704 during the War of Spanish Succession (1701–14). The War of Spanish Succession began with the ill health of King Charles II of Spain, who was childless. Three people claimed the right to be his heir to the throne: Philip of Anjou, the eldest son of King Louis XIV of France; Joseph Ferdinand, prince of Bavaria; and Archduke Charles, the son of the Holy Roman Emperor.

The British and the Dutch were worried about an alliance between France and Spain that would give France too much power and remove their profitable trade with Spain. But they also feared an alliance with the Austrian Joseph Ferdinand. The alliances and hostilities became a long and full-scale war. By 1702 England, Holland, and the German states were battling France, Spain, Bavaria, Portugal, and Savoy in a wide variety of sites, including the Rock, which England captured. The war continued, but the major players began to drop out, and in 1713 negotiations for peace began without decisive victories.

As part of the Treaty of Utrecht of 1714 that ended the War of Spanish Succession, Spain was forced to cede "the full and entire propriety of the Town and Castle of Gibraltar, together with the

THE TREATY OF UTRECHT (1713): EXTRACT FROM ARTICLE X, TRANSLATED FROM THE LATIN

The Catholic King does hereby, for Himself, His Heirs, and successors, yield to the Crown of Great Britain the full and entire propriety of the Town and Castle of Gibraltar, together with the port, fortifications, and forts thereunto belonging; and He gives up the said propriety, to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever. But that abuses and frauds may be avoided by importing any kind of goods, the Catholic King wills, and takes it to be understood, that the above-named propriety be yielded to Great Britain without any territorial jurisdiction, and without any open communication by land with the country round about. Yet whereas the communication with the sea by the coast of Spain may not at all times be safe or open, and thereby it may happen that the garrison, and other inhabitants of Gibraltar may be brought to great straits; and as it is the intention of the Catholic King, only that fraudulent importations of goods should, as is above-said, be hindered by an inland communication, it is therefore provided that in such cases it may be lawful to purchase, for ready money, in the neighbouring territories of Spain, provisions, and other things necessary for the use of the garrison, the inhabitants and the ships which lie in the harbour. But if any goods be found imported by Gibraltar, either by way of barter for purchasing provisions, or under any other pretence, the same shall be confiscated, and complaint being made thereof, those persons

who have acted contrary to the faith of this Treaty shall be severely punished. And Her Britannic Majesty, at the request of the Catholic King, does consent and agree, that no leave shall be given under any pretence whatsoever, either to Jews or Moors, to reside or have their said dwellings in the town of Gibraltar; and that no refuge or shelter shall be allowed to any Moorish ships of war in the harbour of the said town, whereby the communication between Spain and Ceuta may be obstructed, or the coasts of Spain be infested by the excursions of the Moors. But whereas treaties of friendship, and a liberty and intercourse of commerce are between the British and certain territories situate on the coast of Africa, it is always to be understood that the British subjects cannot refuse Moors and their ships entry into the port of Gibraltar purely upon the account of merchandising, Her Majesty the Queen of Great Britain does further promise that the free exercise of religion shall be indulged to the Roman Catholic inhabitants of the aforesaid town. And in case it shall hereafter seem meet to the Crown of Great Britain to grant, sell, or by any means to alienate therefrom the propriety of the said town of Gibraltar, it is hereby agreed and concluded, that the preference of having the same shall always be given to the Crown of Spain before any others.

Gold, Peter. A Stone in Spain's Shoe: The Search for a Solution to the Problem of Gibraltar. Liverpool: Liverpool University Press, 1994, pp. 213–14.

port, fortifications, and forts thereunto belonging; and [the Spanish King] gives up the said propriety, to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever,” per the Treaty of Utrecht, as translated in Peter Gold’s *A Stone in Spain’s Shoe: The Search for a Solution to the Problem of Gibraltar* (1994). The Treaty also stipulates, however, that should Britain relinquish its control, Gibraltar would then become a dependent of Spain.

After the British invasion of 1704, most of the Spanish inhabitants of Gibraltar fled to other parts of southern Spain, leaving only the British forces in residence. Gradually, immigrants from other parts of Europe and Africa were attracted to this key commercial crossroads. Initially, these civilian inhabitants were primarily concerned with providing services for the garrison, but Gibraltar quickly became an important trading center. In addition to the British soldiers, several hundred merchants from Genoa in Italy saw the commercial potential of the area and took up residence there. They have

formed an important part of the Gibraltarian society ever since.

Over the course of the next two hundred years, civilian rule gradually supplanted military rule associated with the fortress and naval base. In 1830 Britain granted official colony status to Gibraltar. In 1859 this status allowed for a permanent civilian colonial secretary based on the peninsula to govern Gibraltar for the British empire. In 1865, in response to a cholera epidemic, a civilian sanitary commission was created to deal with issues of health and the maintenance of the water supply. This cholera epidemic also forced many of the inhabitants onto the isthmus that connects the Rock to the mainland, and Britain has remained in de facto control over the isthmus ever since.

Gibraltar in the World Wars

World War I (1914–18) saw Gibraltar play an important military role, as it became an important staging area for trans-Atlantic convoys for the Allies. Britain was building up its navy, and Gibraltarian



GIBRALTAR IS COMMONLY REFERRED TO AS “THE ROCK,” AFTER THE PROMINENT JURASSIC LIMESTONE THAT RISES MORE THAN A THOUSAND FEET ABOVE SEA LEVEL. (*Photograph by Michelle Chaplow. Corbis. Reproduced by permission.*)

tar provided a strategic naval base of operations, as it was situated in a place from which control of searoutes was assured. This was to be but a foreshadowing of the crucial role Gibraltar was to play in World War II.

After World War I there were about 18,000 civilians living on Gibraltar. They had been granted limited local self-government, but national government remained in the hands of the British governor, who was also a military officer and commander of the garrison.

During World War II (1939–45) Gibraltar was a central naval base for the Allied side. The Rock was the home base of the British naval fleet Force H, which performed such vital duties as escorting convoys to the beleaguered island of Malta between Italy and North Africa and assisting in the sinking of the German battleship *Bismarck*, aboard which were over two thousand men, in 1941. Gibraltar’s naval forces also performed a crucial role in keeping the Straits of Gibraltar between the Atlantic and Mediterranean free of German and Italian submarines as well as providing a staging area for the Allied operations in French North Africa in November 1942.

Because of the military use of the Rock, the British found it necessary to evacuate the civilians from the peninsula. Most of the civilians went to

England. The island was bombed during the war, but the major changes came from the construction of the British military to fortify the port. One of these changes was an airfield on the isthmus—an area not covered by the Treaty of Utrecht. Built on disputed ground, this airfield has since become the primary air link to Gibraltar.

The forced evacuation of the civilian population during World War II had an important political effect and proved to be the beginnings of a serious effort at self-determination. Gibraltarians decided to act in order to achieve more self-government. In 1942 Albert Risso and attorney Joshua Hassan formed the Association for the Advancement of Civil Rights in Gibraltar (AACR). After 1945 this group became the focus of a new effort to give Gibraltarians a voice in their own affairs.

In 1950 Gibraltar was granted a legislative council that had, at least partially, elected representation. They had previously had a city council that governed at a municipal level, but the legislative council’s powers extended to the national government of the Rock. During the 1950s the elected portion of the council was expanded to gradually achieve a locally elected majority. In 1964 a new constitution allowed for the first time for the election of a democratic government of Gibraltar. Joshua Hassan was elected as the first chief minister, a post he would hold for over two decades.

THE GOVERNMENT OF GIBRALTAR

Gibraltar's constitution established in 1969 a House of Assembly, which consists of a governor-appointed speaker, fifteen elected members, and two ex-officio members. Of the fifteen elected members, no more than eight may be from the winning political party. The ex-officio members are the attorney general and the financial and development secretary.

Executive authority in Gibraltar is exercised by the governor, who also serves as commander-in-chief. The governor may not act autonomously, but in accordance with the Gibraltar Council. The Council contains four ex-officio members: the deputy governor, the deputy fortress commander, the attorney general, and the financial and development secretary. The governor must also act in agreement with five elected members of the House of Assembly, who are appointed by the governor with the consultation of the chief minister.

The chief minister heads the Council of Ministers. Great Britain handles external affairs, defense, and internal security. Additional responsibilities are managed by elected ministers within Gibraltar's government.

Ultimate authority, however, continued to reside with the central British government.

Spain's Interest in Gibraltar

Spain looked upon the democratic development of Gibraltar with disdain. General Francisco Franco (1892–1975) led the fascist government in Spain since his victory in the Spanish Civil War in 1939. As the Gibraltarians were achieving a more democratic society, Spanish citizens lost their freedoms under Franco, as he instituted authoritarian measures in his leadership of the country.

Spain had never renounced its claims on the peninsula. In 1727, and again between 1779 and 1783, Spanish forces besieged the fortress on Gibraltar. They were defeated each time. In 1963, the United Nations resolved that Gibraltar should be decolonized. Franco took the opportunity to once again propose that Gibraltar belonged under Spanish sovereignty. During the years that followed, there were conflicts about border crossings between Spain and Gibraltar.

By 1969 Franco closed all land access to the Rock and severed all telephone lines that ran over the Spain-Gibraltar border. This closing down of all communications between Gibraltar and Spain was to last, to a greater or lesser extent, until 1985. Unfettered crossings between Spain and Gibraltar remain a bone of contention even today.

This forced isolation of Gibraltar made the colony almost wholly dependent on Great Britain economically. It also had the effect of costing neighboring regions of Spain millions in lost revenue from trade and tourism. Neither side benefited from the impasse, but the Spanish government seemed willing to live with it for the purpose of principle. It took almost ten years after Franco's death in 1975 before relatively open crossings between the two were permitted. The reacquisition of Gibraltar had become an issue tied up in Spanish pride and supported by the concepts of decolonization and sovereignty.

From a psychological perspective, the 16 years of isolation have had a lasting effect on the people of Gibraltar, who were dependent on British protection while, understandably, developing a lasting suspicion and hostility toward Madrid. The legacy of this period is still very much in the minds of the negotiators as they attempt to resolve the issue of ultimate sovereignty over the peninsula.

Opening the Borders

In the 1980s, newly democratic Spain wanted to join both NATO and the European Community (EC, later to become the European Union). Britain generally favored both applications—particularly Spain's NATO membership. The issue of Gibraltar, however, complicated both of these efforts. Within NATO, Spain's refusal to accept British military domination of the Rock led to greater complexity in their relationships. But it was Spain's EC membership that was to cause the most headaches for London.

For many years, Spain has blocked important initiatives in the EC and EU because it would not recognize the government of Gibraltar. Although the United Kingdom and Spain agree on many issues within the EU, they have been unable to act in unison with this conflict constantly between them. For years Spain was unwilling to acknowledge Gibraltar's territorial waters or accept the Gibraltarians' right to vote for a Member of European Parliament. With these concerns, Spain caused endless lines at the border between Gibraltar and Spain and restricted air travel.



RESIDENTS OF GIBRALTAR WALK DOWN A MAIN STREET. EUROPE'S ONLY COLONY, GIBRALTAR HAS BEEN RULED BY THE BRITISH FOR ALMOST THREE CENTURIES, THOUGH SPAIN MAINTAINS IT HAS A CLAIM TO THE LAND. MOST GIBRALTARIANS, HOWEVER, PREFER INDEPENDENCE OR BRITISH HEGEMONY OVER SPANISH RULE. (Photograph by Roca Perales. AP/Wide World Photos. Reproduced by permission.)

Even as the conflict over Gibraltar simmers, however, there has been slow progress between the two European nations. In 1980 the Lisbon Agreement gave a specific timeline and set of conditions for the re-opening of the border. Complete opening of the borders was achieved in 1985 when Britain agreed to discuss the issue of sovereignty in the Brussels Declaration of 1984. The people of Gibraltar opposed the Brussels Declaration in particular but they were willing to accept the discussion on the topic (as long as no deal was reached without their consent) in exchange for the obvious economic benefits a normalization of relations and trade with Spain would entail.

The Lisbon Agreement and the Brussels Declaration and Spain's willingness to compromise on this issue paved the way for Spain to join the EC in 1986 and seemed to hearken an end to the disputes over traffic at the border between Spain and Gibraltar. Spain, however, held to the principles of the UN's declarations that Gibraltar should be decolonized and continued to demand new movement on the sovereignty issue. Britain seemed willing to work with Spain on finding a creative solution, but the Gibraltarians remained uncompromising.

The Airport

During World War II, the British had built an airport on the isthmus that separates Gibraltar and Spain. This area was not covered in the Treaty of Utrecht. Spain has never accepted the airport. Shortly after Spain joined the EC in 1986, Brussels took up the issue of liberalizing air travel between member states. The EC reached an agreement amongst its member states in early 1987, but dissent soon arose over the airport in Gibraltar. Spain demanded that the airport be exempted from the agreement, which lowered restrictions on air travel between EC members because Gibraltar was on disputed territory.

Gibraltar, on the other hand, made its position clear that its airport should be treated as a British airport and that Spain should have no authority whatsoever on the issue. Much of 1987 was spent negotiating over this issue. All members of the EC were eager for a resolution to the issue, but Spain and Britain were unwilling to compromise over the technical issues relating to sovereignty.

Within the European Union, all agreed that some kind of compromise had to be reached. They did not, however, consult the Gibraltarians before coming to an agreement for the construction of a new terminal on the Spanish side of the airport and

THE BRUSSELS DECLARATION (27 NOVEMBER 1984)

1. The Foreign and Commonwealth Secretary, the Right Hon. Sir Geoffrey How, and the Spanish Foreign Minister, His Excellency Sr. Don Fernando Morán López, held a meeting in Brussels on 27 November during which they agreed on the way in which the Spanish and British Governments will apply by not later than 15 February 1985 the Lisbon Declaration of 10 April 1980 in all its parts. This will involve simultaneously:

- (a) The provision of equality and reciprocity of rights for Spaniards in Gibraltar and Gibraltarians in Spain. This will be implemented throughout the mutual concession of the right which citizens of EC countries enjoy, taking into account the transitional periods and derogations agreed between Spain and the EC. The necessary legislative proposals to achieve this will be introduced in Spain and Gibraltar. As concerns paid employment, and recalling general principle of Community preference, this carries the implication that during the transitional period each side will be favourably disposed to each other's citizens when granting work permits.
- (b) The establishment of the free movement of persons, vehicles and goods between Gibraltar and the neighbouring territory.
- (c) The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution.

2. Insofar as the airspace in the region of Gibraltar is concerned, the Spanish Government undertakes to take the early actions necessary to allow safe and effective air communications.

3. There will be meetings of working groups, which will be reviewed periodically in meetings for this purpose between the Spanish and British Foreign Ministers.

Gold, Peter. A Stone in Spain's Shoe: The Search for a Solution to the Problem of Gibraltar, *Liverpool: Liverpool University Press, 1994, pp. 216–17.*

joint control by both Gibraltar/U.K. and Spain over passengers. Passengers could select whether they wished to enter Spain or Gibraltar and would pass through customs accordingly. Gibraltar did not like Spain dictating its use of its own airport, and was particularly concerned that the two European nations were making decisions together about the peninsula's future.

The Prospect of Decolonization

After the airport agreement was reached, Joshua Hassan announced his retirement as chief

minister after almost 24 years in office, claiming it had nothing to do with the airport issues. Popular opposition to the agreement led to the election of Joe Bossano of the Gibraltar Socialist Labor Party as chief minister in 1988. Bossano ushered in an entirely new approach to the problem of Gibraltar's sovereignty and colonial status. He actively pursued a course of autonomy for the colony, the idea being that Gibraltar was self-sufficient and could in fact be decolonized—thereby satisfying the UN demands that Gibraltar be decolonized—without having to revert to Spanish sovereignty.

There was an element of wishful thinking about this approach in that it ignored the Treaty of Utrecht's specification that if Britain were to ever give up its claim, Spain would have right of first refusal over the issue of sovereignty. Under this provision outright independence is not an option unless Spain agrees to it as well, which, given Spain's uncompromising history on the issue, is not likely.

Legalities aside, Bossano, while rejecting proposals that would interfere with Gibraltar's pursuit of autonomy—such as the airport agreement—pursued rapid economic growth for Gibraltar during his eight years as chief minister. Bossano took advantage of legal loopholes contained in the EC rules over Gibraltar to make the peninsula a tax haven. There are currently more than 40,000 corporations registered in Gibraltar for a population of only 32,000. These corporations account for Gibraltar's nominal GDP of over \$7 billion euros (about US\$7 billion), according to United Press International in January 2002.

Gibraltar's economic growth during this period became a thorn in Spain's side in more ways than one. Spain has lost millions of *pesetas* in tax revenue as many of its companies and banks have relocated to Gibraltar. This has caused Madrid to redouble its efforts to force Gibraltar into its own jurisdiction. Additionally, Gibraltar's lax financial enforcement led to a surge in money laundering and other illegal financial activities. Gibraltar, however, now has a significant economic stake in maintaining its special status.

RECENT HISTORY AND THE FUTURE

As Britain has become more conciliatory with Spain, Gibraltar has become more intransigent to London's position. Gibraltarians claim a right of self-determination and, based on their unique nationalism, protect their right to remain indepen-



GIBRALTARIANS PROTEST THE TALKS BETWEEN THE UNITED KINGDOM AND SPAIN IN FEBRUARY 2002, WHICH THEY FEARED WOULD LEAD TO THE ROCK BEING RETURNED TO SPANISH HANDS. (Photograph by R. Perales. AP/Wide World Photos. Reproduced by permission.)

dent of Spain. Under ideal circumstances Gibraltar would like to disassociate itself from an increasingly unreliable Great Britain as well. At the same time, Gibraltar would like to enjoy the benefits of at least some form of EU membership, which it is unlikely to do without an association with either Britain or Spain.

Spain continues to hold on to the letter of the law as expressed in the Treaty of Utrecht—a treaty signed almost three hundred years ago. The treaty was written for military and strategic reasons that are no longer applicable. While Spain questions the legality of a treaty signed under duress, it refuses to give up on its provisions because that might open

the way for Gibraltarian independence. In three hundred years Spain has never varied from its position that Gibraltar should be returned to Spain, whether it is for reasons of military strategy, commercial gain, national pride, or border issues.

The United Kingdom would no doubt have granted Gibraltar its independence long ago if the situation didn't mean abandoning the peninsula to a rule that it does not want. Because of its promise in the 1969 constitution that it would never allow the Gibraltarians to "pass under the sovereignty of another state against their freely and democratically expressed wishes," Britain is bound to a struggle that is not of ultimate benefit to it. The United

Kingdom is more interested in getting along with Spain than prolonging this conflict.

The people of Gibraltar know this and are concerned that their fate will be decided in an act of diplomacy in Europe to which they will not be invited. This has proved to be pretty close to the truth. In the spring of 2002, the British announced that they would present the Gibraltarians a plan for a shared sovereignty of the peninsula, between Britain and Spain, within months. As the talks went on, however, the usual obstacles once again presented themselves and there seems no hope that a compromise is within reach within the projected time.

The Pros and Cons of a Spanish Gibraltar

By most standards Spain has a perfectly legitimate claim to the peninsula, as it was clearly taken by force and has been held as a colony by Britain for centuries. There are obvious parallels to other British colonies such as Hong Kong. The key difference with Gibraltar, however, is that most of its population considers itself British, whereas most of Hong Kong's population considers itself Chinese. This presents an obvious contradiction and is one key reason why the Gibraltar question has proved so intractable.

Spain has offered a host of concessions to get the Gibraltarians to accept its point of view. Life in Gibraltar is unlikely to change under Spanish rule. Under most proposals the citizens there would maintain their British citizenship as it now stands. If the EU's Schengen Accords, which have eliminated border controls, including the use of visas and work restrictions between the EU signatory members, are implemented in Gibraltar (which Spain has resisted so far) the practical effects would, if anything, benefit the Gibraltarians. It would mean the full opening of the border between Gibraltar and Spain—and, by extension, the rest of Europe to an international workforce and greater trade. Yet the Gibraltarians continue to resist anything that offers even a remote concession to Spanish sovereignty.

There are some real economic benefits that Gibraltar would lose should it become part of Spain, such as its tax haven status and certain illegal activities involving money laundering, which help support its economy. The EU has already be-

gun making moves to regulate Gibraltar through trade and favors, however, and Gibraltar will be almost certainly be forced to give up most of these advantages in a few years regardless of sovereignty. Should Gibraltar come under Spanish sovereignty, though, the financial benefits of having full access to the Spanish Costa del Sol would make Gibraltar a key entry point to this popular tourist destination, and would offset these losses to some extent.

The likely outcome is that the situation will remain basically the same for the foreseeable future. Spain and Britain are likely to come up with a plan involving joint sovereignty for an indefinite period of time, but the Gibraltarians have already made it clear that they will reject this approach. A more surprising result would be if Spain and Britain jointly announced that they were going to throw out the Treaty of Utrecht and write a new treaty, but this would bring with it a host of dangers—not the least of which would be a declaration of independence from Gibraltar. The Gibraltarians will continue to play the situation to their maximum advantage, and this will make a comprehensive solution impossible for Spain and Britain.

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Thomas Haymes

THE INTERNATIONAL CRIMINAL COURT: ACCOUNTABILITY AT LAST?

April 11, 2002, marked a turning point in the pursuit of international justice. On that day, in a historic ceremony, ten countries simultaneously ratified the Statute of the International Criminal Court (ICC). This pushed the number of countries to have ratified the treaty over the threshold of 60, making an independent international criminal court a reality.

Unlike the International Court of Justice, which is an organ of the United Nations and tries cases between states, the ICC is an independent treaty-based court with jurisdiction over individuals. With the creation of this court, those who commit “the most serious crimes of concern to the international community as a whole” will no longer be able to escape prosecution when their own national courts are unable or unwilling to bring them to trial. It is hoped that this will deter such crimes from being committed in the future.

Despite these lofty goals, the process of establishing the ICC has not been an easy one. While the idea of having such an institution is one that, in principle, most nations support, intense negotiations were necessary to balance the ideals of international justice with the realities of international politics. Even now, not all countries are celebrating the imminent arrival of this historic new legal instrument.

Noticeably absent is the United States, which, in spite of being a strong proponent of the creation of an international criminal court in the past, has become one of the ICC’s loudest critics. The U.S. position is founded upon what it sees as deficiencies within the Court’s Statute, which it believes could negatively affect American citizens. In order to understand these concerns, it is therefore im-

THE CONFLICT

On April 11, 2002, the International Criminal Court (ICC) became a reality. This Court will have jurisdiction over the most serious crimes—genocide, crimes against humanity, war crimes, and (eventually) aggression. While most U.S. allies (including Canada and the United Kingdom) support the ICC, the United States remains opposed to it, arguing that its reach is too wide and that it could become a tool for politically motivated prosecutions against Americans. At the other extreme, many fear that the ICC has not been granted enough strength and so will be prevented from fulfilling its role as a force for international justice.

Political

- Some commentators have raised concerns that the ICC will be used as a political tool by countries and individuals to initiate proceedings against their enemies. However, the extensive safeguards built into the Statute—including complementarity to national jurisdictions and strict limitations on jurisdiction and on the power of the Prosecutor—should significantly reduce the possibility of such a subversion of justice.
- One of the largest controversies over the ICC was whether it should have jurisdiction over crimes committed on the territory of a State Party (or a state who has ratified the Statute, thus committing to abide by it), even if the alleged perpetrator is not a national of a State Party. In keeping with widely held precepts of international law, the principle of territoriality was upheld, and the ICC will have jurisdiction in such cases.

CHRONOLOGY

- 1945, 1946** International Military Tribunals are set up in Nuremberg and Tokyo.
- December 9, 1948** *Convention on the Prevention and Punishment of the Crime of Genocide* is adopted by the United Nations General Assembly. The International Law Commission (ILC) is requested to study the possibility of setting up an international criminal court.
- 1951, 1953** Draft statutes for an ICC are prepared but work is halted due to the inability to agree on a definition of aggression and the intensifying Cold War.
- 1989** The prime minister of Trinidad and Tobago reopens discussion about the establishment of an ICC.
- 1993** The *ad hoc* International Criminal Tribunal for the former Yugoslavia (ICTY) is established through a United Nations Security Council Resolution.
- 1994** Another *ad hoc* tribunal—the International Criminal Tribunal for Rwanda (ICTR)—is established.
- 1994** The ILC submits another draft statute to the General Assembly.
- 1995** The Preparatory Committee on the Establishment of an International Criminal Court is created to put together a finalized draft text.
- June 15–July 17, 1998** One hundred sixty countries attend the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome.
- December 31, 2000** One hundred thirty-nine countries sign the ICC treaty by the deadline set out in the Statute.
- April 11, 2002** Ten countries simultaneously ratify the Statute of the ICC, bringing the number of ratifications past the required 60.
- July 1, 2002** On the first day of the month after 60 days from the sixtieth ratification, the ICC begins to exercise jurisdiction over “the most serious crimes of concern to the international community as a whole.”

portant to investigate what is, and is not, contained in this Statute. This will provide both an insight into the likely future shape of the new Court, and an indication of why the United States has pitted itself against some of its closest allies in opposition to it.

HISTORICAL BACKGROUND

Despite a few largely unsuccessful attempts to prosecute crimes at the international level prior to World War II (1939–45), most commentators trace the birth of modern international criminal law to the International Military Tribunal (IMT) at Nuremberg. Established in 1945, it had jurisdiction over crimes against peace, crimes against humanity, and war crimes, and served to bring to trial the principal Nazi leaders. The Tribunal was limited in scope (crimes committed during World War II) and not truly international in character (the judges and prosecutors were all American, Russian, British, or French).

Nonetheless, according to Naomi Roht-Arriaza in her *Journal of International Affairs* article, the Nuremberg Tribunal and its counterpart-court in Tokyo established two fundamental principles of international law. “First, they established that a government’s treatment of its own citizens within its own borders is a proper matter for international concern and action. This principle has become one of the cornerstones of the development of human rights law. . . . Second, the Nuremberg and Tokyo trials reaffirmed the principle of individual criminal accountability for violations of certain basic human rights.”

The idea of a truly international criminal court was first seriously raised with the adoption of the *Convention on the Prevention and Punishment of the Crime of Genocide* (Genocide Convention) by the United Nations General Assembly in December 1948. This Convention made genocide a crime under international law, to be tried “by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction . . .”

At the same time, the General Assembly called upon the recently established International Law Commission (ILC) to determine whether an international court to try crimes of genocide was desirable and possible. The answer was ‘yes’ on both counts. Unfortunately, though a draft statute for such a court was prepared in 1951 and revised in 1953, it was not accepted due to the General Assembly’s inability to agree on a definition of the politically charged issue of aggression. With the start of the Cold War, which froze most activities of the United Nations, any movement toward an international criminal court was effectively put on hold.

The issue would not be considered again, in any substantive sense, until 1989. At that time, the Prime Minister of Trinidad and Tobago raised the



TWENTY-ONE NAZI LEADERS STOOD TRIAL IN THE NUREMBERG WAR CRIMES TRIAL AFTER WORLD WAR II, DURING WHICH EIGHTEEN WERE FOUND GUILTY. ELEVEN OF THE GUILTY WERE SENTENCED TO DEATH. (USHMM Photo Archives.)

possibility of an international criminal court that would have jurisdiction over those charged with major drug-trafficking crimes. The International Law Commission was asked to again take up the matter. Then events occurred to starkly illustrate both the importance and the potential of such a court. In the early 1990s, reports of horrific crimes being committed during the conflict in the former Yugoslavia spurred the United Nations Security Council, (one of the six main organs of the UN, with the primary responsibility primary of maintaining international peace and security) to establish an *ad hoc* International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993. The following year, a similar tribunal (the ICTR) was set up to try crimes arising from the genocide in Rwanda.

While the creation of *ad hoc* tribunals is one way to deal with crimes of this nature, however, it is not ideal in the long term, for a number of reasons. As Benjamin Ferencz, who was Chief Prosecutor for the United States in the Nuremberg trials, wrote in "A Prosecutor's Personal Account: From Nuremberg to Rome," "... a string of temporary tribunals created after the particular crimes have occurred, under a restricted jurisdiction and during a limited time frame, is a primitive and unsatisfactory way to assure that universal justice will

be guaranteed. International law must be known in advance and applied equally to everyone. What is needed as a deterrent to international crimes is an impartial, competent and permanent international criminal tribunal."

With the added impetus of functioning tribunals, the ICC process entered a more concerted phase. An *ad hoc* committee was formed by the General Assembly to study issues arising from a draft statute prepared by the ILC in 1994. Based on that committee's report, the Preparatory Committee on the Establishment of an International Criminal Court was created to develop a final, consolidated draft statute to be submitted to a diplomatic conference. The Preparatory Committee met periodically through 1996 and 1997, completing the draft statute at its final session in March and April 1998.

The Rome Conference

On June 15, 1998, the United Nations Diplomatic Conference of Plenipotentiaries (or diplomatic officials) on the Establishment of an International Criminal Court opened in Rome, Italy. For the next five weeks, representatives from 160 countries, with the active input of hundreds of nongovernmental organizations, negotiated over the final form that the ICC would take. To

RATIFYING STATES OF THE ROME STATUTE

<i>Year of Ratification</i>	<i>Countries*</i>	
1999	Senegal Trinidad and Tobago San Marino	Italy Fiji Ghana
2000	Norway Belize Tajikistan Iceland Venezuela France Belgium Canada Mali Lesotho New Zealand	Botswana Luxembourg Sierra Leone Gabon Spain South Africa Marshall Islands Germany Austria Finland
2001	Argentina Dominica Andorra Paraguay Croatia Costa Rica Antigua and Barbuda Denmark Sweden Netherlands Yugoslavia	Nigeria Liechtenstein Central African Republic United Kingdom Switzerland Peru Nauru Poland Hungary Slovenia
2002 through early March	Benin Estonia Ecuador Portugal	Mauritius Macedonia Cyprus

RATIFICATION OF THE ROME STATUTE DID NOT TAKE PLACE ALL AT ONCE, BUT HAS BEEN ONGOING SINCE 1999. (*Gale Group*.)

do so was no small feat; the document prepared by the Preparatory Committee (the Rome Statute) contained 1,400 square brackets, which represented points of contention and alternative options.

With stakes high on all sides, coalitions formed over specific issues as delegates worked to ensure that their vision of the ICC was realized. The challenge of gaining cooperation between those who believed that the court should be strong and independent and those who feared that such a court would trespass on their sovereignty necessitated that a delicate balance be struck.

This led to what Bruce Broomhall of the Lawyer's Committee for Human Rights characterizes as "two all-pervading and sometimes incompatible aspects of the Statute. These are, first, the way in which it is designed to attract signatories and encourage cooperation with the Court by providing broad recognition of the authority, discretion and sovereignty of States (both parties and non-parties); and secondly, those features of the Statute that aim to secure the Court's viability and authority through safeguards of its independence, impartiality and effectiveness." The result was a compromise that can perhaps be said to have left almost everybody satisfied, but no one truly happy.

There would have been no need for such a compromise had the ICC simply been established like the *ad hoc* tribunals, in other words by a United Nations Security Council Chapter VII Resolution. Under Chapter VII of the UN Charter, the Security Council has authority to take collective action with respect to threats to peace, breaches of the peace, and acts of aggression. The Security Council also has the authority to obligate all states to comply with its decision. As Ruth Wedgwood, a professor of international law, outlines in the *European Journal of International Law*, however, it was decided that "... an institution of fundamental importance should have the solid grounding of direct state agreement. To be sure, states have consented to the United Nations Charter which empowers the Council, but it was felt (philosophically and politically) that a framework institution like the ICC should ground its legitimacy on the immediate consent of participating states."

Negotiations were therefore essential and, when consensus could still not be reached, the Statute was put to an all or nothing vote; 120 were in favor of it, 21 abstained, and seven countries voted against the Statute. The vote was not recorded, therefore there is no official tally of how the votes were cast. The United States, however, announced that it had been one of the countries to vote against the Statute's adoption. Though there is some uncertainty, it is probable that the other six were China, Israel, Iraq, Libya, Qatar, and Yemen.

The reason that the United States voted in opposition to most of its allies, and with some of its staunchest political and ideological opponents, is due to its insistence that the compromise struck in Rome will result in a Court that is fatally flawed and potentially dangerous to American interests and American citizens. In order to understand this position, and that of those firmly in favor of the Court as well, it is essential to move beyond polit-

ical rhetoric and analyze what the Rome Statute really says about what crimes the Court will be able to investigate, how cases will be brought before it, how broad its jurisdiction will be, and the relationship between the ICC and national courts.

The Statute of the ICC: Crimes

As noted earlier, the Court will only have jurisdiction over “the most serious crimes of concern to the international community as a whole.” These crimes, outlined in Article 5(1), are “(a) The crime of genocide; (b) Crimes against humanity; (c) War crimes; (d) The crime of aggression.” An important aspect of all of these crimes is their scale. Individual acts of murder or torture, while horrific in and of themselves, are not within the mandate of the Court, otherwise it would quickly become overwhelmed.

Genocide: The inclusion of genocide in the Rome Statute provoked by far the least debate. This is unsurprising given the scope and seriousness of this crime, and the historical connection between its prosecution and the establishment of an international court. The definition of genocide was taken directly from the 1948 Genocide Convention and requires committing acts, such as killing or causing serious physical or mental harm to members of a group, “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”

Crimes against humanity: As in the case of genocide, there was little debate as to whether to include crimes against humanity in the Rome Statute. Instead, the disagreement arose over how to define this class of crime. The most important question was whether crimes against humanity would be limited to acts committed during international armed conflict, or could also be prosecuted when they occurred during internal armed conflict, or even during a time of “peace.” To the relief of many, this wider definition was eventually agreed to, ensuring that crimes against humanity would be recognized no matter the context in which they occurred.

Other debates surrounded the exact acts that would be considered crimes against humanity. In the end, a broad list was agreed upon (admittedly with many limitations and clarifications), including some offences that cannot be found in previous tribunal statutes, but draw upon recent developments in international law. These include apartheid, enforced disappearances (arrests carried out by officials working for the government in which the party detained simply “disappears” and does not receive the protection of the law), and sexual violence.

The end result was that Article 7 of the Rome Statute states that crimes against humanity mean any of a series of listed acts (including, among others, murder, torture, enslavement, and forced pregnancy), when they are intentionally and systematically directed against a civilian population and are part of a State or organizational policy. Human Rights Watch, in a summary of the key provisions of the ICC Statute, argues that the “double criteria of multiple acts and the existence of a policy, coupled with the requirement that the acts be carried out ‘in the knowledge of the attack’ impose an unprecedented threshold for crimes against humanity.” Again, this is indicative of negotiations that had to walk a fine line between ensuring a strong court and ensuring that countries would be willing to place themselves within the jurisdiction of the court. Concerns over too high a threshold for crimes against humanity must therefore be viewed in the light of wide jurisdiction for such crimes, including acts committed during war or peace, and acts committed by a government or organization.

War Crimes: In keeping with its mandate to only prosecute the most serious crimes, Article 8 states that the ICC “shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.” As in the case of crimes against humanity, those arguing for the inclusion of crimes committed during both international and internal armed conflict triumphed over those who argued for a limitation to international conflict.

As an International Centre for Human Rights and Democratic Development Occasional Paper explains, any prohibition against using nuclear weapons, landmines, or chemical and biological weapons did not make it into the Rome Statute. While many countries argued strenuously for the inclusion of these weapons, no agreement could be reached. The United States, China, and Russia were adamantly opposed to nuclear weapons being listed as prohibited, “[w]hile some Arab states argued that it was unjust that the statute prohibit weapons such as chemical and biological and not nuclear weapons.”

Aggression: While the crime of aggression is listed for inclusion in Article 5(1), it is essentially de-listed in Article 5(2), which states that the Court will only have jurisdiction over aggression once it has been defined. This was clearly a compromise solution designed to acknowledge both the seriousness of the crime and the difficulties with its addition, including how to define it in a universally

ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

Article 1—The Court

An International Criminal Court ("the Court") is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions. The jurisdiction and functioning of the Court shall be governed by the provisions of this Statute

. . . .

Article 6—Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 7—Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Article 8—War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (i) Wilful killing;
- (ii) Torture or inhuman treatment, including biological experiments;
- (iii) Wilfully causing great suffering, or serious injury to body or health;
- (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
- (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- (vii) Unlawful deportation or transfer or unlawful confinement;
- (viii) Taking of hostages.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law . . .

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause . . .

(d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law . . .

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

Rome Statute of the International Criminal Court. [Cited July 22, 2002.] Available on the World Wide Web at <http://www.un.org/law/icc/statute/rome-fra.htm>.

satisfactory manner and how the Court's role in prosecuting this crime would mesh with that of the United Nations Security Council. In the Charter of the United Nations, it is up to the Security Council to determine if an act of aggression has occurred, and recommend what action should be taken in response. It was uncertain how this would be balanced with a judicial role for the ICC in dealing with aggression.

Darryl Robinson, an international law professor who was involved in the ICC negotiations, explains that the other three crimes "involve a strictly factual determination of whether a particular individual committed acts meeting the definition of the crime, an exercise for which a criminal court is well placed. However, the crime of aggression operates on a different plane, requiring an act by a State against another State. Identifying the crime of aggression therefore involves questions of State responsibility and far more sensitive political determinations, such as whether a State's use of force was justified in self-defence or anticipatory self-defence." An inability to reach an agreement on how to include aggression, and an unwillingness to leave it out completely, resulted in its partial inclusion in Article 5.

What about Terrorism? Terrorism and other treaty crimes, such as drug trafficking, were included in the draft statute submitted to the Rome Conference. They cannot be found in the Rome Statute, however, due to the opposition of a number of countries, principally because, like aggression, no definition could be agreed upon. Nonetheless, there are some clear indications that this exclusion will not necessarily preclude the prosecution of terrorist crimes.

First of all, one of the annexes to the *Final Act* (another, more procedural, document adopted at the Rome Conference) recommends considering the crime of terrorism further at a future review conference in order to agree on a definition and possibly add it to the list of crimes within the jurisdiction of the Court. Even more interestingly, a number of commentators have asserted that, had the ICC been in operation prior to the September 11, 2001, attacks on the United States, they could potentially have been prosecuted as crimes against humanity, given that they certainly seem to qualify as being "part of a widespread or systematic attack directed against any civilian population."

Clearly, the definitions of the crimes over which the ICC will have jurisdiction was the subject of much difficult negotiation during the Rome Conference. What emerged was a detailed, if not



BISHOP SAMUEL MUSABYIMANA STOOD TRIAL AT THE INTERNATIONAL CRIMINAL TRIBUNAL IN TANZANIA FOR HIS ALLEGED ROLE IN THE MASS MURDER OF TUTSIS IN RWANDA. (Photograph by Sukhdev Chhatbar. AP/Wide World Photos. Reproduced by permission.)

uncontroversial, list of the most serious crimes under international law. As Darryl Robinson recounts, at the United States' insistence, each element on this list was further clarified and elaborated after the Rome Conference in an exhaustive "Elements of Crimes" document. This document was adopted by consensus on June 30, 2000. This is noteworthy because, while the Statute as a whole had to be adopted by vote due to a lack of agreement, what constitutes the most serious crimes is now universally recognized and accepted (except for aggression, which will be dealt with in the future).

Understanding what constitutes a crime within the Court's mandate, it is now possible to turn to an even more controversial subject: under what circumstances can the Court exercise its jurisdiction over these crimes?

Jurisdiction (Triggers)

The ICC only has jurisdiction over the laboriously negotiated "serious crimes" under very limited circumstances. First of all, a situation can only be referred to the Court (or "triggered") by three bodies (Article 13):

- (a) a State Party, which is a state that has ratified the Statute and thus accepted the Court's jurisdiction;

- (b) the United Nations Security Council, acting under Chapter VII of the UN Charter; or
- (c) the Court Prosecutor, who has initiated an investigation by his/herself.

The inclusion of prosecutor-initiated investigations (elaborated in Article 15) was an important victory for the nongovernmental community, which played an essential role in pushing for a stronger Court. It was feared that without this mechanism, the Court could become completely paralysed if both the Security Council and State Parties were unwilling for political reasons to bring complaints before the Court. Instead, the prosecutor can also initiate investigations “on the basis of information on crimes within the jurisdiction of the Court.”

Though it is not directly stated, presumably this information could be obtained from a variety of sources, including states, non-governmental or intergovernmental organizations, or “other reliable sources.” These are all listed in the Article as potential sources of “additional information.” In order to calm fears that such investigations could actually become the source of politically motivated prosecutions, extensive safeguards, including authorization of the Pre-Trial Chamber (which approves prosecutor-initiated investigations) before an investigation can be launched, were built into the process.

Jurisdiction (Preconditions)

In a further limit to the Court’s jurisdiction, Article 12 states that, in the case of the referral of a situation by a State Party or the prosecutor, the Court will only have jurisdiction if *either*:

- a) the country where the crime allegedly took place is a State Party—the principle of territoriality; *or*
- b) the accused is a citizen of a State Party—the principle of nationality; *or*
- c) if neither the country of territory or nationality is a State Party, then either declares that they accept the jurisdiction of the Court for the crime in question.

In other words, if a citizen of Country X commits one of the core crimes in Country Y, then the Court will have jurisdiction only if Country X or Country Y are State Parties, or either of them opts to accept the jurisdiction of the Court for that particular case. If a citizen of Country X commits a core crime within his or her own country, then the chances of the Court acquiring jurisdiction are even more limited. If Country X has not ratified the Rome Statute, and is therefore not a party to the

Court, then the ICC would not have jurisdiction based on territoriality or nationality.

The only exception is when a situation is referred to the Court by the Security Council. In such a case, because of the Council’s fundamental role under the UN Charter in the maintenance of international peace and security, the Court has jurisdiction no matter what countries are concerned. For a similar reason, the Security Council also has the right to defer, or delay trying, cases under investigation by the Court for a renewable period of 12 months (Article 16). While this is a much smaller role than the United States, among others, would have liked, it was widely believed that anything greater would overly politicize the Court, giving too much power to the five permanent members of the Security Council (the United States, China, the United Kingdom, France, and Russia).

The agreement on jurisdiction is one of the clearest examples of the element of compromise in the Rome Statute. It was the result of a last minute package introduced in the hopes of saving the conference from failure. While it succeeded in garnering widespread support, despite being significantly more limiting than some of the key proposals on the table at the time, it proved to be too much for the United States. It voted against the Statute principally because of this article.

The concerns expressed by the United States will be outlined below. They cannot, however, be considered in a vacuum. It is important that they be assessed in light of their effect on the proper functioning of the Court as a whole. As Philippe Kirsch, one of the key figures in the Rome negotiations, noted “most states consider that the statute already contains a very high number of safeguards, many of which were included specifically to accommodate the United States. Indeed, many believe that the statute already has too many safeguards, giving rise to concerns about the effectiveness of the court. . . . In order for additional concerns to be accommodated, the United States should ensure that their new proposals are not seen as deepening that problem. Delegations are concerned that efforts to satisfy the United States may create loopholes for the Pol Pots, Saddam Husseins, and Milosevics of the future.”

Many are concerned that these loopholes exist already. Article 12 certainly provides a much more limited jurisdiction than some of the other options considered before and during the conference. For example, the German Proposal argued for the broadest possible jurisdiction for the Court

on the grounds that genocide, crimes against humanity and war crimes are generally considered to fall under universal jurisdiction. The principle of universal jurisdiction is well-established in international law.

Sharon Williams, in an article in the *Osgoode Hall Law Journal*, explains that it is commonly understood that “certain criminal conduct is against the universal interest, offends universal conceptions of public policy and is universally condemned . . . any state which obtains custody over [the perpetrators] has a legitimate ground to prosecute in the interest of all states on account of universal jurisdiction over the offence, even if the state itself has no direct connection with the actual crime. . . . In this way, such heinous crimes will not escape justice by falling into a jurisdictional vacuum.” As Williams explains, the German Proposal simply maintained that the ICC should be given the same rights to prosecute these crimes as states now have.

Another proposal (the Korean Proposal) that had wide-ranging support offered a slightly more restrictive position than universal jurisdiction. It suggested that the ICC should have jurisdiction if *any* of the following were State Parties: the territorial state, the custodial state (the one which has the accused in custody), the state of nationality of the accused, or of the victim. At the other end of the spectrum could be found proposals suggesting that states should be able to consent on a case-by-case basis to the Court’s jurisdiction. This would have likely weakened the Court to the point of total ineffectiveness.

U.S. Proposal

Interestingly, the U.S. proposal is probably the closest to what actually appears in Article 12, differing only on one small, but crucial, point. The United States maintains that the Court should not have jurisdiction unless the state, of which the accused is a citizen, agrees. In essence, it agrees with the portion of Article 12 that grants jurisdiction when the accused is a national of a State Party. But it doesn’t agree with the ‘or’ that allows jurisdiction if the crime is committed on the territory of a State Party by a national of a non-State Party.

The United States is not convinced that the ICC will function in a neutral and independent fashion. It fears that the Court could become a forum for attacks on America, with American service members serving in peacekeeping or war operations abroad becoming the subject of politically motivated investigations. Therefore, the United States has been adamant that, until it de-

NOTABLE QUOTES

Richard Goldstone, former Chief Prosecutor for the International Criminal Tribunal for the former Yugoslavia:

On a national level in any country, if it were asked whether murderers should be put on trial, whether mass rapists should be put on trial, whether torturers should be put on trial, and if found guilty, punished, only criminals or lunatics would not answer in the affirmative. Yet, when it comes to the murder and rape of tens of thousands of people, there seems to be a debate as to whether the perpetrators should be brought to justice.

Justice Richard Goldstone. “Conference Luncheon Address,” Transnational Law & Contemporary Problems 7, no. 1, spring 1997.

U.S. Senator Jesse Helms, on hearing that President Bill Clinton had signed the ICC Statute:

Today’s action is a blatant attempt by a lame-duck President to tie the hands of his successor. Well, I have a message for the outgoing President. This decision will not stand. I will make reversing this decision, and protecting America’s fighting men and women from the jurisdiction of this international kangaroo court, one of my highest priorities in the new Congress.

Helms on Clinton ICC Signature. “This Decision Will Not Stand.” Press Release. December 31, 2000.

cides to sign the Statute of the ICC, its citizens should be immune from prosecution by that Court. As David Scheffer, head of the U.S. delegation in Rome, wrote soon after the Rome Conference, “it is simply and logically untenable to expose the largest deployed military force in the world, stationed across the globe to help maintain international peace and security and to defend U.S. allies and friends, to the jurisdiction of a criminal court the U.S. Government has not yet joined and whose authority over U.S. citizens the United States does not yet recognize.” The United States strongly believes that this would be a breach of both treaty and international law.

The United States argues that allowing jurisdiction over nationals of states who have not ratified the Statute contradicts treaty law by imposing obligations on states not party to a treaty. However, Michael Scharf of the New England School of Law maintains that this is a distortion. “Under the terms of the Rome Treaty, the parties are obligated to provide funding to the ICC, to extradite indicted persons to the ICC, to provide evidence to the ICC, and to provide other forms of cooperation to the court. Those are the only obligations the Rome Treaty establishes on states, and they

WEBSITES FOR FURTHER RESEARCH

United Nations: Rome Statute of the International Criminal Court, available online at <http://www.un.org/law/icc/>, provides links to official documents relevant to the creation of the ICC, including the complete text of the Rome Statute. Other links include press releases, photos, and audio coverage of the Rome Conference.

NGO Coalition for the ICC Home Page, available online at <http://www.igc.org/icc/>, posts up-to-date information on new developments in the ICC. A link to a video is available here of the simultaneous ratification of the Rome Statute by the ten states who became the sixtieth state parties.

Human Rights Watch: The International Criminal Court, available at <http://www.hrw.org/campaigns/icc>, provides links and information about the development of ICC. There are frequently-asked-questions sections about the ICC and the United States' position, as well as "What You Can Do" information for those who would like to see the U.S. ratify the Rome Statute.

apply only to state parties." In other words, simply because the Court exercises jurisdiction over non-State Party nationals, does not mean that those states have 'obligations' under the Court.

Scharf goes on to critique the claim that, under international law, the ICC is not permitted to exercise jurisdiction over citizens of states not party to its treaty. He lists numerous instances when the United States has itself claimed jurisdiction over foreign terrorists, narco-traffickers, and war criminals apprehended in the United States, based on treaties that the accused's country of nationality was not party to. He further maintains that there is precedent not only for state prosecutions of nationals of non-party states but also, in the Nuremberg tribunal, precedent for handing them over to an international court.

Ruth Wedgwood outlines an additional concern of the United States, "[t]here is an ongoing and principled debate about the appropriate occasions for the use of force abroad . . . The worry of the United States is that in an unpopular conflict, there is a real chance that an adversary or critic will choose to misuse the ICC to make its point." How-

ever, like many of the U.S. fears, this assumes that the Court will be easily manipulated by enemies of the United States. This ignores the extensive safeguards against spurious prosecutions built into the ICC Statute.

Complementarity

One such safeguard, which owes its present form largely to U.S. proposals, can be found in Article 17 of the Statute. This Article represents one of the biggest differences between the ICC and previous *ad hoc* tribunals. While the latter have supremacy over national courts, and so can take control of a case away from them, the ICC is founded on the principle of "complementarity to national criminal jurisdiction." In other words, a case will be considered inadmissible even if it satisfies all of the jurisdictional criteria laid out above when it "is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution" (Article 17).

Essentially, once the prosecutor determines that there is reasonable basis for an investigation, he or she must notify those states with jurisdiction over the crime. A state then has one month to inform the Court that it will be investigating the crime itself, and so defer the Court's investigation. This national-level investigation will be under periodic review by the prosecutor to ensure that it is being carried out genuinely. If the state is unwilling to do so (in other words the proceedings are "not being conducted independently or impartially" or there are unjustified delays) or unable to do so (due to the partial or total collapse of the national judicial system), then the Court will have the authority to take charge of the case once again. The complementarity provision does not apply when a matter is referred by the Security Council.

Thus, in the case of the United States, should the other safeguards built into the ICC process break down and a politically motivated investigation be initiated against an American national, the United States will have the opportunity to take charge of the case itself. Even David Scheffer admits in a recent article in the *St. Louis Post-Dispatch* that all the safeguards negotiated by the United States "would make the prospect of any American, particularly any U.S. service member, appearing before the ICC exceptionally remote. Indeed, the United States would have to demonstrate sheer incompetence for that to happen."



WHILE ON TRIAL BEFORE THE INTERNATIONAL WAR CRIMES TRIBUNAL, THIS PRISON NEAR THE HAGUE HOUSED FORMER YUGOSLAV PRESIDENT SLOBODAN MILOSEVIĆ, ACCUSED BY THE COURT OF ORCHESTRATING THE “ETHNIC CLEANSING” CARRIED OUT AGAINST THE ALBANIAN POPULATION IN KOSOVO. (Photograph by Ruud Hoff. AFP/Corbis. Reproduced by permission.)

RECENT HISTORY AND THE FUTURE

By the December 31, 2000, deadline, 139 countries had signed the ICC Statute. William Schabas, who is a board member of several international human rights organizations, in his volume *An Introduction to the International Criminal Court* explains that signature is “a preliminary step indicating their intention to ratify Delays between signature and ratification are to be expected, because most States must undertake significant legislative changes in order to comply with the obligations imposed by the Statute, and it is normal that they will want to resolve these issues before formal ratification. Specifically, they must provide for cooperation with the Court in terms of investigation, arrest and transfer of suspects.” Given the commitment represented by ratification, most expected that it would take decades to reach 60 ratifications.

Instead, less than four years after the Rome Conference, the threshold has been passed. According to the Statute, the treaty will “enter into force on the first day of the month after the sixtieth day following the date of the deposit of the sixtieth instrument of ratification.” (Article 126) Given that the sixtieth ratification was deposited

on April 11, 2002, the Court will have jurisdiction as of July 1, 2002. Once the Court has come into effect, new states can continue adding their ratifications, and the Statute will enter into force for them after a similar period of about 60 days have passed.

While President Bill Clinton signed the Rome Statute on the December 31, 2000 deadline, it is highly unlikely that the United States will even begin thinking about ratification in the near future. There continues to be strong hostility within the American administration for the ICC, as evidenced by Senator Jesse Helms’s American Servicemembers’ Protection Act (ASPA), which was passed in the Senate but narrowly defeated at a joint meeting of the House and Senate on December 20, 2001.

If accepted, Helms’s bill would have become permanently binding legislation preventing U.S. government cooperation with the ICC. Among other things, it would have also permitted the president to use all means necessary to release U.S. or allied personnel detained by the Court. Given that the Court will be located in the Hague, the Netherlands, some have derisively called the ASPA the “Hague Invasion Act.” The House’s bill, which was passed instead, is also anti-ICC and would limit

cooperation with the new Court, and prevent any Defense funds being spent on anything related to it, but expires at the end of 2002.

This represents but a small victory for the pro-ICC forces, however. As it became increasingly clear that the threshold of 60 ratifications would be passed despite U.S. opposition, reports began to circulate that President Bush's administration was considering going one step further in expressing its antagonism to the Court by "unsigned" the Rome treaty. Such a move is unprecedented in the international arena and of great concern to many of the United States' allies. It could have severe repercussions for the stability of other treaties, many of which provide the foundation for the most important international laws and norms. At the same time, it would have only a symbolic impact on the ICC process, reiterating well-known American concerns.

With or without the support of the United States, the ICC will come into being. A Preparatory Commission has been meeting periodically since 1998 to prepare such documents as draft texts of the *Rules of Procedure and Evidence* and *Elements of Crimes* and a draft relationship agreement between the Court and the United Nations. A final Preparatory Commission will be held in July, and its work will then be continued by the Assembly of State Parties, which will be convened for the first time in September 2002. As a press release of the NGO (nongovernmental organization) Coalition for an ICC (CICC) explains, "[t]hese meetings will finalize processes for the nomination and election of judges and a prosecutor and formalize other critical administrative and procedural issues." Elections themselves will likely be held in January 2003, at the second meeting of the Assembly of State Parties.

The Court will therefore probably not begin operating until a year or so after the Rome Statute comes into force. This does not, however, make July 1, 2002, any less historic. Since the ICC does not have retroactive jurisdiction, it will not be able to investigate crimes committed before that date. Thus, the date when it begins to exercise jurisdiction is just as important as the date it begins operations.

What kind of Court will emerge once operations have begun is still a matter of some uncertainty. Will it become a tool for those advancing their own political agendas? Will it be limited by the strict parameters imposed on its operations? Or will it stand strong as a neutral forum for the pursuit of international justice? Only time will tell how

the compromises of Rome will play out in the international arena. The international community, however, is not sitting back and simply hoping for the best.

Nongovernmental organizations (NGOs) have been, and continue to be, particularly active in the ICC process. In particular, the NGO Coalition for an ICC, a network of over one thousand NGOs, international law experts, and other civil society groups, has worked extensively toward "the creation of an effective, just and independent International Criminal Court" through such activities as promoting awareness and ratification of the Rome Statute throughout the world.

As Louise Arbour, former Chief Prosecutor for the ICTY and current Justice of the Supreme Court of Canada, stated at a January 2002 Conference on the ICC, it is no longer relevant to debate whether the ICC *should* happen. That is yesterday's debate. The ICC will come into effect. The only question remaining is *how* to make it happen; how to make it the institution the world needs and deserves.

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Jessica Blitt

JAMAICA: GUN BATTLES IN KINGSTON

THE CONFLICT

When on July 7, 2001, the Jamaican security forces entered the community of Tivoli Gardens as part of an operation in the West Kingston area, to deal with a spiralling problem of violence between rival political gangs, violence erupted between the security forces and alleged gunmen. At the end of the conflict, 21 civilians were killed and many more injured. This incident should be seen as part of a long history of turbulence that has characterized the Jamaican society, beginning with the Spanish occupation of the country in the sixteenth century. In the 1960s, however, a new kind of violence, largely partisan political in orientation, began to emerge. This violence increased in the 1970s culminating in the most violent elections ever in the history of the country in 1980. While the current wave of crime and violence in the country has multiple causes—drug trafficking, poverty, and domestic disputes—partisan politics is at the center of this explosive mix of reasons.

Economic

- The Jamaican economy has stagnated for over two decades. As a consequence, high rates of poverty and economic marginalization have continued to characterize the society, especially in the urban and inner city areas. In this environment, politicians of the two major political parties, the Jamaica Labour Party (JLP) and the People's National Party (PNP), have continued to ensure allegiance by distributing spoils to their communities or "garrisons."
- The allegiance to a specific party, as well as drug conflicts, is the basis of much of the violence in Jamaica.

Political

- Jamaican politics is dominated by two political parties, the JLP and the PNP, both of which seem unwilling or unable to make fundamental changes to the political system that would ensure the end of "garrison politics," and consequently a reduction in political violence.

On the morning of July 7, 2001, violence erupted in an inner city area of West Kingston, Jamaica, after police and soldiers entered the Tivoli Gardens community. Tivoli Gardens is a working class community with strong allegiance to opposition leader, Edward Seaga, leader of the Jamaica Labour Party (JLP). The police force and the government had accused this community of harboring gunmen and other criminals.

At the end of this conflict three days later, 21 persons were killed and millions of dollars in damage had been done to property. The United States State Department issued a travel warning for Jamaica; some public commentators and business people condemned the action of the security forces while others had high praises for their action. The large number of decomposing corpses, which remained on the ground for days, until the conflict had ended, reflected the intensity and brutality of the conflict.

HISTORICAL BACKGROUND

According to the historical records, the first people to have settled in Jamaica are known as the Arawak or Tainos, who came circa 650 CE from South America. Some historians believe that when the Awaraks came they found a group of people called the Ciboneys, or rock dwellers, who were thought to have engaged in fishing as a way of life. While very little is known about the Ciboneys, the Arawaks disappeared from the island during the early part of the sixteenth century when the Spanish settled in Jamaica.

In 1494, while on his second voyage to the Americas, Christopher Columbus came across Jamaica. There he met and interacted with the

CHRONOLOGY

650 CE The Arawaks or Tainos settle in Jamaica.

1494 Christopher Columbus visits Jamaica and interacts with the indigenous people, the Tainos. In later years, these indigenous people would be enslaved and eventually wiped out by the Spanish settlers.

1503 Spanish settlement begins in Jamaica when Columbus and his crew are forced to stop in the country due to an accident while on their way back to Spain. Before departing for Spain, Columbus leaves a few men behind in Jamaica. This would not be a substantial settlement though.

c.1508 The first governor, Juan de Esquivel, is appointed to Jamaica by the Spanish. Spanish settlements are marginal, as Jamaica is not considered to be an important Spanish possession.

1655 Jamaica is conquered by the English and taken from Spain. The number of African slaves in the country will increase as the British cultivate sugar for export to Europe.

1739 The British sign the first peace treaty with the Maroons.

August 1, 1834 The emancipation proclamation, ending slavery for African descended children six years and under, is enacted and the period of apprenticeship begins.

1838 Slavery is abolished for all persons.

1865 The Morant Bay Rebellion, which ushers in important social reforms to the country, ends the "dark age" of Jamaica's history.

1944 Internal self-government is granted by the British and full universal adult suffrage for persons 21 years and older begins.

1959 The People's National Party (PNP) wins general elections under the leadership of Norman Manley.

1962 Jamaica achieves independence and elects its first prime minister, popular labor leader and leader of

the Jamaica Labour Party (JLP), Alexander Bustamante.

1966 The first state of emergency is declared in response to a gang war between rival supporters of the PNP and the JLP.

1972 The PNP is elected to office under the leadership of Michael Manley, the son of former Premier Norman Manley. Manley's regime will make a shift to the left, and opposition to his policies by the JLP will intensify in the late 1970s.

1976 The second state of emergency is declared by the Manley government in response to a spate of violent incidents in the country.

1980 The PNP loses in elections to the JLP. More than 800 people are killed at the end of the year, largely as a result of political violence.

1989 The PNP returns to power. In 1992, Michael Manley resigns as Prime Minister because of ill health and P. J. Patterson takes over as prime minister.

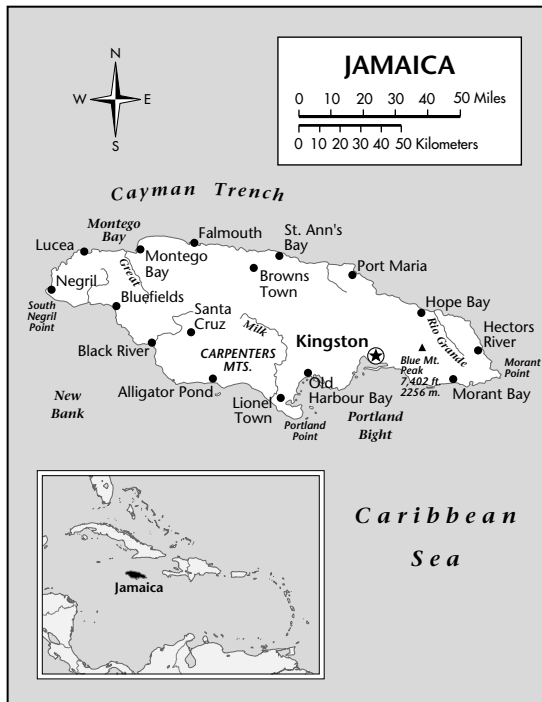
1997 Security forces enter Tivoli Gardens in an effort to quell violence, which erupted in West Kingston. Many people are killed. Opposition leader Edward Seaga accuses the government of trying to gain political advantage by using the security forces.

2001 Security forces enter West Kingston again to deal with alleged criminal activity. There is an intense gunfight between the security forces and gunmen in Tivoli Gardens. Many people are killed as a result of this battle. National Security Minister K. D. Knight is accused of incompetence by the opposition party and many public commentators. This accusation has been levelled at him for many years.

2002 Prime Minister P. J. Patterson appoints Peter Philips to the post of national security minister, replacing the embattled K. D. Knight, in order to placate the public and reduce crime and violence.

Arawaks, and then left. Settlement in Jamaica by the Spanish did not occur not until 1503, during Columbus's fourth voyage, when he and a few other Spaniards were forced to stop for an extended period in Jamaica because of problems with his ship.

The first governor of Jamaica was Juan de Esquivel who was appointed circa 1508. During the Spanish occupation, the country remained a dependency of Hispaniola and functioned more or less as a supply place for the Spanish colonists in



MAP OF JAMAICA. (© Maryland Cartographics. Reproduced by permission.)

the Americas. Not much is known about the Spanish occupation of Jamaica during this period; suffice it to say that under the Spanish, Jamaica remained poor and marginal to larger Spanish interests in the region. During this time the Arawaks were wiped out because of enslavement and disease. The Spanish treated the indigenous people with a level of brutality that eventually led to their extinction.

In 1655 an English fleet sailed into Kingston Harbor and eventually conquered Jamaica from Spain. By that time, the Spanish had begun to import African slaves into the country. When the English invaded, the Spanish set the slaves free, so that they could help fight off the English. Many of those slaves ran to the mountains and became, along with other run-away slaves (brought in by the British), the first Maroons. Those Maroons later fought a protracted war against the British. So difficult was it for the British to conquer the Maroons, who used guerrilla tactics from the mountains, that they were forced to sign a peace treaty with them in 1739. This treaty guaranteed the Maroons land in exchange for their freedom.

It was during the British rule of Jamaica that the country saw the large-scale introduction of plantation slavery. Slaves imported from West Africa formed the bulk of the labor force, as they

did in the other British colonies of Antigua, Barbados, and St. Kitts. Jamaica, like the other colonies, became a leading producer of sugar bound for the European market. The British society made huge profits from the exploitation of slave labor. The slaves produced the sugar for export up until 1834 when slavery was partially abolished with the introduction of the Apprenticeship System.

Although abolition was in part due to the external economic and political factors, the large number of slave rebellions throughout the Caribbean, especially in Jamaica, hastened the process of emancipation. The Emancipation Act of August 1, 1834, stated that all slave children under the age of six and any others who were born after that date were to be free. All other slaves, however, were to be apprenticed to their masters for a specified period of time—between four and six years depending on the type of slave. Apprentices had to work for three-quarters of the week and their masters were to provide them with food, shelter, clothing, and medical attention. For the remaining quarter of the week, they were free to work on their provision grounds or hire themselves out for wages. If the apprentice managed to save enough money, he or she could purchase his or her freedom with or without the master's consent.

During the period of Apprenticeship there was a labor shortage on the plantations and thus Indians (from India), Chinese, and a small number of persons from West Africa, were imported to supply labor as indentured servants. Interestingly, slave owners were also given compensation by the British government for the loss of slave labor. However, slaves or their descendents have never been compensated for their many years of forced labor which helped to build European societies.

On August 1, 1838, slavery was officially abolished, beginning a new era in Jamaica. Although emancipation changed the condition of the masses of black Jamaicans, the social situation that was produced by slavery was to condition the future developments in the country. Slavery had created a large, poor, marginalized, black population who produced the wealth of the country. However, the country was controlled by a white upper class. Miscegenation resulted in an emerging mulatto group, who eventually occupied a higher social status than the black masses, by virtue of their lighter complexion.

The Post-Emancipation Era

The end of slavery saw the growth of numerous free villages throughout Jamaica. During this

PERCIVAL JAMES PATTERSON

1935— Born to a father who was a farmer and a mother who was a primary school teacher, P. J. Patterson (as he is called in Jamaica) is one of Jamaica's most enduring politicians. Patterson was educated at Somerton Primary School in St. James and then won a scholarship to study at Calabar High School in Kingston. From there he went on to the University of the West Indies (UWI), Mona Campus, and graduated with a bachelors of arts degree in English in 1959. He then studied law at the London School of Economics (LSE) and won a number of academic awards, including the Sir Hughes Parry scholarship for excellence in the law of contracts. He completed his studies at the LSE in 1963.

Patterson began his involvement in politics at the UWI, where he was one of the founding members of the UWI Political Club. He also became president of the Guild of Students, a position that exposed him to young vibrant political leaders across the region—including Trinidad and Tobago's Eric Williams, an outstanding academic and the first prime minister of that country. Patterson joined the Peoples' National Party (PNP) on graduation from the UWI.

Patterson was appointed senator from 1967 to 1970. In 1972 he held his first ministerial post as minister of industry, foreign trade and tourism. He served as campaign director for the general elections of 1972, 1976, and 1989. Between 1969 and 1982 he was the party's vice president. In 1979 he was appointed deputy prime minister and minister of foreign affairs and foreign trade. He assumed the post of chairman of the party in 1983.

During the turbulent 1970s, Patterson was considered to be to the right of the prominent left-wing group in the party. In the 1970s, the Michael Manley government embarked on a path of democratic socialism, making social services more accessible to the large pool of marginalized people throughout the country, especially in the growing inner cities. These populist policies, however, came at a price: the business elite and the middle class began to leave the country for the United States.

The U.S. government also became hostile to the close links between the Manley administration and national liberation movements and leftist regimes across the world, especially Cuba. Internally, the economy began to decline, political violence escalated, and the government used draconian measures to control the violence, including the declaration of a state of emergency that led to the arrest of several persons (including JLP activists) accused of criminal activity.

In 1980 the PNP lost the elections to the JLP. Patterson remained in parliament and once again assumed the post of deputy prime minister when the Manley-led PNP won the elections in 1989. He was appointed to the post of minister of development, planning and production. Between November 1990 and December 1991, he held the post of minister of finance and planning. In January 1992, Patterson was forced to resign his position as deputy prime minister because of a perceived conflict of interest in a controversy in which the government provided import tax waivers worth us\$1.47 million for a senior PNP party official. Patterson admitted he made an error in judgement but insisted that he never profited financially from the waiver. In March 1992, when Michael Manley left office as prime minister due to failing health, Patterson won the support of his party to lead the party and government. On March 30, he became Jamaica's sixth prime minister. He has been prime minister and leader of his party ever since.

Patterson's accession to the post of prime minister was hailed by many as a change in the political culture of the country, away from the messianic type of confrontational leaders to a more rational technocratic style. Under his leadership the country has continued to adopt free market policies, opening Jamaica to greater outside investment than ever before. However, the 1990s was marked by a banking crisis and economic decline. Violent crime increased, reaching an all-time high in 2001, with over 1,100 murders in a country of only 2.6 million people. Although there has been some political reform and rhetoric aimed at reducing political violence, the situation has hardly changed.

period there was a decline in the sugar industry for a number of reasons, including poor management practices, indebtedness of planters, and increased cost of production because wages now had to be paid to laborers. The post-emancipation era was also characterized by continued exploitation and

mistreatment of poor, largely black, Jamaicans by the state and upper classes.

This situation contributed to the 1865 Morant Bay Rebellion, which eventually led to an investigation by the Royal Commission, sent in by the



SEVERAL DAYS OF RIOTING ENSUED IN KINGSTON AFTER TAXES WERE RAISED IN 1999. MANY FLIGHTS TO AND FROM THE CITY'S MANLEY AIRPORT WERE CANCELED. (Photograph by Ricardo Figueroa. AP/World Wide Photos. Reproduced by permission.)

British government to investigate the reasons for the conflict. This situation led to a change in the type of government from the Old Representative System to Crown Colony government. Under this government many important social changes were to be made in the country that benefited the mass of the people. Sweeping changes were made to transportation, health, and educational systems. There were also significant political reforms. Crown Colony government lasted until 1944, when self-government came into being.

Self-Government and Independence

The 1930s ushered yet another important period of change in Jamaica. Across the Caribbean,

riots broke out as people revolted against their governments and the ruling classes. The world depression, coupled with continued poor treatment of the working class by the state and owners of capital, led to organized public protests. This period saw the rise of the trade union movements and political parties in Jamaica and across the Caribbean. One of them was the Bustamante Industrial Trade Union (BITU), named after its leader, Alexander Bustamante, one of Jamaica's national heroes. The BITU was later associated with the Jamaica Labour Party (JLP), one of Jamaica's main political parties. In 1938, Norman Manley, another of Jamaica's national heroes and a lawyer at the time, started the

People's National Party (PNP), the other major political party in the country.

In 1944 Jamaica achieved internal self-government. The new constitution of November 20, 1944, provided for full universal adult suffrage for men and women 21 years and over (later changed to 18 years and over). The new constitution provided a two-chamber legislature, the House of Representatives, composed of elected members, and the Legislative Council (later the Senate), composed of nominated official and unofficial members. Prior to this, only as much as one-twelfth of the population had been allowed to vote in elections. Despite these changes, Jamaica remained a colony of Britain and was represented by a governor. Two parties, the JLP and the PNP, contested the first elections under this new constitution and the JLP won under the leadership of Alexander Bustamante. They also won the second elections held in 1949 but with a reduced majority.

In 1953, further changes were ushered in that strengthened internal self-government. These changes provided for a chief minister and an executive council drawn from the House of Representatives that would run most of the affairs of the country. Bustamante became the first chief minister of Jamaica. However, at the next general election in 1955, the PNP won the elections and Norman Manley became the chief minister. By 1957, further constitutional change, including a change of executive council to a cabinet, guaranteed virtual internal self-government for Jamaica. In 1959, a new election was held under this new constitution and the PNP was once again victorious.

Since the 1930s there had been efforts by English-speaking Caribbean countries to achieve independence through the creation of a federation of the countries. The federation was achieved in 1958 when a number of Caribbean countries agreed to the creation of the West Indies Federation. The federal headquarters was located in Trinidad and Tobago and the first federal prime minister was Grantley Adams, a Barbadian political leader.

In 1962 Jamaica withdrew from the federation following the results of a referendum on federation in that country. The federation ultimately collapsed and in 1962, with the end of the federal experiment, the Jamaican political elite decided to seek political independence from Britain. On August 5, 1962, the British Union Jack was lowered, and Jamaica became an independent nation, led by the Jamaica Labour Party, which had won the general elections in that same year.

GARRISON POLITICS IN JAMAICA

The term "garrison" is a word used by Jamaicans to describe a community in which virtually all of the residents, voluntarily or by coercion, support a particular political party or politician. Both the Jamaica Labour Party (JLP) and the People's National Party (PNP) have garrison constituencies. The community of Tivoli Gardens, the stronghold of the JLP leader Edward Seaga, which has been the focus of much of the activity of the security forces since 1997, fits the profile of a garrison. Garrisons are developed when political parties ensure loyalty through the provision of houses and employment for people of a particular community.

To maintain the community support, the parties help to create informal militias comprising community members. These militias assure that the particular community is cleansed of supporters of the opposing party, and provide security from the violent aggressors of a competing garrison or community.

In garrisons, there is no notion of political democracy, as people who entertain ideas about political alternatives may be expelled or even executed. Garrisons help to maintain the hegemony of a particular political party or politicians in the community. They may, however, keep communities dependent, poor, ignorant, and also help to perpetuate violence in the society. Garrisons are some of the most undemocratic social structures in the Jamaican society. Of the 60 electoral districts in Jamaica, about eight may be classified as garrisons, while another six or seven have some features which resemble garrisons.

Politics and Violence: The Post Independence Era

The Jamaican society has always been characterized by conflict, whether between slaves and masters, the lower class and upper classes, or rival political parties. The political violence of 2001 must be seen as a result of a long history of conflict within the society. It must be located within the complex web of relationships which include poverty, political tribalism, social exclusion and organized crime (especially, drug trafficking).

In 1944 political violence erupted when JLP and PNP supporters fought against each other using their fists, stones, and knives. In 1966 the country's first state of emergency was declared when a war broke out between rival political gangs. In 1967



JAMAICAN SECURITY FORCE SOLDIERS MONITOR A NEIGHBORHOOD IN WEST KINGSTON IN JULY 2001, FOLLOWING DAYS OF GUNFIRE BETWEEN POLITICAL GANGS AND SECURITY FORCES, WHICH LEFT 21 CIVILIANS DEAD. (Photograph by Tomas van Houtryve. AP/Wide World Photos. Reproduced by permission.)

members of these rival political gangs killed each other during the country's first independent general elections. These gangs received the support of or were used by politicians on both sides to achieve political advantage. The gang leaders, called "top rankings," were persons who usually had a reputation for involvement in violent street crime in the poverty stricken areas of the Kingston Metropolitan Area (KMA), and were able to secure favors, including contracts for work, from the politicians, in return for helping these politicians to maintain political control over various constituencies.

Some of these areas became known as garrisons, that is, areas in which the inhabitants vote voluntarily or as a result of coercion for a particular politician or political party. Those in the community who show dissent are usually excluded from the economic spoils provided by the politicians to the community. The idea of garrisons runs counter to the idea of free and fair elections and an open democratic society.

During the 1960s large numbers of Jamaicans migrated from rural to urban areas in search of a better life. A large number also migrated to Britain for the same reason. Poverty rates were high and political parties deepened their connection with the masses of the poor, especially in the urban areas, creating constituents who saw their survival as being connected with the electoral success of the party they supported.

Between 1962 and 1972 the ruling party, the JLP, managed to attract a large following in the

largely low-income KMA. This was an area that traditionally supported the PNP. They did this by building housing projects, namely Tivoli Gardens and Wilton Gardens. The persons who moved into these projects were supporters of the JLP. Another project, Arnett Gardens, was under construction when the PNP won the 1972 elections. These housing units were given to supporters of the PNP on completion. These communities, or garrisons, which were in close proximity of each other, would be at the centre of the violent political conflicts that would come to characterize Jamaican politics.

The period of the 1970s brought many gains to poor Jamaicans, through the provision of education at unprecedented levels, and access to health and housing. This period, however, also witnessed vicious ideological battles at the height of the Cold War. In 1976 the Michael Manley-led government declared a state of emergency. Since coming to power in 1972, Manley moved the government to the left, attracting the criticism of the JLP. During this period, violence increased, culminating in the declaration of a state of emergency, in an effort to control the situation.

Manley's socialist policies and his close contacts with left-wing governments, including Cuba, resulted in opposition from JLP politicians, middle and upper class Jamaicans, and the U.S. government. Between 1976 and 1980 the country witnessed unprecedented levels of political violence between JLP and PNP supporters. In the period leading up to the 1980 elections, the country experienced some of the most brutal slayings ever, with gunmen invading tenement houses and killing old people, women, and children. Many people were murdered and rival communities routinely erupted in vicious violent episodes. At the end of 1980, over 800 persons were reportedly murdered, most as a result of political violence.

Throughout the 1980s and early 1990s there was a reduction in politically motivated violence (although non-political violent crime continued its upward climb). While there was an episode of violence during the 1993 general elections, the situation was quickly brought under control by the security forces. According to Jamaican criminologist Bernard Headley, one of the reasons for the dramatic reduction in political-inspired violence was the movement of criminal leaders into other forms of crime. In addition, many of these leaders migrated to North America and Britain. Another factor was the cooling of political conflicts between the political parties due to changes in the local and global political situation. The vicious ideological battles of the Cold War era were subsiding.

EDWARD SEAGA

1930– Edward Seaga was born on May 28, 1930, to Jamaican parents of Lebanese descent, in Boston, Massachusetts; they moved to Jamaica soon afterwards. He attended the Blake Preparatory School and Wolmers High School. At the age of 18 he attended Harvard University, graduating in 1952 with a bachelor's degree. On his return to Jamaica he began studying the folk culture and religions of rural Jamaicans.

After a short stint at the University of London doing postgraduate work, Seaga returned to Jamaica in 1956. In 1959 he was appointed to the legislative council. During the general elections of that year, he was actively involved in campaigning and from that point on climbed quickly through the ranks of the Jamaica Labor Party (JLP). In 1962 he won a seat in West Kingston, the area that eventually became his political base. There Seaga developed a strong following within the community known as Tivoli Gardens—an area considered to be a “garrison.”

Seaga has been credited with developing Tivoli Gardens into one of the most well organized communities in the midst of poverty-stricken inner cities in Jamaica. The community has proper housing, schools, a community center and other amenities. However, in return the community has been consistently loyal to Seaga, and it is unlikely to find persons in that community who are supporters of any of the rival political parties. In 1967 Seaga became minister of finance in Jamaica. Then, in the 1972 election, the People's National Party (PNP) won and Seaga became opposition leader and leader of the JLP. Seaga remained in opposition until 1980 when he won in a landslide against the Michael Manley-led PNP. During Seaga's term in office there was some reduction in the level of crime and violence and the adop-

tion of free-market economic policies at the urging of the international lending agencies, such as the World Bank and the IMF.

Throughout the 1970s when the PNP moved more to the left, adopting various socialist policies, there was a great deal of opposition from the country's economic elite, many of whom sold their properties and moved to the United States. The JLP and Seaga, along with the U.S. government, opposed the Manley regime during this time. In addition, during the build-up to the 1980 election, followers of Seaga's JLP were involved in many violent clashes with the followers of Michael Manley's PNP. At the end of the election in 1980, hundreds of persons had died from clashes.

The JLP lost to the PNP in 1989. Seaga's Party also lost the 1993 and 1997 elections. Seaga has been opposition leader since 1989. The successive losses to the PNP led to some conflict within the party as one of the popular leaders in the JLP, Bruce Golding, broke away to form a new party called the National Democratic Movement (NDM). Golding, who is no longer involved in party politics, and others in the party argued that Seaga was no longer fit to lead the party. In addition, they accused Seaga and the JLP as well as the Patterson-led PNP of supporting violence as a means of winning elections. Both Seaga and Patterson have continued to deny any involvement in political violence. Although many commentators have argued that Seaga should retire from politics, as he could never win another election as leader of the JLP, the economic and social crisis in Jamaica has made him a viable alternative to Patterson. According to the opinion polls, Seaga's JLP is likely to win the general elections in 2002.

RECENT HISTORY AND THE FUTURE

In 1989 the PNP won the general elections, the first time since 1980. The PNP went on to win the 1993 and 1997 general elections. Since 1992 P. J. Patterson has led the government. Although Patterson was deputy prime minister in the Manley government during the 1970s, many see him as a less confrontational person than either Manley or Seaga. In fact, when Patterson won the 1993 elections, it was hoped that his non-confrontational

style would lead to less political conflict and a better style of government. Under Patterson, the ideological battles of left and right were buried as the government, along with the help of the International Monetary Fund, pursued free market policies. The ideological divide between the JLP and PNP no longer existed.

During the 1990s, as violent crime increased, the Jamaican society and the state became more concerned about violence from criminal organizations than with political violence. Many, however, argue that there is a link between the rising crim-



KINGSTON RESIDENTS PRAY FOR AN END TO VIOLENCE IN THEIR NEIGHBORHOOD. (Photograph by Tomas van Houtryve. AP/Wide World Photos. Reproduced by permission.)

inal activity of inner-city drug “Dons” (leaders of criminal organizations) and political parties. Media commentators and former political activists from both the JLP and PNP have publicly admitted that both the PNP and JLP have used violence to secure political advantage during elections or to maintain control over various areas of the country.

One of the country’s late political scientists, Carl Stone, argued that clientelism and political patronage are at the heart of the violence in Jamaica. It is especially acute in instances where politicians used Dons to maintain control over various areas. These Dons are usually accorded the protection of the law in return for their loyalty.

In the past, securing partisan loyalty from sections of the police was also a means of achieving political control. During the decade of the 1990s the Jamaican police force has implemented significant reforms, making it more difficult for the politicians to use them to further political ends. However, despite these reforms the government has been, rightfully or wrongfully, accused of using the security forces to break up Seaga’s stronghold of the Tivoli Gardens community. Many social scientists in the country have argued that both the PNP and the JLP are still guilty of using groups of thugs in inner-city communities to secure political advantage.

In May 1997, the army and police entered the community of Tivoli Gardens, according to the Minister of National Security, to deal with the problem of criminal activity associated with drugs and guns. There were exchanges of gunfire between gunmen and the security forces. At the end of the operation a number of civilians were killed—many of them in questionable circumstances. Some public commentators felt the action was politically motivated. Others in the public approved the operation as a way of dealing with the country’s spiralling crime problem—in part due to reprisal killings by members of PNP and JLP strongholds. The police kept a close watch on the West Kingston community right up to the December elections. Opposing JLP and PNP strongholds in the area also forged a truce in an effort to reduce the killings.

This truce lasted for three years until April 2001 when, as a result of the slaying of three persons in the PNP stronghold of Arnett Gardens, violence erupted across Kingston and the parish of St. Andrew. Many persons were murdered during the confrontation and an estimated 798 families lost their homes to arsonists. In early June, the opposition leader charged the Patterson government with the violence and asked that it be stopped, as much of it was aimed at JLP supporters. However,

even with the intervention of the security forces in some of the communities the violence continued.

On July 7, 2001, an operation by the police and the security forces got underway to restore order to the affected communities. The largest part of the operation took place in Tivoli Gardens, where the army and the police entered and had pitched gun battles with alleged gunmen. At the end of the operation over 21 civilians were dead. Some commentators and Seaga accused the government of trying to use the operation to seek political advantage in the next general election. Seaga himself has also been accused of exploiting the conflict to gain political mileage. Polls taken after the conflict indicated that there was widespread public support for the operation, although there was condemnation of the police. It must be stated though that, because of police actions in the past, the Jamaican public have very little confidence in the police force.

While there have been significant reforms within the police force and criticism of government's handling of the crime problem in the country, it is highly likely that the events of July 7, 2001, will be repeated in the future. Crime and violence is the greatest social problem faced by Jamaicans, according to recent polls. In 2001, Jamaica experienced its highest murder rates ever—over 1,100 in a population of only 2.6 million people. Jamaica has one of the highest murder rates in the world. In an effort to deal with the problem, Prime Minister Patterson has installed a new minister for security.

Many hope that a change in government might also bring a change in the current situation. But this is unlikely to happen since crime and violence in the country is a multifaceted issue and has to be tackled as such. To effectively tackle the crime problem, policy makers must honestly and openly address the link between the illegal drug trade, poverty, political patronage, and police abuse. There is little indication that politicians in the JLP

are willing to admit that part of the problem of crime and violence is linked to the type of politics practiced in the country.

Tourism is the most important foreign exchange earner in Jamaica. Despite the crime situation, Jamaica has continued to attract large numbers of U.S. visitors, as Americans have maintained a very positive image of the country. The violence has had the most impact on the European market. Maybe this is in part due to the fact that Europeans are more in touch with the social and political events in the country than are Americans, who tend to see the islands of the Caribbean as simply vacation spots. Therefore, short of a massive revolt from civil society to force the government to institute political reforms or a sharp reduction in poverty or a dramatic downturn in the tourism market, linked directly to violence, high rates of crime and violence are likely to continue to haunt the Jamaican society in the foreseeable future.

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Ian Boxill

JAPAN: HISTORY AND THE TEXTBOOK CONTROVERSY

THE CONFLICT

For around the past thirty years, people inside and outside Japan have protested the content of that country's history textbooks and their authorization. In Japan, publishers create textbooks and then present them to the government for approval. In the past, the books did not present a full picture of some of Japan's military aggressions, particularly those before and during World War II. In the mid- and late 1990s, after much protest, the most widely-used Japanese textbooks began to contain references to the Nanjing Massacre, anti-Japanese resistance movements in colonized Korea, forced suicide in Okinawa, "comfort women," and experimentation on prisoners of war. However, in April 2001, the Ministry of Education approved *The New History Textbook*, which had been written by a group that wanted to present Japanese history in a light that would make children feel proud of their country by omitting the "dark history." The errors and omissions in the text provoked a renewed protest when the Japanese government approved the textbook.

Political

- The controversy over textbooks may be part of a much larger issue—the question of Japanese militarism. Many fear that the promotion of ultra-nationalism will produce students who are ultra-nationalist in their beliefs.
- Many of the subjects of controversy in textbook history are still in some way actively controversial.
- The authorization process for approving textbooks in Japan has been called into question. Educators and scholars have argued for textbooks to be published freely and for individual teachers to choose freely among them—and for teachers to use more than one textbook in the classroom.
- Efforts to arrive at a more universal narrative of history—one that can be accepted in all the countries involved—have been overwhelmed by the enormity of the task, but are ongoing.

The most recent international debate over textbook adoption in Japan was over a junior high school history and civics textbook and the system that authorized it. *The New History Textbook*, compiled by the Japanese Society for History Textbook Reform, published by Fusosha, and authorized by the Japanese Ministry of Education, took center stage in the controversy.

In Japan, textbook adoption takes place every four years and the process lasts a full year. Textbook companies submit manuscripts to the Ministry of Education in Tokyo, whose appointed committees examine them according to prescribed criteria. Prior to issuing its stamp of approval, the Ministry suggests or requires revisions of the texts and offers authors and publishers opportunities to redo their drafts. Copies of the Ministry-approved manuscripts are then available for consideration by local authorities. From among the approved texts, boards of education in the local districts and principals of private schools choose a textbook for their history classrooms.

In April 2001 the Ministry of Education approved *The New History Textbook* and seven other textbooks for use in junior high school history classes for the school year beginning April 2002. The Ministry had requested or required that textbook authors and publishers make some changes in their original manuscripts. This power to suggest changes and to reject an unrevised book gave credibility to a widespread view by the public that final approval was the Japanese government's official endorsement of a story of the nation's past, its national narrative. This view fueled the controversy surrounding *The New History Textbook*, as did the actual content of the final, authorized version.

CHRONOLOGY

- 1871** Japan's Ministry of Education is established. It determines the general direction of education and in addition prescribes and approves textbooks.
- 1945** Japanese bureaucrats during the American occupation change existing textbook policy by literally inking out passages that might offend the American occupiers.
- 1946** In an effort to ensure that textbooks will not encourage emperor worship and militarism, the Supreme Command for the Allied Powers (SCAP) imposes on Japan a system of government certification of schoolbooks. That system continues after the Americans leave.
- 1965** Ienaga Saburo, a prominent historian, files the first of his three lawsuits against the Ministry of Education, charging that its textbook authorization process is unconstitutional and illegal. The lawsuits will last 32 years.
- 1982** The textbook screening process in Japan becomes a diplomatic issue when the media of Japan and neighboring countries devote extensive coverage to textbook revisions required of Ienaga by the Ministry of Education, such as removing critical language from his history textbook, for instance, writing of the Japanese army's "advance into" China instead of its "invasion of" China.
- 1997** The Supreme Court of Japan unanimously upholds the Ministry's right to continue screening textbooks, but requests "that the Government re-

frain from intervening in educational content as much as possible."

Mid-1990s Fujioka Nobukatsu, a professor of education at Tokyo University establishes a movement to "correct history" by removing from textbooks any reference to matters associated with what Fujioka calls "dark history." The Japanese Society for History Textbook Reform takes shape from this movement and goes on to compile *The New History Textbook*.

December 2000 A large number of Japanese historians and history educators express misgivings about *The New History Textbook's* rendering of Japan's past.

April 2001 The Ministry of Education approves *The New History Textbook* and seven other textbooks for use in junior high school history classes for the school year beginning April 2002.

April 2001 Following authorization of *The New History Textbook*, the "International Scholars' Appeal Concerning the 2002-Edition Japanese History Textbooks" is placed on the Internet and declares *The New History Textbook* "unfit as a teaching tool because it negates both the truth about Japan's record in colonialism and war and the values that will contribute to a just and peaceful Pacific and World community."

Summer 2001 China and Korea strongly protest the content of *The New History Textbook*.

August 15, 2001 On this deadline for textbook selection in Japan, it becomes apparent nearly all Japanese schools have rejected *The New History Textbook*.

Over the past 30 or more years, people in the media and others both inside and outside Japan have protested the content of that country's history textbooks and their authorization for use in schools. During the most recent adoption cycle, debate focused on whether to make junior high school students proud of their country's past. *The New History Textbook* promoted the idea "that the Japanese 'nation' has been pushed into the wings in postwar Japan and that the proper role of history is to affirm the country's collective memory and tell the story of the nation," according to political scientist Fujiwara Kiichi in his August 2001 article "History and Nationalism." This textbook, he claims, seeks to restore Japan to its "rightful" place in history.

For example, unlike the Japanese junior high school history texts of the mid- and late-1990s, *The New History Textbook* presents the period leading up to and including World War II in a positive light. The International Scholars' Appeal Concerning the 2002-Edition Japanese History Textbooks claims that "the textbook strongly suggests that Japan fought the Asia-Pacific War to liberate Asian countries from (Western) colonization Far from criticizing Japanese aggression, it states that 'Japanese victories on various fronts fostered dreams of, and courage for, independence among many people in Southeast Asia and India.'"

Scholars within Japan and from around the world, representatives of Japan's and the world's

media, historical associations in Japan and historians across the globe, and the angry leadership in Japan's neighboring states appealed to the Japanese government to require further revisions of *The New History Textbook* or urged local education authorities not to use it. But the Japanese Foreign Ministry and Prime Minister Koizumi Junichiro refused to bow to pressure. By August 15, 2001, Japanese school districts had made their decisions, and, although the contentious textbook remained among the eight texts eligible for use in history classrooms, nearly all school districts had rejected it.

HISTORICAL BACKGROUND

When it was first established in 1871, Japan's Ministry of Education not only determined the general direction of education but in addition prescribed and approved textbooks. For much of the late-nineteenth and early-twentieth centuries there was one series of national textbooks for elementary schools compiled, issued, and controlled by the Ministry of Education, according to Ronald S. Anderson in *Education in Japan: A Century of Modern Development*. From the beginning, however, junior high school texts were prepared independently and screened by the Ministry, in much the same way that they are today.

This is not to say that during the prewar years there was no controversy over textbook content in Japan. Nozaki Yoshiko and Inokuchi Hiromitsu, in "Japanese Education, Nationalism, and Ienaga Saburo's Textbook Lawsuits," explain that "struggles over the national narrative existed . . . before and even during World War II, when official narratives such as the Imperial Rescript on Education [an edict issued by Japanese Emperor Meiji around 1868] and other 'fine militarist stories' played a crucial role in Japanese identity formation."

Those struggles intensified during the postwar years. In the early months following World War II, Japanese bureaucrats changed existing textbook policy by inking out—literally—passages that might offend the American occupiers. By 1946, in an effort to ensure that textbooks did not encourage emperor worship and militarism, the Supreme Command for the Allied Powers (SCAP) imposed on the nation a system of government "certification" of schoolbooks. That system continued after the Americans left.

In 1965 Ienaga Saburo, a prominent historian, filed the first of his three lawsuits against the Ministry of Education, charging that its authorization

process was unconstitutional and illegal. The Ministry had rejected Ienaga's history textbook because it contained "too many illustrations of the 'dark side' of the war, such as an air raid, a city left in ruins by the atomic bomb, and disabled veterans," as quoted by Nozaki and Inokuchi. His second suit two years later also involved the issue of constitutionality and, in addition, focused on points related to Ienaga's characterization of Japan's myths about its foundation and a description of the 1941 Japan-Soviet neutrality pact.

In 1982 the screening process in Japan became a diplomatic issue when the media of Japan and neighboring countries devoted extensive coverage to textbook revisions the Ministry of Education required. The Ministry had recommended that Ienaga remove critical language from his history textbook, suggesting that he write of the Japanese army's "advance into" China instead of its "invasion of" China, of an "uprising among the Korean people" instead of the "March First Independence Movement." Pressure applied by China and Korea succeeded in persuading the Ministry to back down, said Murai Atsushi, in an August 2001 article in *Japan Echo*, a bi-monthly journal of opinion on a wide range of topics of current interest in Japan. This resulted in the Ministry's adding a new authorization criterion: that textbooks must show understanding and international harmony in their treatment of modern and contemporary historical events involving neighboring Asian countries.

Ienaga's lawsuits lasted 32 years. In 1997 the Supreme Court of Japan unanimously upheld the Ministry's right to continue screening textbooks, but Ienaga and his fellow critics did enjoy a partial victory. The court requested "that the Government refrain from intervening in educational content as much as possible" (as quoted by Nicholas D. Kristof in a 1997 *New York Times* article).

By the time of the final ruling in 1997, however, Ienaga and the tens of thousands of Japanese who joined him in his battle against the authorization process had been victorious in fact if not in law: the most widely used Japanese textbooks in the mid- and late-1990s contained references to the Nanjing Massacre, anti-Japanese resistance movements in Korea, forced suicide in Okinawa, "comfort women" (women from several East and Southeast Asian countries forced to serve Japanese soldiers), and Unit 731 (responsible for conducting experiments on prisoners of war)—all issues raised in Ienaga's suits. This is the background of the 2001–02 controversy.



A CUSTOMER BROWSES *THE NEW HISTORY TEXTBOOK* IN A TOKYO BOOKSTORE. THE CONTROVERSY SURROUNDING THE BOOK HELPED SELL COPIES TO THE CURIOUS JAPANESE PUBLIC, BUT NOT ONE SCHOOL DISTRICT ADOPTED THE BOOK FOR USE IN SCHOOLS. (Photograph by Tsugufumi Matsumoto. AP/Wide World Photos. Reproduced by permission.)

“Correcting History”

In the mid-1990s, about the same time that Japanese middle school history textbooks had begun addressing these controversial issues, a conservative (some would argue ultra-conservative) movement toward reform in the Japanese history curriculum was taking shape. Initiated by Fujioka Nobukatsu, a professor of education at Tokyo University, the Liberal View of History Study Group (the group was anything but liberal by most standards) was established. The group set out to “correct history” by removing from textbooks any reference to matters associated with what Fujioka calls “dark history” (the matter of the “comfort women” is the example used most often) that might make Japanese school children uncomfortable when they read about the Pacific War and by emphasizing a “positive view” of Japan’s past.

Fujioka and his Liberal View of History Study Group joined with others to form the Japanese Society for History Textbook Reform, headed by Nishio Kanji. This is the society that compiled *The New History Textbook*. In Irie Yoshimasa’s 1997 article in *Japan Echo*, Nishio is quoted expressing impatience with the authors of textbooks that have nothing good to say about Japan’s modern history. “History needs to be reproduced just as it happened, but Japan’s textbooks apply today’s value

standards to yesterday . . . The existence of mistakes and contradictions in Japan’s past should be acknowledged. But at the same time we have to recognize that Japan has been a success as a country . . . The current set of textbooks doesn’t explain this success. Not only do they fail to acknowledge it, but they actually portray it as more of a failure.”

In an article in an August 2001 *Japan Echo*, Nishio summarized the views of the Society, insisting that “history stop being treated like a court in which the figures and actions of the past are called to judgment.” The article maintained that *The New History Textbook*, rather than asserting the society members’ personal views of history, aimed to restore common sense to the teaching of the subject.

In December 2000, reacting to a draft of *The New History Textbook* circulated by the society and shown on national television, a large number of Japanese historians and history educators expressed misgivings about the book’s rendering of Japan’s past. Their complaints centered around the text’s presentation of their country’s foundation myths as historical fact and its characterization of wars launched by modern Japan as wars to liberate Asia.

The intellectuals’ appeal to people inside and outside Japan appeared on the Internet prior to the

THE NANJING MASSACRE

In the 1930s Japan sought to expand its empire into China. It invaded Manchuria in 1931 and set up a puppet state there called Manchukuo. In July 1937 the Japanese claimed (without much evidence) that Chinese troops had fired on them at the Marco Polo Bridge near Beijing. They then launched a full-scale invasion. China, weakened by its civil war, put up little effective resistance. The Japanese captured Shanghai in November and then marched on toward Nanjing, committing atrocities along the way. When the Japanese attacked Nanjing in December 1937, the Chinese soldiers had already abandoned efforts to defend the city and had begun to loot and burn it themselves as the Japanese approached.

The Japanese troops surrounded the city and then carried out one of history's most brutal massacres, which was sanctioned by commanding officers. With a mission to round up all Chinese soldiers and under orders to kill all captives, the Japanese began mass executions throughout the city. They shot, tortured, burned, and bludgeoned to death more than 200,000 men in the first six weeks of their occupation of the city. At the same time Japanese soldiers went on a rampage of rape, killing many of their victims, frequently after gang-rape, torture, or mutilation. According to Iris Chang in *The Rape of Nanking* (1998), estimates of the number of victims of rape and rape-murder during the massacre range from 20,000 to 80,000 women and girls, from age 8 to 80.

In 1946–47, war crimes trials were held and some of the Japanese commanders were tried and executed for their crimes. In Japan there have been various efforts to keep the atrocities of Nanjing out of the public eye and out of Japan's history books. Since the 1980s there have been those who wanted to deny that the Nanjing massacre ever took place, others who spoke of it as an inevitable consequence of war, and still others, including the Japanese government, who felt that since the

number of dead, usually estimated at 200,000, could not be definitively known, it should not appear in print.

New Japanese textbooks, however, are beginning to acknowledge the Nanjing Massacre, as it came to be known, as well as other events such as "comfort women" and experimentation on prisoners of war during World War II that have gone previously unacknowledged. The book *Japan in Modern History: Junior High School* (1994) presents examples from two Japanese textbooks of how the Nanjing Massacre is beginning to be noted.

The example taken from *Chugaku shakai: Rekishiteki bunya* (Social Studies for Junior High School: History, by Atsuta Isao, 1993) states in its main text that the Japanese army massacred "large numbers" of Chinese prisoners of war, women, and children in the city of Nanjing. A footnote indicates the following: "It has been said that 200,000 people were slaughtered by the Japanese army in this incident, which was condemned internationally as the 'Nanjing Massacre.' From about 1940 the Japanese army destroyed the lives of the Chinese people in a three-pronged strategy of burning, killing, and pillaging villages in North China, where the anti-Japanese movements were centered."

Another Japanese textbook, *Shimpan chugaku shakai: Rekishi* (Social Studies for Junior High School: History, New Edition, by Sasayama Haruo, et. al., 1993), notes that during the Japanese occupation of Nanjing, the army killed "large numbers of ordinary inhabitants including women and children" and engaged in looting and rape. The accompanying footnote says: "The number of victims of this incident has been put at 200,000; in China the figure, including military killed in the fighting, is put at 300,000 at least. The behavior of the Japanese forces was subjected to strong criticism throughout the world, but the ordinary Japanese citizen knew nothing of the incident until after Japan's defeat."

April 2001 authorization of *The New History Textbook* by Japan's Ministry of Education. Following authorization, an international group of scholars joined in. This "International Scholars' Appeal Concerning the 2002-Edition Japanese History Textbooks" aimed to "ensure that textbooks are consistent with values of peace, justice and truth." It declared *The New History Textbook* "unfit as a teaching tool because it negates both the truth

about Japan's record in colonialism and war and the values that will contribute to a just and peaceful Pacific and World community."

Editorials in Japan's media also attacked *The New History Textbook*. Immediately after the textbook was authorized, the editors of the Japanese newspaper *Asahi Shimbun*, April 4, 2001, wrote, "The Ministry of Education's curricular guidelines



PROTESTERS IN HONG KONG FOLD A BANNER THAT READS "EVIDENCE CANNOT BE DENIED, THIS PICTURE SHOWS A JAPANESE SOLDIER HOLDING A VICTIM'S HEAD, AND LETTING OTHER SOLDIERS TAKE PICTURES." MANY OF THE PEOPLE KILLED IN NANJING WERE MURDERED IN A GRUESOME MANNER. (Photograph by Vincent Yu. AP/Wide World Photos. Reproduced by permission.)

for defining the basic standard for education states that it is the duty of adults to 'consider things from many angles and from a broad perspective to nurture men and women who will build a democratic and peaceful nation and a society that coexists with the international community.' The Society for History Textbook Reform tries to sweep Japan's negative wartime behavior under the rug, such as its victimization of people in other countries, in the guise of 'overcoming a masochistic view of history.' If children are confined to such a normative view, their 'understanding of and affection for the land or history of the country,' the supposed objective of study, will have only a frail foundation."

China and Korea React

Protests against the textbook had erupted much earlier in China and South Korea. Reactions took various forms. China Radio International announced that the Chinese government and people were "strongly indignant about and dissatisfied with the new Japanese history textbook for the year 2002 compiled by right-wing Japanese scholars." Foreign Ministry spokesman Zhu Banzao warned that the Chinese people would not accept the interpretation of wartime events the new textbook set forth. Beijing subsequently threatened to cancel several high-level visits.

An article in the August 21, 2001, issue of *Korea Now*, a biweekly magazine published in English by the *Korean Herald*, reported that as Seoul prepared to celebrate its Liberation Day (from the Japanese) on August 15, angry Koreans continued to stage anti-Japan protests. The protests were ignited by the new Japanese textbooks "that allegedly gloss over atrocities by Japanese soldiers during World War II." Moreover, South Korea postponed joint military exercises scheduled for June 2001.

Under the Japanese system, local school authorities determine whether a new textbook is to be used in district classrooms. On August 15, 2001, the deadline for school districts to make their selections, Associated Press writer Mari Yamaguchi reported in the *Japan Times* that nearly all of Japan's school districts had shunned the new text. Yamaguchi explained that, based on its own survey results, Fusosha, the publisher of *The New History Textbook*, acknowledged that the text had been adopted by only four schools in Tokyo and by three other schools in southern Japan for use in the next academic year, which began April 1, 2002. She quoted a spokesman for Children and Textbooks Japan Network, a civic group that had been active in campaigning against adoption of *The New History Textbook*, "We have gained nationwide support

to say 'no' to the textbook. . . . [I]t's the conscience of the Japanese public." According to a Kyodo news survey released August 16, 2001, not a single municipal government-run or state-run junior high school in the country adopted *The New History Textbook*.

RECENT HISTORY AND THE FUTURE

Importance of the Issue

The controversy surrounding the adoption of junior high school history textbooks in Japan raises the question, Why are textbooks—history textbooks in particular—important enough to fight over?

Since the early 1980s in Japan, the controversies over content and authorization of junior high school history textbooks have involved questions of accuracy and questions of diplomacy. Indeed, the protest over *The New History Textbook* may be only part of a much larger issue, not how to present or represent history but rather the whole question of Japanese militarism.

In a paper entitled "Official Histories, Official Protests: China's Reactions to Japan's New History Textbook," presented at the 2002 annual meeting of the Association for Asian Studies, Xiaorang Han argued, "The book became a target not only because of what is in the book, but also because of who wrote the book . . . a group of rightists whose stated goal was to glorify the national history of Japan. . . . In the eyes of the critics of the book, the group that produced [it] and the book itself represent and symbolize Japanese militarism." Han continued, "It is true that the controversy is about history, but it is about the pieces of history that are still closely linked to controversial issues . . . that include compensation for 'comfort women,' prisoners of war and other victims of the war, Japanese leaders' visits to Yasukuni Shrine, repeated insulting remarks made by high-ranking Japanese government officials, [and] the expanding role of the Japanese military. . . . If a textbook full of patriotic and socialistic teachings can produce good patriots and socialists, then a textbook full of ultra-nationalistic teachings such as *The New History Textbook* will definitely produce a new generation of ultra-nationalists."

The textbook controversy in Japan concerns all of us. As Robert Lerner, Althea K. Nagai, and Stanley Rothman write (in *Molding the Good Citizen: The Politics of High School History Texts*, 1995), "Political theorists since Plato and Aristotle have stressed the importance of education in developing

good citizens. Today, most nations of the world see education as a means of molding adults who will advance society and contribute to community cohesion. The late historian Henry Steele Commager reminded us in 1980 in *The Study and Teaching of History*, that "[h]istory, which should be the most cosmopolitan of studies, most catholic in its sympathies, most ecumenical in its interest, has, in the past century and a half, become an instrument of nationalism."

Contemporary historians Laura Hein and Mark Selden (in *Censoring History: Citizenship and Memory in Japan, Germany, and the United States*, 2000) tell us that "[h]istory and civics textbooks in most societies present an 'official' story highlighting narratives that shape contemporary patriotism; . . . [p]eople fight over textbook content because education is so obviously about the future, reaches so deeply into society, and is directed by the state. Because textbooks are carried into neighborhood schools and homes, and, because, directly or indirectly, they carry the imprimatur of the state, they have enormous authority."

Historian of Japan Richard H. Minear (in "Support Statements of Nominators and Supporters [of Ienaga Saburo for the 2001 Nobel Peace Prize].") answers the question that opened this section as follows: "As a practicing historian, I encounter at every turn the power textbooks exercise over my students' minds. In . . . Japan it is the government that influences the content of textbooks. In the United States today the problem is not the government but textbook publishers. As far as the effects on students go, the difference is not great. . . . [O]ur students believe absolutely what they read in textbooks."

Education in Japan, as in the United States, is textbook-centered, with the majority of history teachers in both countries relying heavily on them. In writing about the controversy over history textbooks that erupted in Japan in 1982, American social studies educators John J. Cogan and Ronald E. Weber, in their 1983 article, "The Japanese History Textbook Controversy . . . and What We Can Learn from It," raised questions that get to the heart of why this controversy was so important then and remains important today to past, present, and future generations of any land. Among other questions, they ask, "What role should textbooks play in the development of attitudes toward other nations? What responsibility does one nation have to report historical events in a manner that is sanctioned by other nations? What right, if any, should publishers have to censor or require authors to state particular events in a specific manner, i.e., who

should determine the content of a textbook? What role should textbooks play in depicting a prescribed view of a nation's history?"

Why is the issue as important for Americans as for Japanese and their neighbors? More than one American scholar has suggested that Japan is a mirror for Americans. If this is so, then Americans can certainly learn from the controversy over junior high school textbooks in Japan. At the very least, the recent row should make Americans ask: Why aren't there more debates in this country over textbook content? Why don't American teachers and their students and the American public at large look more closely at the content of our history textbooks and at the process by which publishing companies and state and local adoption agencies authorize them?

The Future of History

What might be the consequences of the 2001–02 textbook controversy—not only for Japan but also for the rest of the world? At the very least, it should prove once again that history is not a dry subject. Dialogue surrounding textbook-related events during this recent authorization cycle has proven that history—interpreting the past—is never simple, that there is not, and never will be, a single view of a nation's history, that master narratives are always inadequate.

In Japan. But what of the controversy's future in Japan? The liveliness of debate during the 2001 authorization cycle suggests that the textbook issue will not disappear. The numbers of people involved in similar controversies (most especially Ienaga's lawsuits) over more than 30 years, and the vast coverage in the media—from the daily press to more scholarly journals—confirm it. Textbook content is no longer a concern of the Ministry of Education or Japan's courts alone but a matter of policy that invites discussion among not only scholars but also the public at large.

The immediate results of the controversy in Japan imply that the right-wing lost the battle by not gaining enough support nationwide to convince even 10 percent of local school districts (their announced goal) to adopt *The New History Textbook*. This may be so, but while everyone's attention was focused on *The New History Textbook*, the other seven approved texts also dropped or tempered their treatment of Japanese wartime atrocities; for example, all eight approved textbooks reduced their coverage of the "comfort women" and the Nanjing Massacre.

Will Japan ever again see textbooks like those of the mid- and late-1990s? Many observers saw



SOUTH KOREAN STUDENTS DEMONSTRATE AGAINST JAPANESE HISTORY TEXTBOOKS. EVENTS, SUCH AS THE KILLING OF 7,500 KOREANS DURING A RESISTANCE MOVEMENT IN 1919 AGAINST THE OPPRESSIVE JAPANESE COLONIZATION OF KOREA, ARE PORTRAYED IN MANY TEXTBOOKS IN A MORE FAVORABLE LIGHT. (AP/Wide World Photos. Reproduced by permission.)

the publication of *The New History Textbook* as a backlash against the more liberal texts of the past decade, against what Nishio, in the *Japan Echo*, called the "masochistic" view of Japan's past. Will history texts four years from now swing the other way? It is conceivable that in the 2005–06 cycle authors and publishers will come out with interpretations of Japan's past more to the liking of that country's moderates and liberals.

There is also the possibility that the authorization process itself will be altered or abolished.

Voices in Japan—such as that of Murai Atsushi, professor of education at Kanazawa University and author of *Views of History and Reform of Course Contents*—have already called for an end to the system as it stands. Although Murai and others have argued for textbooks to be published freely and for individual teachers to choose freely among them—and for teachers to use more than one textbook in the classroom—the likelihood that the system will change in the near future is slim. In this most recent debate, the issue of textbook content obscured the issue of textbook authorization.

In the region. Japan's Ministry of Education's requirement that textbooks show consideration for international understanding and harmony in their treatment of events involving Japan's neighbors is, of course, subject to interpretation. Japan and its neighbors have not yet agreed on the meaning of this criterion that has been on the books for 30 years. Since both China and South Korea say misrepresentation of history in textbooks could undermine relations with Japan, perhaps the Ministry will pay more attention to the clause in the future.

In the midst of the diplomatic row that erupted between Korea and Japan, *The Korea Herald* declared that the controversy had chilled relations in an already rocky relationship, and Seoul strongly urged Japan to take "fundamental measures" to prevent any future distortions of history.

China's leaders also spoke out in their press. The *China Daily* (July 11, 2001) reported that President Jiang Zemin said that China and Japan should adhere to the principle of "taking history as a mirror and looking to the future" so as to ensure the development of a long-standing friendship between the two countries. Japan's *Asahi Shimbun* responded by proposing regular dialogue between Japan and its neighbors as a means of narrowing the gap between the ways they see history.

A United Nations Committee on Economic, Social, and Cultural Rights recently sided with outside critics who charged the history textbooks approved by Japan's Ministry of Education with glossing over war atrocities. The Committee has called on the Japanese government to "present issues in a fair and balanced manner in textbooks" (as quoted in *Japan Times* on September 2, 2001). A question for the future is whether the Committee will monitor the authorization process in its next cycle and whether the opinions of Committee members will influence Japan's decision-makers.

What about a bi-national or multi-national history textbook? In 1990 Fujisawa Hiei, a professor at Kanazawa University in Japan, and Yi

T'ae-yong, a South Korean historian (then president of Honam University), organized a committee to study the history textbooks in each country—without the direct involvement of either government. According to committee member Kimijima Kazuhiko, in an essay entitled "The Continuing Legacy of Japanese Colonialism: The Japan-South Korea Joint Study on History Textbooks," the committee never answered the question of whether creating a common textbook was possible. Many members thought it impossible, but at least one scholar "insisted on the need to strive for a common textbook . . . 'even if it takes 100 years to develop.'"

As many scholars and the media have pointed out, the problem with these projects is that they usually have to be approved by the respective governments. Again, to quote Xiaorong Han: "A few years ago, South Korean President Kim Dae-Jung called for the Korean, Chinese, and Japanese governments to sponsor a joint cultural project to unify writing of Chinese characters, but the Chinese and Japanese failed to respond positively. . . . If the governments in the region are not willing to unify Chinese characters, then they are probably even more unwilling to unify historical teachings. . . . "Han's example and that offered by Kimijima above do not bode well for the future of cooperative efforts on controversial subjects.

In the world. A more positive note for the future was sounded by Han's colleague at the same conference in April 2002. Hong Seung-ki argued in his paper, "A Critical Review of the Nationalist Point of View Underlying *The New History Textbook* by Kanji Nishio and Others," that nationalist history must be replaced by what he called a universalist point of view "free from the interests or values of the groups that the historian belongs to, like nation, state, class, clan, and religion." Although Hong admitted that it would be difficult for historians to free themselves from such interests and values, he stressed that they "must make endless attempts to realize such a dream."

Over the past ten years historians on both sides of the Pacific have argued against teaching a nation's story as a subject separate from the history of the world. From this point of view, Japan, China, Korea, and the United States, for example, are no longer distinct entities on this ever-shrinking globe; their stories, their histories, should be part of what today we often call "big history."

Historically, what factors have shaped textbook arguments? Among them are civil wars, the collapse of governments, defeats in war, victories in

war, prosperity, depression, acts of terror. What has happened in the past, both distant and immediate—in a country, a region, the world—in significant measure determines textbook content of the future. As William Faulkner, the Nobel Prize-winning twentieth-century American novelist, reminded us, “The past isn’t dead. It isn’t even past.”

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Kathleen Woods Masalski

PAKISTAN: PARTNER AGAINST TERRORISM

THE CONFLICT

In September 2001 Pakistan joined the United States in the campaign against terrorism, abandoning the Taliban government of Afghanistan that had previously been its ally. The position of Pakistan's leader, General Pervez Musharraf, appears to be precarious. Within his own country, Musharraf faces the opposition of militant Muslim organizations and it is unclear whether the powerful Inter-Service Intelligence agency (ISI) or the Pakistani military is fully behind him. Additionally, Pakistan's long-standing conflict with India over the region of Kashmir has seen a recent escalation of tensions, massing of troops, and taunting of nuclear weapons, while questions are raised about whether Pakistani militants are fighting in Kashmir alongside al-Qaeda terrorists, whom Pakistan is supposed to be opposing.

Political

- This was the third U.S.-Pakistani alliance, in a relationship previously defined by the Cold War. Those arrangements ended badly, producing a history that complicates the present relationship.
- Pakistan has been viewed internationally with great skepticism. Its frequent failure to maintain democratic governance and its human rights record have made it something of a pariah in the West.

Economic

- In agreeing to the alliance, Pakistan has secured relief from its international debt payments from the United States, Japan, and the International Monetary Fund. Additionally, a U.S. arms embargo imposed due to suspicions that it was developing nuclear weapons counter to U.S. nonproliferation policy has been lifted, allowing Pakistan to rebuild its conventional military forces. Pakistan's isolation from the international community has been relieved.

Three weeks after the terrorist attacks against the United States on September 11, 2001, Pakistani president Pervez Musharraf announced that Pakistan was joining the U.S.-led alliance to fight the terrorist group al-Qaeda and the Taliban regime in Afghanistan that gave the group refuge. The question that U.S. president George W. Bush (2001–) had put to Musharraf, and much of the world, after the bombing was simply, “Are you for us or against us in the war against terrorism?”

With the United States preparing to go to war in Afghanistan, the consequences of refusing to join the alliance were obvious, while the consequences of joining were less clear. That decision required that Pakistan give up significant commitments to Afghanistan's Taliban government, which was ostracized by most of the world's nations. For years Pakistan had supported the Taliban, a movement created by militant Afghanis trained in Pakistan's Islamic schools (*madrassas*) that gained power by force in Afghanistan and instituted strict Islamic law on the portions of the country it controlled. Additionally, Pakistan's influential military Inter-Service Intelligence agency (ISI) was suspected of having ties with Taliban fighters who may have been members of the al-Qaeda network, and in supporting the insurgency in Indian-held Kashmir.

While popular support within Pakistan for the government's fairly sudden turn against the Taliban was questionable, on the global level there was no doubt that Musharraf benefited greatly by joining the anti-terrorist alliance. Before aligning with the coalition, Pakistan had a tenuous relationship with many other nations, was subject to sanctions for its testing nuclear weapons, and burdened with a staggering international debt. Musharraf's decision to assist the United States with its “war on terror” was

met with approval from the international community, while at the same time setting off forces within that threatened to destabilize his regime.

Pakistan's political complications—internally, regionally, and globally—are vast. On the home front, in the aftermath of the terrorist attacks on the United States, Musharraf faced domestic opposition from Pakistan's two major political parties and from Islamic militants. Two former leaders of Pakistan, Benazir Bhutto and Nawaz Sharif, who headed both political parties respectively, were in exile and banned from participating in the parliamentary elections Musharraf had promised for October 2002. Pakistan's Islamic militants, though minor players in the country's electoral politics, often resort to violence and they see Musharraf's decision to turn against the strict, Islamic Taliban regime as a betrayal of Pakistan's basic values. They lost no time in organizing violent demonstrations after Musharraf agreed to the alliance, and there is little reason to expect that they will cooperate with his regime in the future.

Regionally, Pakistan's conflict with India has been constant since independence from Britain in 1947. In April 2002 India and Pakistan's armies have had nearly one million troops fully deployed along their common border for more than three months. This confrontation is particularly ominous with both governments possessing nuclear weapons, although India maintains a policy of "no first use," meaning it will not initiate a nuclear attack but may respond in kind if attacked. Pakistan has no such policy.

Pakistan has searched for decades for support from other nations that might offset India's superior strength in South Asia. In fact Musharraf's decision to join the U.S.-led alliance follows a series of these initiatives. Memories of the support Pakistan received from the West during the Cold War and its aftermath, which was not sustained, have colored negotiations in this round of alliance building.

HISTORICAL BACKGROUND

Pakistan: The Struggle Within

Pakistan and India were both part of the same British colony prior to independence. During the struggle against British colonial authority, the Pakistani separatists wanted to form a separate nation based on religious differences. This demand for a separate Pakistan was strenuously opposed by the Congress Party, those Indian nationalists who would eventually rule independent India. For those

CHRONOLOGY

- 1947** Colonial India is partitioned into the independent states of Pakistan and India.
- 1948** The first Indo-Pakistani war divides Kashmir between Pakistan and India.
- 1954** Pakistan joins the western alliances against communism (CENTO and SEATO).
- 1958** General Ayub Khan establishes Pakistan's first military government by coup d'état.
- 1965** The Second Indo-Pakistani war ignites over Kashmir.
- 1971** Pakistan is defeated in the Bangladesh war, with Pakistan's eastern province becoming Bangladesh. Zulfikar Ali Bhutto's elected government replaces Pakistan's military regime.
- 1977** General Zia ul-Haq overthrows the Bhutto government to re-establish military rule.
- 1979** Prime Minister Bhutto is executed after being convicted of murder. Soviets invade Afghanistan. Pakistan becomes the frontline state supporting the Afghan rebels.
- 1988** General Zia is killed in an airplane crash. His military government is replaced by a civilian government led by Benazir Bhutto.
- 1989** Soviets withdraw from Afghanistan and the Cold War ends.
- 1998** Pakistan responds to Indian nuclear tests with tests of their own.
- 1999** Pakistan and India fight a minor war in the Kargil area of Kashmir. General Pervez Musharraf overthrows the civilian government of Nawaz Sharif.
- 2001** Pakistan joins the anti-terrorism campaign against al-Qaeda and the Taliban government of Afghanistan. Suicide bombers attack the Indian Parliament. India fully deploys its army on the Pakistani border. Pakistan counters with full deployment.
- 2002** The Musharraf government holds local elections; extends General Musharraf's presidency for five years after an uncontested referendum; and schedules parliamentary elections for October.

secular nationalists, governance had nothing to do with religion, except for guarantees of religious freedom. The argument for partition and a separate Pakistan was eventually accepted by the British, however. The actual lines drawn to separate the new



OSAMA BIN LADEN SUPPORTERS ARE ARRESTED IN KARACHI, PAKISTAN, ON SEPTEMBER 17, 2001. PAKISTANI LEADER PERVEZ MUSHARRAF CRACKED DOWN ON EXTREMIST FORCES WITHIN THE COUNTRY AFTER THE SEPTEMBER 11 TERRORIST ATTACKS ON THE UNITED STATES, WHICH WERE TRACED TO BIN LADEN'S GROUP AL-QAEDA. (Photograph by Zia Mazhar. AP/World Wide Photos. Reproduced by permission.)

nations followed British India's demographic patterns: Hindu-majority areas became India and the Muslim-majority areas became Pakistan.

Once the new boundaries were announced, riots broke out in northwest India. Streams of Muslims moved west to Pakistan and streams of Hindus moved east to India. During this exchange a million people were killed and more than ten million people lost their homes and became refugees in a new land. When the exodus ceased, the separation of Hindu and Muslim was far from complete, for roughly a third of the subcontinent's 110 million Muslims remained in India.

Defining Pakistan

With independence, Pakistan was left with the task of defining what an "Islamic state" appropriate for a Muslim homeland should be. In a novel written almost thirty years ago, Salmon Rushdie described Pakistan as a country "insufficiently imagined." Pakistani leaders found themselves confronted by the basic questions that had troubled all Muslims after the demise of the Ottoman Empire in 1919: "How can Muslims explain their declin-

ing fortunes?" and "How should Muslims respond to the challenges of modern life?"

During British rule the leader of the movement to form a separate Pakistan, Mohammed Ali Jinnah (1876–1948), and his colleagues had used language that appealed to the colony's Muslims in advocating a new state. Their language, though, had been abstract enough to include people of different beliefs concerning the extent to which the precepts of Islam would govern the new nation of Pakistan. When reforms were proposed and choices had to be made, two conflicting solutions were proposed as appropriate for Muslims in an Islamic state.

The first answer (the conservative answer) argued that the Koran and other Islamic texts must be used to perfect the Islamic community in order to return to the state of grace enjoyed in the past. From this perspective, the ills that had befallen Islam were the result of Muslims straying from the one true path that produced such great success for Islam during the time of the Prophet.

The second answer (the modernist answer) was that Muslims should focus on the personal meaning of Islam, while coming to terms with the realities of twentieth-century science, technology, and economics. Proponents of the modernist answer argued that the new should be accepted, so long as innovations undertaken did not violate Islam's basic precepts. This answer, proponents believed, would provide Muslims with the means required to catch up with the industrial West.

The Controversy about a Religious State

Since Pakistan became independent, most political and administrative leaders have subscribed to the modernist answer, while performing their roles within political structures that alternated between parliamentary democracy and military governments similar to the Musharraf regime. (The military has been in charge for only half of the 52 years of Pakistani independence.)

Under both parliamentary and military governments, the question of what an Islamic state should be has been a matter of contention. Opposing the modernist position has been the Jamaat-i-Islam, a political party that advocates reforms based on a strict interpretation of Islamic law. Although the Jamaat-i-Islam has performed poorly when elections are held (never receiving ten percent of the total vote), its influence has been felt during both elected and military governments. Military regimes have found conservative support useful to legitimize their rule, and secular parties

have found the Jamaat a useful partner in parliamentary coalitions.

The result has been conservative reform of family, criminal, and commercial law. Laws banning the collection of interest, providing for amputating the hands of thieves, and allowing men easy divorces have been passed and sustained by the courts. But implementation has not been automatic. For example, the implementation of usury laws continues to be postponed. No thief has lost a hand, because the law requires that the operation be done by a doctor using an anesthetic. Doctors have simply refused to perform the operation.

The Language Controversy

Almost as important as religion was the question of national language in the new country. Muslim League leaders of the Pakistan movement were Urdu speakers from India's major cities. Those leaders made Urdu the national language, even though it was spoken by less than five percent of Pakistan's citizens. In 1947 the majority of the population in Pakistan spoke Bengali, but that majority lived in East Pakistan. East and West Pakistan were separated geographically by nearly a thousand miles of Indian land, and by then, West Pakistan, although smaller in size, had already emerged as Pakistan's administrative hub. The Bengalis of the east had little to do with the Muslim League government that made Pakistan's early decisions.

The language controversy was just the first and most important of a series of arguments that came to separate Pakistan's east and west wings. The resentment of the east wing and the overwhelming dominance of the west wing eventually led to the civil war in 1971, a war that ended with an Indian invasion, a second partition of Pakistan, and the subsequent creation of the new nation of Bangladesh, in place of what had previously been much of East Pakistan.

Pakistan: The Regional Struggle

In 1947 the task of creating two new nations from a single British colony would have been difficult enough, but the process was greatly complicated because the colony was comprised of 562 states indirectly ruled by the British through the agency of Indian princes. In the partition process each prince was told to join either India or Pakistan, despite earlier discussions of possible independence. Most princes made their choices according to the geography of the partition lines drawn through British India, for an enclave within either country would not have been viable.

Three princes simply rejected the process. All three were of a different religion than the majority

of their subjects. Junagadh in western India had a Muslim ruler and a predominantly Hindu population. Had the prince had his way and joined Pakistan, the state would have become an enclave inside India. He was, however, overthrown by his subjects, and the state was absorbed by India. Later, when the Nizam of Hyderabad, a Muslim prince ruling a Hindu population in south India, refused to sign, the Indian government used military force to overthrow him.

The third refusal came from the Maharaja of Kashmir, a Hindu ruling a predominantly Muslim population. Unlike Junagadh and Hyderabad, the Maharaja had a choice, for his state bordered both India and Pakistan. While the Maharaja stalled, the Pakistanis acted, sending an irregular force to invade Kashmir. With invaders threatening his capital, the Maharaja asked for Indian help and the subcontinent's first post-colonial war was under way. That war ended with a line of control supervised by the United Nations that continues to be the de facto boundary between Pakistani and Indian portions of the former princely state.

Pashtunistan

Second only to the Kashmir problem has been Pakistan's difficulty with the Durand line, the colonial artifact that separated British India and Afghanistan. That border divides the Pashtu-speaking people who inhabit both southern Afghanistan and Pakistan's Northwest Frontier Province (NWFP), a boundary never recognized by the Afghans.

In 1947 Pakistan's problem in the NWFP was exacerbated by the lack of support that the Pakistani movement had received there. Unlike the rest of West Pakistan, Indian leader Jawaharlal Nehru (1889–1964) and his Congress Party were dominant in the NWFP, and Congress leader Ghaffar Khan strongly opposed partition. Consequently, when the new boundaries stranded Khan's followers in Pakistan, many of those followers joined a movement for a free Pashtunistan. Over the next 25 years the Afghan government of King Zahir Shah would do its best to interest the rest of the world in Pashtunistan, one of a long list of would-be nations claiming justice as European colonialism lost its grip.

For Jinnah's new government Pashtunistan was simply subversion and an attempt to discredit Pakistan's claim to be *the* homeland for South Asian Muslims. In addition, Pashtunistan was an annoying distraction from Pakistan's real challenge, the hostile India wedged between Pakistan's east and west wings. While the Bangladesh war in 1971



PAKISTANI STUDENTS READ THE QU'RAN AT A RELIGIOUS SCHOOL, OR *MADRASSA*. MANY *MADRASSA* STUDENTS HAVE GONE ON TO FIGHT ALONGSIDE AFGHANISTAN'S TALIBAN. (Photograph by K.M. Chaudary. AP/Wide World Photos. Reproduced by permission.)

reduced Pakistan's border problems, Kashmir and the dispute over the Durand line have continued to concern every Pakistani government.

Pakistan in the Global Arena

The regional conflicts outlined above would have attracted much less attention had it not been for worldwide concerns that defined those conflicts in global terms. Historically the region that is now Pakistan and Afghanistan had been the arena for what Rudyard Kipling termed "the Great Game" in his 1901 novel *Kim*. The "game" Kipling described took place in nineteenth-century Central Asia, then seen as the buffer area between India and Russia. There, British and Russian spies and

other agents of the two empires contested their South Asian frontier.

Later, in post-colonial South Asia, Afghanistan was once again a contested frontier between an independent Pakistan and the Soviet Union. A second "Great Game" emerged during the Cold War, when the Soviet invasion of Afghanistan became a proxy war in the global struggle between East and West. Now a third "Great Game" is underway with the global campaign against terrorism on basically the same frontier. For Pakistan, both the Cold War and the anti-terrorism campaign proved beneficial in at least partially offsetting India's regional dominance.

The Cold War

In 1954 the United States first appeared on the scene with a series of Cold War initiatives for South Asia. When U.S. Secretary of State John Foster Dulles (1888–1959) negotiated the first round of security treaties in the region in 1954, his goal was to create an alliance of anti-communist states that could block communist incursions into the Near East and South Asia. Both India and Pakistan were to be key players in an alliance that would run from Turkey to East Pakistan, and the United States was offering generous military and economic resources to partners signing on.

Pakistan welcomed the plan. Dulles's offer was an opportunity to upgrade a Pakistani military still smarting from the stalemate that ended the first Indo-Pakistani war, leaving a divided Kashmir. Pakistan joined both the South East Asia Treaty Organization (SEATO) of 1954, and the Baghdad Pact (CENTO) of 1955. Both treaties were modeled on the North Atlantic Treaty Organization (NATO) and were security alliances designed to protect the members from communist aggression. By joining these alliances members agreed to support each other against international communism and to cooperate with each other in military planning and development. In practice these treaties meant that military training and equipment would be provided by the United States. The assistance received in Pakistan was invested in military modernization.

A major gap in Dulles's plan for a grand alliance occurred when India refused to join. Nehru argued that security alliances would infringe on India's recently won national sovereignty. By committing India to a position of nonalignment, Nehru hoped to hold down military expenditure while remaining outside the Cold War struggle. Nehru made his argument for nonalignment idealistically, but India's national interests were clearly involved for Pakistan's upgraded military threatened India.

Afghanistan was threatened by Pakistan's new military power as well. For the Afghans the threat became more than theoretical when Pakistan used American aircraft and ordnance to bomb and strafe insurgents in the tribal areas of the NWFP, insurgents committed to the free Pashtunistan as an Afghan cause.

The Cold War took a different turn shortly after the alliances were created, when Soviet leader Nikita Khrushchev (1894–1971) softened Soviet foreign policy toward the nonaligned. The Soviets began to provide support for what they called progressive (not overtly anti-communist) govern-

ments. As nonaligned countries, both India and Afghanistan became recipients of Soviet assistance, and much to Pakistan's chagrin, the United States countered those Soviet offers with matching assistance programs for both nations.

Although Nehru's nonalignment policy was rewarded, his principled stand for nonalignment was abandoned when a border dispute with China led to the Sino-Indian War of 1962. India and China (which, although Communist, had initially vowed to remain neutral in the Kashmir and other questions) had been partners when creating the nonalignment movement at the Bandung conference in 1956, but India was at odds with China over the Himalayan borders left behind by the British. That dispute and the war that followed also revealed disagreement between China and the Soviet Union for when the war with China began, India was receiving military and economic assistance from the Soviet Union. However, in that conflict the Soviets managed to avoid a confrontation with China by taking a neutral position on the border dispute and by slowing down the flow of Soviet military supplies to India.

The Soviets' cautious neutrality contrasted sharply with U.S. president John F. Kennedy's (1961–63) quick and enthusiastic response to Nehru's call for help. American war materiel was delivered within a week of Nehru's request, and a U.S. Military Assistance Group (USMAG) continued to work with the Indian military even after the Chinese announced the unilateral cease-fire that ended the war. For more than two years the USMAG in New Delhi undermined any claim of nonalignment that India might make. At this point Pakistan could see that her alliances with the United States gave her no precedence over India. The result was an arms race between Pakistan and India that ended in 1965 with the second Indo-Pakistan war.

That war provides an ironic demonstration of superpower intentions running headlong into regional interests, for both armies used the American weapons originally provided to defend the region from communist incursion. A cease-fire was called after only a month of fighting, but during that month the United States managed to offend both adversaries by placing an arms embargo on the whole region. Once again the Soviet Union managed to avoid taking sides, and Soviet president Aleksey Kosygin (1904–80) hosted the peace conference that ended the war.

In the years that followed, American policy toward South Asia can best be described as benign

neglect. America's involvement in Vietnam left little surplus for initiatives in South Asia. President Richard M. Nixon (1913–1994) found Pakistan a useful ally in negotiating his opening to China in the early 1970s, but his widely publicized “tilt” toward Pakistan during the Bangladesh crisis was of little use when Pakistan was partitioned a second time. Globally, this was the period of détente, with considerable reduction in East-West tensions through positive negotiations across a range of issues, a trend that ended abruptly in 1979 when the Soviets invaded Afghanistan.

The Soviet-Afghanistan War, 1979–89

For President Jimmy Carter's administration (1977–81), the Soviet invasion of Afghanistan in 1979 was a call to arms. A classic proxy war ensued, with Afghan rebels supported by the United States and most of the Islamic world. President Ronald Reagan's administration (1981–89), following Carter's, was an even stronger supporter of the Afghan insurgents.

In this proxy war, Pakistan, then led by the military dictator General Mohammad Zia ul-Haq (1924–88), became the key player. Before the Soviet invasion of Afghanistan, General Zia's government had received little sympathy from a Carter administration that placed great emphasis on democratic rule and human rights—both in short supply in General Zia's Pakistan. Pakistan was under an American arms embargo and was suspected of developing nuclear weapons counter to American nonproliferation policy.

These concerns evaporated as the United States put together plans to support the Afghan rebel fighters—the *mujahidin*—against the Soviets. After considerable bargaining on General Zia's part, Pakistan became the frontline state in a struggle that would continue until the last Soviet troops were withdrawn in 1989. For its contribution, Pakistan negotiated a succession of large military and economic aid packages from the United States that were supplemented by funds from the Middle East. During nearly 10 years of fighting, Afghanistan was devastated. A million Afghans were killed and some five million refugees fled the country, with almost half of them ending up in Pakistan.

In their fight with the Soviets, the *mujahidin* had the assistance of Pakistan's Inter-Services Intelligence Agency (ISI), which provided arms and training while expanding the anti-Soviet ranks with volunteers from Pakistan and other Muslim countries. In the process the Pakistani military modernized its own military capacity, compensat-

ing for previous difficulties with the American arms embargo. An additional bonus for Pakistan was that its alliance with the rebels ended the Pashtunistan threat for the time being, for most Afghans were grateful for Pakistan's help against the Soviets.

The results of Pakistan's frontline performance went beyond the successful military operation. By giving safe haven to Afghan rebels and refugees, Pakistani society was greatly changed. Islamic schools set up at Saudi expense produced a generation of students (*talib*) who were instructed in a radical version of Islam. These students were also available for the street demonstrations in Pakistan that were, and still are, a major tactic used by Pakistan's Islamic parties. These protests were used to intimidate any Pakistan government pursuing an unpopular policy and could effectively tie up Pakistan's urban areas at considerable expense to public and private interests. In addition, the refugees, whether in camps along the northwestern frontier or in Pakistan's cities, were high maintenance, and have often been involved in inter-ethnic strife.

Enter Nuclear Weapons

When the Soviets pulled out of Afghanistan at the end of the Cold War, the rest of the world lost interest in South Asia. Neither the civil war that raged on in Afghanistan nor the insurgency that erupted in Kashmir in 1989 received much attention for almost ten years. Both conflicts were seen as typical of the many ethnic conflicts that had become a common feature in the turbulence of the post-Cold War era. That period of indifference ended abruptly in the summer of 1998, when India and Pakistan set off a series of nuclear explosions.

With those nuclear tests South Asia suddenly took on new importance as a possible nuclear flash point. In an immediate reaction to the tests, President Bill Clinton declared South Asia to be “the most dangerous place in the world” and announced economic sanctions against both Pakistan and India. At the time of the nuclear tests, the conflict over Kashmir had become a full-fledged civil war. Islamic militants, inspired by their success in Afghanistan, had moved on to other Islamic causes, and the Kashmir insurgency had turned the Indian state of Jammu and Kashmir into an armed camp. More than 200,000 Indian troops were engaged in the conflict, and during the first ten years of this insurgency an estimated 30,000 to 60,000 people were killed. In waging this war the insurgents had the help of

PAKISTAN'S INTER-SERVICES INTELLIGENCE (ISI)

Although Pakistan was rapid in answering the U.S. call to join the alliance against al-Qaeda and the Taliban after September 11, 2001, Pakistan's powerful government agency, the Inter-Services Intelligence (ISI), is considered by many to have been a force behind the Taliban's rise to power and a primary advocate of militant organizations. The ISI has, according to many observers, made and broken several of Pakistan's governments and has been seen as a formidable presence in the country. This organization provided the intelligence for the United States during its campaign in Afghanistan.

The ISI was created in 1948, after Pakistan was defeated in the first Indo-Pakistani war, for the purpose of collecting, analyzing, and assessing external intelligence, mainly on India. Under the rule of Pakistani dictator Zia ul-Haq, the ISI's powers expanded greatly. The agency is believed to have been assigned the surveillance of Benazir Bhutto and other leaders of the Pakistan People's Party in the 1980s and is also believed to have been responsible for the poisoning death of her brother in 1985. Throughout the agency's early decades, the ISI and the U.S. Central Intelligence Agency (CIA) worked together in several intelligence projects. For the most part, the ISI focused on the conflict with India and the attempt to claim Kashmir for Pakistan. It also collected intelligence on nuclear and missile warfare.

In 1979, when the Soviet-Afghanistan conflict began, the covert relationship between the ISI and the CIA

grew, as the United States backed the efforts of Afghanistan's mujahidin forces to oust the Soviets from the country. The CIA depended heavily on the ISI to get its funds and ammunition to the anti-Soviet fighters. The ISI was given a free hand by the Pakistani government to finance and carry out a guerrilla war in Afghanistan. Financing came mainly from drug trafficking and gun smuggling, and the ISI grew skilled at recruiting and training guerrillas and cultivating extremism. When the Soviets withdrew in 1989, the ISI continued its programs in Afghanistan and Pakistan, training volunteers for "holy war" missions inside Indian-occupied Kashmir and in India. In order to achieve its ends, the ISI began sponsoring a student movement in Kandahar and many experts believe it put these students or "talib" into power in Afghanistan.

Since September 11, 2001, there has been reorganization within the ISI in an attempt to curb its powers. The head of the organization, its director general, Lieutenant General Mahmood Ahmed, was replaced after he recommended that Musharraf allow the militants in Pakistan to demonstrate against the alliance. In his place is Lieutenant General Ehsan ul-Haq, a moderate who immediately put a stop to the demonstrations. However, many international observers believe that powerful forces have arisen and remain in power within the organization that have very strong ties to the militants.

Pakistan's Inter-Service Intelligence agency (ISI), which was providing the rebels with weapons, logistical support, and training.

With the nuclear tests, the conflict became more than just a regional quarrel. Both India and Pakistan were pressured by the United States and other concerned nations to take steps to prevent a nuclear exchange. In the discussions that followed, confidence-building measures, nuclear safety, and careful systems of command and control were urged on the adversaries. Over time it was assumed that both governments would manage their nuclear arsenals responsibly, and that both would adopt postures of defensive deterrence. Thus, despite the seriousness of the insurgency, there seemed to be no reason to believe that

either country would use nuclear weapons to settle the dispute. South Asia slipped from the headlines—until September 11, 2001.

RECENT HISTORY AND THE FUTURE

Whither Pakistan?

President Musharraf said all the right things when he answered President George W. Bush's call for cooperation in ridding the world of terrorism last October, and the assistance delivered by Pakistan was extremely helpful for the U.S. campaign in Afghanistan. For the longer term, though, what are the implications of Musharraf's decision to cooperate for the future of Pakistan?

ASSETS AND LIABILITIES OF THE PAKISTANI ALLIANCE

In joining the U.S. campaign against terrorism General Pervez Musharraf agreed to supply the alliance with intelligence, logistical support, and Pakistani air space. Those assets, and the liabilities that came with them, are detailed below.

Assets

- **Intelligence:** Pakistan's long-term relationship with Afghanistan beginning with the Soviet-Afghan war has given Pakistan's intelligence service real expertise on the Taliban, al-Qaeda, and the Afghan terrain.
- **Logistical support:** Airbases previously used by the United States during the Cold War have been essential in handling the logistics of the military campaign in Afghanistan.
- **Air space:** Pakistani permission to use air space has been invaluable in moving combat forces and materiel from the Indian Ocean to Afghanistan.

Liabilities

- **Kashmir conflict:** Pakistan and India have evaluated every initiative taken by the anti-terrorism alliance in terms of the relative advantage received by themselves and their adversary. A stream of high-level visits from U.S. officials has been required to keep both partners committed to the alliance.
- **Militant elements:** Domestic opposition to Pakistan's participation in the campaign includes Pakistan's militant political parties; pro-al-Qaeda terrorist groups; and rogue elements within the Pakistani government.
- **Sanctions:** Pressure on General Musharraf's military dictatorship has eased since Pakistan joined the alliance, but concerns about restoring democracy and controlling Pakistan's nuclear program are issues that threaten the alliance in the long run.

Joining the coalition entailed considerable risk for the Musharraf regime, as was clearly indicated by the demonstrations in Pakistan's cities and in the refugee camps along the northwest frontier that were set off by his speech. Those demonstrations were easily put down, however. Subsequently Musharraf has moved on to crack down on militant organizations across Pakistan. These are the militant organizations that have run the Islamic schools that produced the generation of young Afghan refugees who became the Taliban. By weighing in against these organizations, Musharraf reversed a major Pakistani initiative. Pakistan had been the major supplier of financial, military, and diplomatic assistance to the Taliban, even before they came to power in Afghanistan.

Within Pakistan the militant organizations have also played a major role in the street demonstrations and acts of violent protest that have made governance difficult for the regimes of Musharraf and his predecessors. Taking on the task of disarming and restricting these groups has produced dangerous enemies for the Musharraf regime, and those militants have signaled their opposition to his leadership with the suicide bombing of the Indian Parliament in December 2001 and of a church in the embassy section of Islamabad in March 2002.

Other risks for Musharraf and Pakistan are considerable. While some of the Afghan refugees returned home with the fall of the Taliban, the great majority of the nearly three million Afghans in Pakistan are a potential threat to the domestic order, an order already disturbed by feuding between violent Islamic factions.

Musharraf's decision to join the anti-terrorism campaign has also required that the Inter-Services Intelligence agency (ISI) turn against the Taliban and that country's connection to al-Qaeda, ISI's major assets in both the Soviet-Afghan War and in the Kashmiri insurgency. How completely Musharraf controls ISI is still in doubt, for ISI has a reputation for working independently of the official policies pursued by the government in Islamabad.

Finally, Musharraf's ability to control his own military in this endeavor is not guaranteed. The loyalty of enlisted soldiers and younger officers will be tested by any military operations carried out against Islamic militants. Shortly after announcing his decision to join the alliance against terrorism, Musharraf replaced the head of ISI, along with the two other top generals who had organized the coup that brought him to power. Musharraf described

this change of leadership as routine, but the change is also a likely sign of dissent within the military establishment.

Benefits of the Alliance

Despite these internal difficulties, Musharraf's new alliance brought major benefits to his troubled regime. As a general who had come to power through a military coup, Musharraf was all too aware that his government was politically, economically, and militarily vulnerable. On all three fronts, he improved his chances by cooperating with the U.S. alliance:

- Politically, Musharraf has been able to negotiate the end of the U.S. sanctions imposed on Pakistan because of its nuclear program, and he is likely to receive less pressure to return Pakistan to civilian leadership.
- Economically, Pakistan badly needed debt relief. Since taking power, Musharraf's government had been in continuous negotiation with the World Bank over terms of further loans. Those negotiations had been contentious, with little relief given while Pakistan's past performance was under review. Musharraf's decision to cooperate with the coalition campaign in Afghanistan set off a series of loans and grants from the United States, Japan, and the International Monetary Fund (IMF), with ongoing discussions that are much more promising.
- Militarily, Pakistan's financial crisis left its armed service program threadbare. Although the nuclear tests demonstrated one kind of military strength, the international sanctions that followed further impoverished the nation's conventional forces. From this new alliance Musharraf should receive favorable terms for the weapons needed to bring his military back up to current standards.

Continuing Concerns

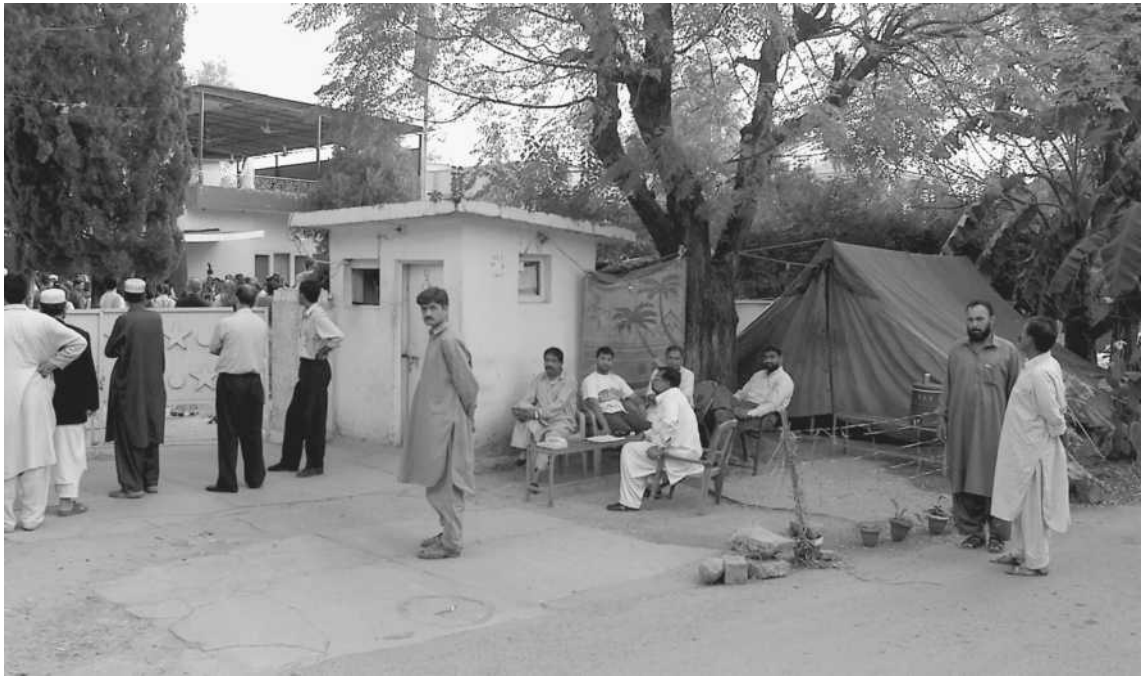
What the new alliance did not bring about was the regional security that Musharraf seeks, for no progress has been made toward settling the Kashmir dispute that is Pakistan's major concern. When Musharraf joined the campaign against terrorism, he attempted to separate the Kashmiri "freedom fighters" from terrorists like those in al-Qaeda; however, Pakistan's ISI, the insurgents in Kashmir, and al-Qaeda, whose fighters have likely participated in the Kashmir dispute, are so historically connected that the separation is impossible. In addition, India joined the anti-terrorism campaign before Pakistan did, with an enthusiastic expectation that any campaign against terrorism must

eventually target the Kashmiri insurgents supported by Pakistan.

Relations between Pakistan and India deteriorated further in December 2001, when Islamic militants launched a suicide attack against the Indian Parliament. That attack set off a full-scale deployment of Indian troops along the entire Indo-Pakistani border, a maneuver immediately countered by Pakistan. Although Musharraf quickly denounced the attack and then cracked down on the militant groups thought to be responsible, those actions have not persuaded the Indians to reverse their deployment. As a result nearly one million troops have been poised for a full-scale conventional war on the Indo-Pakistani border for five months. Similar deployments have occurred in the past, but this time both armies have nuclear weapons that could be used should the conflict spiral out of control. The possibility of a nuclear exchange has produced considerable international pressure for disengagement, but to no avail. Neither party has been willing to take the first step toward disengagement; negotiations in the spring of 2002 were at a standstill.

To make matters worse, during this period of regional confrontation, both governments are facing major domestic crises that challenge the legitimacy of their rule. In April 2002 a Muslim mob burned 59 Hindu railway passengers in Gujarat, India, setting off riots between Hindus and Muslims. An estimated one thousand deaths and more than 100,000 refugees have been attributed to the riots and, after the initial episode, most of the victims have been Muslims. The state government in Gujarat (run by Prime Minister Atal Behari Vajpayee's Bharatiya Janata [BJP] Party) was slow to act, and Vajpayee's national government has been blamed for failing to stop the killing and harassment of Muslims. The episode has shaken Vajpayee's 24-party coalition. One party has defected from the coalition and other coalition members have called for the dismissal of Gujarat's state government.

Within Pakistan General Musharraf's plan to return Pakistan to democracy was amended in April 2002 to include a national referendum that would extend Musharraf's presidency for five more years. Pakistan's voters were simply asked to vote yes or no for this extension. All of Pakistan's important political parties opposed the referendum and called for a boycott. After the referendum was held on May 6, 2002, the government announced that 97 percent of the voters voted for the extension—a claim that produced both disbelief and derision among Pakistani opposition parties and media. Musharraf's next step toward democracy is to be



PEOPLE GATHER OUTSIDE THE AFGHAN EMBASSY IN ISLAMABAD ON OCTOBER 23, 2002 AS TALIBAN AMBASSADOR TO PAKISTAN ABDUL SALAM ZAEEF HOLDS A NEWS CONFERENCE. THE TALIBAN LEADERSHIP'S STABILITY QUICKLY DETERIORATED AFTER THE TALIBAN-PROTECTED GROUP AL-QAEDA CARRIED OUT TERRORIST ATTACKS AGAINST THE UNITED STATES. (Photograph by B. K. Bangash. AP/Wide World Photos. Reproduced by permission.)

parliamentary elections promised for October 2002. When questioned, Musharraf has said that when elected, the parliament will run the government—provided they do a good job.

Pakistan remains a troubled country, currently able to draw financial and military support from the United States and the international community, even though those supporters have major concerns about Pakistan's suppression of democracy and possible use of nuclear weapons. That international support is offset by threats from Pakistan's immediate neighbors, and from a domestic opposition united against Musharraf's extended presidency.

Regionally, Pakistan's traditional allies have been routed from Afghanistan by the U.S.-led forces. The Afghan government that emerges from that conflict could take up the issue of the Pash-tunistan border again. Also threatening the current regime are Pakistan's abandoned allies, the Taliban and al-Qaeda remnants, which continue to operate in the tribal areas on the Afghan-Pakistani border.

Much more threatening is the Indian army deployed along the entire Indo-Pakistani border. Beyond the obvious military threat from this powerful neighbor, the extended deployment is a major economic burden for both countries, but a much heavier burden for Pakistan's smaller economy.

Perhaps most dangerous for the Musharraf regime is the continued opposition of Pakistan's mainstream and radical Islamic political parties and their rejection of the Musharraf presidency. These are the parties that will almost certainly dominate the Pakistani parliament after the October elections. Whether those elected politicians will meet Musharraf's standards of good government will be an essential test of Pakistan's political stability.

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Glynn Wood

THE PHILIPPINES REBELLION: FREEDOM FIGHTING, BANDITRY, OR TERRORISM?

THE CONFLICT

The United States has sent special forces troops to the Philippines to assist the nation's army in its campaign against Abu Sayyaf, an Islamic extremist group that has been labeled by the U.S. government as terrorist and connected to the al-Qaeda terrorist network. Abu Sayyaf is just one of several rebel groups in the Philippines; its primary aim is to create an independent Islamic state, but after the death of its leader in May 2002, the group's leadership is in doubt. With a general lack of grounding as to who is terrorist, who is freedom fighter, and who is bandit among the various groups, the military campaign against Abu Sayyaf could easily come to be viewed in the southern Philippines as repressive and anti-Muslim rather than anti-terrorist.

Political

- Due to years of isolation from the rest of the Philippines, the Muslims in the southern islands have long sought autonomy. Years of discrimination and efforts to integrate them into the island led to the formation of rebel groups. Within the Muslim population, however, there is a diverse range of viewpoints to represent: the fundamentalist Islamists, the elite, the nationalists, and the Marxists, to name a few.

On May 27, 2001, Abu Sayyaf, a small Islamist group residing in the southern islands of the Philippines, kidnapped 20 hostages, 17 Filipinos and three Americans, from the Dos Palmas resort on the island of Palawan. One of the American hostages, Californian Guillermo Soberto, was beheaded last year. The other two, Martin and Gracia Burnham, from Rose Hill, Kansas, along with a Filipino woman, Ediborah Yap, remained in the terrorists' custody. On June 7, 2002, the Philippine army initiated a rescue attempt of the hostages, resulting in the deaths of Martin Burnham and Yap.

Current Philippine President Gloria Macapagal Arroyo has refused to negotiate with Abu Sayyaf, and has ordered an all-out military campaign against the group. Early in 2002 U.S. military advisors joined the campaign. U.S. President George W. Bush (2001–) ordered several hundred U.S. special forces to the Philippines to work with local army troops to destroy the renegade organization. This could mean that for the first time since World War II (1939–45), U.S. forces may engage in hand-to-hand combat alongside Filipino troops.

Given the sensitivity of Filipino sovereignty and the ever-present fear of a return to "colonialism," what could possibly prompt such actions by the United States? Many countries harbor bands of extremists dedicated to fighting for independence or autonomy; in Asia alone we find such separatist movements engaged in China, Burma (Myanmar), Laos, Cambodia, and Indonesia, but there isn't a hint of U.S. military activity in any of these countries.

On the surface, sending U.S. troops into the Philippines might appear as a last-ditch effort to rescue the Burnhams. Certainly the United States always takes extraordinary measures to protect and

free any American hostages. But sending over 600 soldiers, including 150 special forces officers bearing the most sophisticated weapons and the latest high-tech gadgetry to assist the Philippine government might seem to some to be a case of overkill. U.S. military and civilian officials certainly don't think so. Rather, they view the operation as a crucial extension of the U.S. response to the September 11, 2001 terrorist attacks, in which hijackers flew commercial airliners into the World Trade Center in New York City and the Pentagon, near Washington, DC.

The George W. Bush administration and its Philippines counterpart under President Gloria Macapagal Arroyo have determined that the group that abducted the Burnhams, Abu Sayyaf, has links to the terrorist group al-Qaeda and its leader Osama bin Laden. Along with two other independence movements, the Moro National Liberation Front (MNLF) and the Moro Independence Liberation Front (MILF), Abu Sayyaf has been terrorizing the southern Philippines, largely on the island of Mindanao, a stronghold of Muslim believers that has long been a hotbed of Islamic extremist groups.

While the U.S. has lumped all three organizations, and others, under the rubric of "terrorists," the rebels deny the label and assert that they are simply "freedom fighters" dedicated to establishing an area in which they can be left to practice their form of Islam, free of government pressure and Christian enmity. But are these groups as apolitical as they proclaim? Do they have a connection with Osama bin Laden? How are the three—Abu Sayyaf, MNLF, and MILF, and possibly others such as the New Peoples Army—related? And are they, in fact, linked to the al-Qaeda network as U.S. and Philippine officials argue?

HISTORICAL BACKGROUND

Islam Extends to the Philippines

Within a century after the founding of Islam by Muhammad in CE 632, Muslims had spread their faith throughout the entire Middle East and beyond. From Spain in the west to India and China in the east, Arab warriors carved out a huge empire under the Abbasid caliphate. By the tenth and eleventh centuries, Islam had gained numerous converts as far away as Afghanistan and northern India.

Muslim merchants, following earlier Indian trade routes, ventured into Southeast Asia as early as the eighth century and by the eleventh century

CHRONOLOGY

- 1971** Nur Misuari creates the Moro National Liberation Front (MNLF).
- 1976** The Tripoli Agreement is reached, resulting in a ceasefire between the MNLF and the Philippine government.
- 1978** Salamat Hashim breaks with Misuari and forms the New MNLF.
- 1984** Hashim founds the Moro Independence Liberation Front (MILF).
- 1986** Corazon Aquino becomes president of the Philippines.
- 1986** Abu Sayyaf is founded by Abdul Rasul Abu Sayyaf.
- 1991** Abu Sayyaf commits its first violent act and is under the leadership of Abdurajak Janjalani.
- 1992** Fidel Ramos becomes president of the Philippines.
- 1995** Abu Sayyaf plans to kill Pope John Paul II on a Manila visit, but the scheme is aborted.
- 1996** Ramos signs an agreement with the MNLF.
- 1998** Abu Sayyaf leader Abdurajak Janjalani is killed.
- 1999** Khaddafy Janjalani, Abdurajak's younger brother, takes over as leader of Abu Sayyaf.
- March 2000** Abu Sayyaf resumes violence after two years of relative peace.
- April 2001** Misuari is ousted from the MNLF and flees to Malaysia, where he is arrested.
- May 2001** Abu Sayyaf kidnaps Martin and Gracia Burnham, along with Filipino woman Ediborah Yap.
- January 2002** The Bush administration agrees to send advisors to the Philippines to help restrain Abu Sayyaf.
- May 2002** Khaddafy Janjalani is killed.

they became prominent in the region. Some came from as far as Arabia or Persia, but many were Muslim Indians from Gujarat or the port cities of southern India. As Muslim traders grew in importance in the local economies, many natives from the East Indies converted to Islam in order to gain favorable trading privileges. By the early-fifteenth century Islam had won adherents throughout the archipelago and had established a Muslim state at Malacca.



A MAN LOOKS OUT OF A SHATTERED WINDOW IN THE PHILIPPINES, WHERE VIOLENCE BETWEEN ISLAMIC LIBERATION GROUPS SUCH AS ABU SAYYAF AND GOVERNMENT FORCES HAS CARRIED ON FOR YEARS. ABU SAYYAF HAS BEEN UNDER SCRUTINY FROM THE UNITED STATES FOR POSSIBLE CONNECTIONS TO THE TERRORIST GROUP AL-QAEDA. (Photograph by David Guttenfelder. AP/Wide World Photos. Reproduced by permission.)

At the same time, Muslim commercial contacts were established in Mindanao and the Sulu islands, most likely introduced from Borneo, possibly under the aegis of the sultan of Brunei. In Sulu, an Arab known as Tuan Mashaika was credited with having founded the first Muslim community in the mid-fourteenth century. By the 1380s and 1390s, Islam was well established in the southern Philippines islands, and sometime after 1380 the first mosque was founded near Tawi-Tawi island.

During the fifteenth century Islam made great headway throughout the southern half of the archipelago, and in the mid-sixteenth century a chieftain as far north as Manila embraced Islam. Nevertheless, the majority of the natives remained animist (believing in the existence of spirits in all of nature).

The Muslims and the Spanish in the Philippines

The Spanish arrived in the Philippines shortly after Portuguese navigator Fernão de Magalhães, better known in English as Ferdinand Magellan (c. 1480–1521), “discovered” the islands in 1521. Late in 1564 Spanish explorer Miguel López de Legazpi (c. 1510–72) set sail from Mexico for the Philippines, and in 1565 founded the first Spanish settlement on the island of Cebu. Six years later, Legazpi made Manila the capital of the new dominion of the Philippines, named after King Philip II.

The Spanish entry into the Philippines was only just in time to halt the advance of Islam to the north and to eliminate the pockets of Islam that had already formed. As was to be expected, the clash proved to be a bloody one, with the Catholic Spanish and the Muslims in the Philippines each determined to destroy the other as an infidel. For the next eighty years, beginning with the initial Spanish invasion of Moro territory in 1578, until 1660 when the Spanish faced a serious threat on Manila by a Chinese adventurer named Cheng Ch’engkung, but known in the West as Koxinga (1624–62), both Muslims and Christians suffered appalling horrors amid chronic warfare known locally as the Moro Wars. Neither side could prevail, and by the middle of the seventeenth century a position of stalemate was reached.

In 1663 the Spanish abandoned their drive to take over the Muslim enclaves, mainly because of the threat Koxinga posed to Manila. For about the next fifty years there was relative peace between Spain and the Muslims in the Philippines. During the interlude the various sultanates in the south organized their forces and reinforced their Islamic institutions. This relative peace, however, was once again broken when in 1718 the Spanish decided to renew their attempts to take over Muslim territories, in particular to occupy the sultanate at Zamboanga. This led to another on-again off-again war until 1762, when Manila was captured by the British, who were bent on invading the Philippines.

This short-lived British attempt to oust the Spanish from the islands allowed some breathing room for the Muslims. The Moros (the Spanish word

for “Muslim”) launched counter-attacks, and for the next one hundred years a back-and-forth bloodbath ensued with periods of ceasefire. By this time the southern Philippines had become a battleground for European rivalry, where Dutch and British forces threatened the Spanish hold on their colony.

Even though the Spanish, from their base in Manila, had long claimed Mindanao, the largest island of the Philippines, separated from the islands to the north by the Mindanao sea at the southernmost end of the archipelago, and the Sulu islands, which extend southwest from Mindanao, as part of its domain, it had never been able to validate the claim against the Muslim sultanates anywhere except for the northern shore of Mindanao. Fearful that other Western powers, in particular the British and Dutch, might take over those areas, however, the Spanish continued to push south. By the 1860s the Spanish finally succeeded in bringing Mindanao and the Sulu islands under their control. For the next forty years Jesuit priests were busy with their missionary work on Mindanao, while the government worked to subdue the remaining Muslim strongholds, especially the Sulu sultanate, which finally capitulated and accepted Spanish authority in 1878.

Americans in the Philippines

In spite of Manila’s hold on the south, it still fell short of effective administrative control, due to continued unrest by Muslims there. Only when the Americans replaced the Spanish at the turn of the century was the Muslim south finally integrated into the colony. A more efficient U.S. army and Protestant missionaries, who supported a secular state that aroused much less religious hostility, enabled the United States to negotiate an agreement with the Sultan of Sulu in 1899.

From the turn of the century through World War II, zealous American military commanders launched programs against the still rebellious Muslims (the .45 automatic pistol was said to have been invented to stop a charging Moro warrior where smaller calibers might have failed). During these years, though, the United States never threatened the legitimacy of the sultan. When the Philippines became a self-governing nation under U.S. supervision in 1935 the Muslim south was incorporated into the new Philippine Republic and remained so when the Philippines became fully independent in 1946. The Muslim majority in the south resented this. The Moros considered themselves a separate people, not Filipinos, with an identity that was religious and cultural in nature and that had grown out of conditions of poverty and neglect. They did not wish to be part of the nation.

Seeds of Despair, Blossoms of Hate

Therein lies the source of Muslim anger and the root of militant Islamic organizations in the Philippines. Most Muslim leaders wanted to separate from the rest of the Philippines and form an independent state throughout most of the twentieth century. Years of economic oversight and political discrimination left Muslims illiterate, unemployed, and lawless. The government in Manila was seen as just another imperialist overlord in much the same way the Spanish and Americans had been. Additionally, continued attempts to force Muslims to integrate with Filipino Christians led to a growth in Islamic fundamentalism.

National integration may be thought of as a positive nation-building move, but in the Philippines this often translated into state-sponsored migration of Christians to the Muslim south. This sponsorship included special financial and educational assistance to Christians at the expense and to the detriment of government services available to Muslims. By the late 1960s southern Muslims were reduced to an impoverished minority in their own lands, creating a rift not only between the Muslim south and Christian north, but also among the Muslims themselves.

Some Muslim elites favored the Christian migrations, which they believed would benefit them. Young men, usually students, from lower-class Muslim families, however, began calling for a renewed effort to form a Muslim state. Their cry did not fall on deaf ears, and government suppression and army atrocities further alienated the Muslim mainstream and even some of the elite.

Events in the late 1960s and early 1970s continued to sow dissension among the Muslims and prompted them to arm themselves. In March 1968, in the Jabidah massacre, the Philippine military murdered some twenty Muslim recruits who were training for a raid on Sabah. In local Muslim-Christian clashes the police often sided with Christians. Muslims lost their lands to Christian settlers. Philippine President Ferdinand Marcos (1917–89) mounted a growing crackdown on Muslim rebels. To deal with the increasing constraints, scores of Muslim youth trained in Sabah, Malaysia, and elsewhere in guerrilla warfare.

Nur Misuari and the Moro National Liberation Front

When Marcos declared martial law in September 1972, government attempts to disarm Muslims led to open revolt. Leading the struggle against Marcos and the Philippine army was the Moro Na-

IMPORTANT PEOPLE IN THE PHILIPPINE REBELLIONS

President Gloria Macapagal Arroyo. Arroyo, who was vice president under President Joseph Estrada despite belonging to a separate political party, ascended to the presidency in 2001 after Estrada stepped down under public pressure. Arroyo was born on April 5, 1947. Her American-educated father, Diosdado Macapagal, was president of the Philippines from 1961–65. Before entering politics, Arroyo taught economics. She was appointed undersecretary of trade and industry by President Corazon Aquino in 1986, and was elected to the Senate in 1992. She became vice president in 1998. President Arroyo has vowed to defeat Abu Sayyaf on the battlefield, while continuing to hold talks with both MNLF and MILF representatives.

Former President Joseph Estrada (imprisoned). Born April 19, 1937, Estrada, a former actor known for playing swashbuckling action heroes, was elected president in 1998. He was removed from office in January 2001 amid corruption allegations. He was indicted in April 2001 and charged with plunder, defined as a series of criminal acts resulting in at least \$1 million in illegally acquired wealth, a charge that carries a maximum penalty of death. Officials allege he amassed \$77.7 million in payoffs from illegal gambling operators, kickbacks from tobacco taxes and questionable government investments. Estrada, who denies wrongdoing and has challenged the legitimacy of his successor, Gloria Arroyo, as president, was placed on trial in October 2001. As of March 2002 the trial is ongoing.

Abdurajak Abubakar Janjalani (deceased). Janjalani was a Libyan-trained Islamic preacher from Basi-

lan who led the Abu Sayyaf group as it emerged in the Philippines around 1991. He acquired some of his leadership skills fighting in Afghanistan's war to expel Soviet troops. Abu Sayyaf started with the stated goal of being a fundamentalist band of Muslim separatists, but as the group's activities grew to include attacks on citizens, kidnappings for ransom, and killings, the government dismissed Abu Sayyaf as a band of bandits. Janjalani died in a police shootout in 1998.

Khaddafy Janjalani (deceased). Authorities believed that Janjalani, younger brother of Abdurajak Janjalani, took the helm of the outlaw group upon his brother's death in 1998. He reportedly was named because of his father's admiration of Libyan leader, Muammar Qadhafi. Some people believe that Khaddafy Janjalani was never the sole leader of Abu Sayyaf, but either shared the leadership with others or was a mere figurehead. Khaddafy was, like his brother, killed in a shootout with national police early in May 2002.

Mohammad Jamal Khalifa (inactive). The Saudi-born brother-in-law of Osama bin Laden is married to a Filipino and headed the Philippine office of the Saudi-based international Islamic Relief Organization charity from the late 1980s until the early 1990s. Although he has denied it, Philippine officials have alleged Khalifa funneled funds to Abu Sayyaf that were ostensibly intended for orphanages, mosques, and other charitable endeavors. Khalifa is believed to have left the Philippines.

tional Liberation Front (MNLF), founded by its chairman, Nurullaji "Nur" Misuari, a former student at the University of the Philippines, and then one of its instructors. In 1967 Misuari had helped create the Philippine Muslim Nationalist League (PMNL), but after the Jabidah massacre he sought further military training for a guerrilla rebel force. Dissatisfied with the moderate tone of the PMNL, Misuari organized the MNLF in mid-1971 as an independence movement.

During his university years Misuari had flirted with Marxism. Because the MNLF had no guiding ideology, Misuari's concoction of Islam, Arab socialism (a doctrine established by Egyptian leader Gamal Abdel Nasser that included nationalizing of

industries but distinguished itself from Soviet communism), and Marxism-Leninism became the ideology of the organization. Even more important, Misuari considered himself a Mindanao nationalist. This led some observers to view Misuari as less a religious ideologue than a political activist, and many felt that Islam was not central to his beliefs.

After founding the MNLF Misuari was in dire need of financial support. He had no choice but to ally himself with certain Muslim elites, the bloc that had always collaborated with the colonial powers and, later, with the Philippine government. He soon realized, however, that this would not play well with his constituents, so Misuari sought assistance from outside the country. He found help in

Libya and the Organization of Islamic Conference (OIC).

This came at a time when the Marcos government was waging war against Misuari's self-proclaimed Bangsamoro Republic in Mindanao, killing thousands of Moro soldiers and civilians and displacing several hundred thousand refugees. The government's brutality led to charges of genocide and gained for the Moros the sympathy of the international Muslim community. Libya provided sanctuary for some top MNLF leaders and aid for its cause, while the OIC and other Muslim organizations put pressure on the Philippine government to negotiate a peace settlement with the MNLF.

Thus, as two Filipino investigative reporters, Marites Vitug and Glenda Gloria, have pointed out in *Under the Crescent Moon: Rebellion in Mindanao* (2000), "the Muslim rebellion was already an issue that went beyond Philippine borders. It was never a purely domestic issue." This also meant that Misuari and the MNLF were never completely free of OIC influence, if not outright control.

In December 1976 the Tripoli Agreement, negotiated largely by Libya's Muammar Qadhafi, called for a ceasefire between the Philippine government and the MNLF. It also called for granting autonomy to 13 Muslim-populated provinces in the Philippines, which would remain within the realm of the Philippine government in Manila, but would have the authority to determine many matters, such as setting up courts to enact Muslim law, setting up their own schools, and deciding on matters of local government and elections for themselves. The government in Manila would still decide in matters of foreign policy and national defense. The Agreement stipulated that the Muslim provinces would be fairly represented in federal legislative and court bodies.

New Factions Challenge Misuari

The elevation of Nur Misuari to the status of the *de facto* head of an autonomous state recognized by the Tripoli Agreement apparently exacerbated tension between Misuari and his chief lieutenant, Salamat Hashim. Within months of the signing of the Tripoli Agreement, Hashim challenged Misuari's claims to leadership of the MNLF on the ground that Misuari was too leftist in his political leanings and was more influenced by radical Marxism than by the Islamic faith. In fact, the rift went back to their student days in the 1960s when Hashim was already disenchanted with Misuari over ideology, leadership style, personality, and ethnic differences. (Hashim is from Maguindanao and Misuari is a Tausig from Sulu.)

At the same time, the small splinter group Bangsa Moro Liberation Organization (BMLO) was formed by Philippine Muslim Rashid Lucman, who also claimed to be the leader of the Muslim struggle in the Philippines. By 1978, then, three groups vied for control of the Muslim movement: the MNLF-Misuari faction, the MNLF-Hashim faction, and the BMLO. Lucman and Hashim agreed that Misuari, who was of a different ethno-linguistic group, was too leftist and had abandoned the cause of Islam to work with Philippine President Ferdinand Marcos.

In addition, Hashim and Misuari had maintained good relations with the countries of their university days, Egypt and Iran, respectively. The two Muslim nations were at odds in the late 1970s. The Ayatollah Ruhollah Khomeini was leading the revolution in Iran and prayed openly for a successful Muslim rebellion in the Philippines. His support for the Muslim cause in the Philippines eventually drew Rashid Lucman to stand down from his opposition to Misuari in order to unify the Muslims under one leader backed by a powerful Muslim nation. By 1979 Misuari had developed close ties with Iran, and was successful in bringing about an Iranian oil embargo against the Philippines. In retaliation, Marcos refused to implement the Tripoli Agreement.

The embargo was a victory for Misuari, and led him to reassert his original demand as specified in the Tripoli Agreement for secession (independence) rather than for autonomy. By 1981 the MNLF had been officially recognized by the Iranian government, further sidelining Hashim from his efforts to become the recognized leader of the Filipino Muslim movement. Iranian officials tried to reconcile Misuari and Hashim, but the ideological and personal breach was too wide. In order to emphasize their differences, Hashim renamed his group the New MNLF. Then, in 1984, the Central Committee of the New MNLF declared itself a separate organization, and emphasized its Islamic orientation in contrast to the MNLF's secular line by adapting a new name, the Moro Islamic Liberation Front (MILF), underscoring the focus on Islam rather than on independence.

Vitug and Gloria have suggested that there was also a practical reason for adopting the MILF name. According to an MILF spokesman, "there were suggestions from some in the Arab world that we change our name to MILF to justify that we're really in *jihad*, (holy war) so they could extend assistance to us." Such funding came not only from militant Muslim groups in the Middle East but also from affluent Muslim families. One of the most



IN MANILA, NEARBY SOLDIERS ALLOWED PROTESTORS TO DEMONSTRATE PEACEFULLY DESPITE THE “STATE OF REBELLION” IMPOSED IN 2001 BY PRESIDENT ARROYO, WHICH MADE SUCH DEMONSTRATIONS ILLEGAL IN THE CITY. PRESIDENT ARROYO HAS REFUSED TO NEGOTIATE WITH THE ISLAMIC GROUP ABU SAYYAF. (Photograph by David Guttenfelder. AP/Wide World Photos. Reproduced by permission.)

well known of these was the family of Osama bin Laden. According to Hashim, the MILF did not receive money directly from the al-Qaeda leader, but Muslim communities on Mindanao did, using the monies to build mosques and *madrasas* (Islamic religious schools). The MILF did not, however, receive support from Islamic governments, who instead continued to support Misuari and the MNLF as the official representatives of the Muslim movement in the Philippines.

When the popular anti-Marcos political movement known as “People Power” swept Corazon Aquino into office in the Philippines in February 1986, the MILF made a hasty dash to be the first at the new president’s peace table. In the meantime, the OIC and the Muslim World League (MWL) were trying to convince Misuari and Hashim to settle their differences, all for naught. Misuari refused to loosen his hold on the MNLF as the perceived leader of the Muslim independence movement in the Philippines, and Hashim feared that a rapprochement would leave the MILF without a separate and unique identity.

This stalemate worked against Hashim. There was a natural tendency by the Aquino government to give preference to the MNLF as the main rebel movement because of its longer history and Misuari’s former association with Benigno Aquino, Jr.

(Corazon Aquino’s late husband and former Philippine president, assassinated in 1983). The president was also more familiar with “Nur.” In addition, the MNLF enjoyed recognition by the OIC, and Muslim governments recognized the MNLF as the sole representative of the Moros in the Philippines. The MILF was out of the picture. As the MILF continued to be sidelined by the government, it took on a more radical stance, calling for nothing less than an independent Islamic state.

In spite of numerous goodwill attempts by various Muslim mediators as well as by both presidents Aquino and later Fidel Ramos, the schism between the MNLF and the MILF could not be bridged. The division was beyond repair, with the MNLF seeking to negotiate a peace settlement with President Ramos, and Hashim’s MILF growing ever more extreme.

During the early 1990s, however, Nur Misuari’s growing arrogance and intransigence alienated him from many mainstream supporters within the MNLF. His many critics claimed that he was ineffective as a leader and spent more time in expensive hotels and restaurants than in leading his movement. Erstwhile comrades began to break away and formed their own splinter groups. One

of these was the National Islamic Command Council (NICC), founded by the MNLF's former chief of staff and Misuari critic, Melham Alam. As with Salamat Hashim, the rift between Misuari and Alam was both ideological and personal. More importantly, such internal conflicts bred hatred between former colleagues and created an uncompromising atmosphere.

The Emergence of Abu Sayyaf

Like so many of the terrorist groups or separatist movements, it is difficult to pinpoint the beginning of Abu Sayyaf (the name is defined variously as Arabic for "Bearer of the Sword" or "Father of the Sword"). Abu Sayyaf is thought by some to have been founded by an Afghan professor named Abdul Rasul Abu Sayyaf in 1986, although it does not appear to have been known by this name at the time.

It is likely that the organization was one of several sanctioned and/or funded by the U.S. Central Intelligence Agency (CIA) in conjunction with its Pakistani army partner, the ISI (Inter-Services Intelligence Directorate) as a proxy military unit to help fight Soviet troops in the war in Afghanistan (1979–89). After the Soviet Union withdrew from Afghanistan in 1989, the ISI reportedly continued to train terrorists, including Abu Sayyaf forces, to carry on the jihad in Kashmir and elsewhere. There is evidence that the early group was also financed by Saudi Arabia's wealthy elite and influenced by Wahhabism, an ultra-conservative form of Islam that dates to the mid-eighteenth century and is espoused by the Saudi royal family.

How Abu Sayyaf organized in the Philippines is not clear. Some accounts say that the original organization spun off a small, hard core of militants to take up the cause started by the MNLF and, later, by the MILF. The Abu Sayyaf itself contends that Ustadz Wahab Akhbar, a Muslim preacher, formed a small group of Muslim fundamentalists in the mid-1980s on the southern Philippine island of Basilan, and most of these original members eventually transformed into Abu Sayyaf. Vitug and Gloria believe that a few dissatisfied followers, unhappy with Misuari's alignment with President Aquino, formed Abu Sayyaf in 1991 in order to push for an Islamic state.

The first specific date of Abu Sayyaf activity in the Philippines seems to have been its August 1991 bombing of the vessel *M/V Doulos*, a floating Christian bookstore in Zamboanga City. The incident revealed for the first time the founders of the group now identified as Abu Sayyaf, the young

Muslim nationalist Abdurajak Janjalani and his brother Khaddafy Janjalani. The Janjalanis' intent was to establish a Muslim state based on Islamic law (*shariah*) in the southern Philippines. This cause is seen by some as a step towards formalizing the presence of influence of Islam within the MNLF. Over the next several years, however, the group grew more violent and in the cause of Muslim separatism took to bombing churches and kidnapping Christians in the south.

Abu Sayyaf Leader Abdurajak Janjalani

Abdurajak Janjalani was born on November 8, 1963, on Basilan island of a Muslim father and a Christian mother. He attended the Catholic Claret College. In 1981 he received a scholarship from the Saudi government and was sent to Mecca, where he studied Islamic jurisprudence for three years. He returned to Basilan in 1984, where he taught and preached in mosques. Those who knew him were impressed by his devotion to Islam. He was soon attracted to the MNLF and became one of its rising stars. Janjalani, however, was not impressed with Nur Misuari and early on became a vocal critic of Misuari's abandoning the separatist cause in cooperating with the Ramos government. Like Hashim, Janjalani also differed with Misuari on issues of personality and the MNLF leader's dictatorial style. Janjalani's intransigent opposition to Misuari isolated him from the MNLF mainstream.

In 1987 Janjalani traveled to Libya to study, where he met many Filipino Muslims his own age. His eloquence as an orator drew around him a core of dedicated followers, some of whom returned with Janjalani to Mindanao, where they organized Abu Sayyaf. The new group seems not to have bothered Misuari nor the Philippine military. Both regarded it as a youth arm of the MNLF.

One of Janjalani's closest comrades was Abdul Asmad, often described as Janjalani's intelligence officer. Asmad argued strenuously that Misuari had to go and that Abu Sayyaf would replace him. Asmad believed that Misuari was not a true revolutionary. Asmad began to boast about knowledge of the Philippine army's involvement with and funding of Abu Sayyaf. Once the authorities learned of Asmad's threat to make this known, he was arrested, tortured, and "salvaged"—a euphemism for being summarily executed—by being killed in a shootout with the police in 1994. Before he died he had introduced Janjalani to an Arab financier named Jamal Mohammad Khalifa, known for his humanitarian work among Philippine Muslims. Khalifa, who funneled money from Persian Gulf donors to Abu Sayyaf through Islamic charities,

MORE IMPORTANT PEOPLE IN THE PHILIPPINE REBELLIONS

Nurullaji “Nur” Misuari (imprisoned). Misuari was the long-time leader of the Moro National Liberation Front (MNLF), a Muslim separatist group activated in the early 1970s. He signed a peace deal with the Philippines government in 1996, ending more than two decades of a sometimes violent struggle for an autonomous Muslim state in the southern Philippines. Misuari even won the prestigious international Felix Houphouet Peace Prize for his peace efforts. He was jailed in Malaysia late in 2001, however, after renewing his separatist fight, and the governments of Malaysia and the Philippines were attempting to work out a deal on who should take custody of him and prosecute him. Some call Abu Sayyaf a splinter group of MNLF, but Misuari’s older, larger group has denounced and denied any current connection to the more radical Abu Sayyaf.

Galib Andang (a.k.a. “Commander Robot”). Galib Andang is a local Abu Sayyaf leader on the Philippine island of Jolo. He is believed to have participated in numerous kidnappings, including one in April 2000 in which Westerners, Malaysians, and Filipinos were snatched from a resort on the Malaysian island of Sipadan.

Nadzmie Sabtulah (a.k.a. “Commander Global”; imprisoned). When Sabtulah was captured in July 2001, a Philippine military official described him as a leading Abu Sayyaf tactical commander and said that his capture was “a major blow” to the group. “He plans everything for the Abu Sayyaf. The other commanders of the group are executioners of his plan.” He has been charged with murder for the killing of a tourist resort worker.

Salamat Hashim. In 1958, when he was 16, Hashim joined a group from the Philippines on the Haj,

or pilgrimage to Mecca, where he elected to stay and study the Koran. The next year he went to Cairo, which at the time was a center of political activism in the Middle East. He studied in Cairo for ten years, finally receiving a master’s degree in Muslim philosophy and religion. After continuing with, but failing to complete, his doctoral studies, in the early 1970s Hashim returned to the Philippines to help organize the Moro revolutionary movement and become one of its leaders. Not only was he instrumental in organizing the MNLF, it was Hashim who later broke with Misuari to set up the MILF, which he still leads. As of early 2002 he was engaged in negotiations with the Philippine government.

Abu Sabaya. A vague and shadowy character, Abu Sabaya seems to have taken over Abu Sayyaf some time in 2001, possibly after Khaddafy Janjalani was killed. There are also reports that for some time in the late 1990s and early 2000s, the trio of Janjalani, Abu Sabaya, and Galib Andang (“Commander Robot”) headed up the group. It is they who have turned Abu Sayyaf into a terror group. Abu Sabaya is said to be constantly with the captives of his group’s kidnappings and threatens to kill some or all of them at any time. He held Martin and Gracia Burnham for \$10 million ransom before the failed rescue attempt by the Philippine army, which resulted in Martin Burnham’s death. Sabaya’s brother, Almuhayser Hilaw, was captured by the Philippine government in September 2001, on the island of Jolo. Defectors from the group said that Khaddafy Janjalani came under the influence of Abu Sabaya, who is noted for always wearing dark sun glasses.

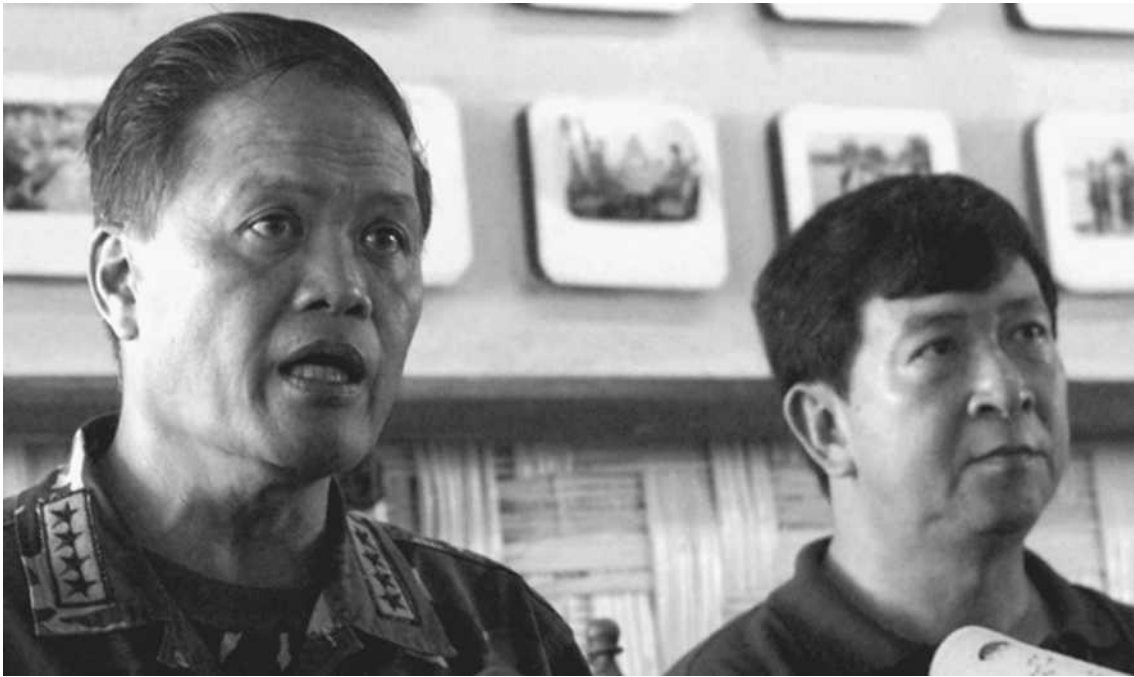
happened to be the brother-in-law of Osama bin Laden.

By the mid-1990s it was clear that regardless of whatever philosophical belief Janjalani may have had for establishing a Muslim state, his tactics were becoming increasingly violent. For instance, in December 1994, Abu Sayyaf claimed responsibility for a bomb planted under a passenger’s seat on a Philippines Airlines jet flying to Tokyo that killed a Japanese businessman. This was a test run for a 1995 plot to simultaneously blow up eleven U.S. passenger planes over the Pacific Ocean. Although the plan was aborted, this put Janjalani in contact

with Ramzi Ahmed Yousef, the mastermind of the 1993 bombing of the World Trade Center, who also had ties with Khalifa. Abu Sayyaf was also implicated in a plot to assassinate Pope John Paul II on his January 1995 visit to Manila. In addition, Abu Sayyaf made several raids on Christian towns and cities in the southern Philippines, killing civilians and burning buildings.

Negotiations Between the Philippine Government and the MNLF

Both Nur Misuari and Philippine President Fidel Ramos realized that Abu Sayyaf was proving to



PHILIPPINE MILITARY LEADERS SPEAK AT A PRESS CONFERENCE ABOUT ATTACKS BY THE MORO ISLAMIC LIBERATION FRONT IN THE SOUTHERN ISLAND OF JOLO. (Photograph by Bullit Marquez. AP/Wide World Photos. Reproduced by permission.)

be a major impediment to their peace talks. Misuari tried to talk Janjalani into giving up, but the Abu Sayyaf leader ignored the pleas, possibly because he had been so well armed and supplied. Many in the MNLF were convinced that corrupt soldiers in the army were smuggling weapons and ammunition to Abu Sayyaf in return for facilitating a massive illegal logging operation. Nevertheless, Ramos and Misuari persevered until, in 1996, they signed the Peace Agreement between the Republic of the Philippines and the MNLF. This agreement allowed for implementation of the original Tripoli Agreement of 1976, making Misuari the chairman of the interim political structure known as the Southern Philippine Council for Peace and Development (SPCPD), and governor of the Autonomous Region in Muslim Mindanao (ARMM), established in 1990 in negotiations between Misuari and then-president, Corazon Aquino.

Implementation of the agreement, however, has been delayed for several reasons. First, Christian Philippine senators and representatives have opposed it and attempted to water it down. Second, Aquino decided to negotiate only with the MNLF led by Nur Misuari, a signatory to the original Tripoli Agreement. This served to sideline Salamat Hashim's MILF, which has subsequently broken off separate talks with the administration. The MILF has withdrawn from the negotiating table and has

kept up a running battle with government troops since mid-2000. A third reason for the delay in implementation is that the SPCPD was not provided adequate levels of power and resources, and its overall authority was severely restricted.

Abu Sayyaf fell quiet after the 1996 signing of the agreement. Perhaps the organization took a wait-and-see attitude towards the Peace Agreement. For two years, little was heard from the group. Even so, both the state and the mainstream MNLF attempted to limit Abu Sayyaf's growing influence. Many people, however, remained disenchanted with Misuari's detachment from their worldly concerns. Although he had been an effective charismatic leader early in his career, he had offered mainly ideas, and not enough action, with the perceived lack of any serious interest on the part of the Philippine government for their plight. Abu Sayyaf may have taken advantage of this, spending the time of those two relatively inactive years consolidating support for a continuing jihad and thereby turning the Abu Sayyaf movement into an alternative political force to the MNLF.

Abu Sayyaf Returns with a Vengeance

In mid-1998 an increase in Abu Sayyaf violence and concern that Janjalani's influence might eclipse that of Hashim and Misuari forced the Philippine constabulary to turn its focus back to the

Abu Sayyaf leader. On December 18, 1998, Abdurajak Janjalani was killed in a firefight with security forces on the southern island of Basilan. After an internal power struggle, Janjalani's younger brother, Khaddafy Janjalani, emerged as the new leader in early 1999, and Abu Sayyaf has grown in violence since then.

Kaddafy was not educated like his brother and had little interest in ideology. It is believed, in fact, that Khaddafy was never in firm control of Abu Sayyaf and that many older Abu Sayyaf members refused to follow his orders. The Philippines National Police considered the group to be essentially leaderless and out of control. The seemingly gratuitous violence perpetrated after Abdurajak Janjalani's death seems to support this position.

Abu Sayyaf broke its two-year moratorium when it kidnapped 58 people from a Basilan school in March 2000. Later that year, international attention focused on the group's abduction of 21 hostages, including ten foreign tourists from a Malaysian diving resort. The hostages were released when Libya paid a US\$20 million ransom. The Libyan money contributed to an increase in the ranks of Abu Sayyaf from three hundred members to as many as four thousand, and financed the purchase of new arms and equipment. It was about this time that Americans Martin and Gracia Burnham were kidnapped.

Rogue Terrorists or Dedicated Nationalists?

Are the likes of Misuari, Hashim, and Janjalani to be considered as true believers dedicated to establishing a legitimate Islamic state, or are they mere outlaws ready to grab the limelight and the first hand that feeds them? Can their organizations be lumped together or are there significant differences among them? Perhaps by looking at where these leaders are today we can arrive at some answers to these questions.

RECENT HISTORY AND THE FUTURE

Nur Misuari and the MNLF

Following the peace treaty between the MNLF and President Fidel Ramos, Nur Misuari became governor of the Autonomous Region in Muslim Mindanao, under which he gained some autonomy over four provinces. From there, however, his fortunes steadily declined. Described as a poor administrator and accused of pocketing funds allotted for a poverty alleviation program, he was

ousted as chair of the MNLF in April 2001, though he retained his position as governor of the ARMM for several more months.

Outraged by this turn of events, Misuari turned from bureaucrat back to his revolutionary ways. Philippine army intelligence spokesmen claim that Misuari turned vindictive after his removal from the MNLF leadership and later met with leaders of Abu Sayyaf to organize a disruption of local elections in Jolo, Sulu, which would have replaced him as ARMM governor. A week before the elections, on November 19, 2001, Misuari ordered guerrillas loyal to him to attack Philippine army headquarters on Sulu in an attempt to disturb the elections. Shortly after the attack, which left over one hundred people dead, most of whom were his own men, Misuari fled to Malaysia, but was captured near Sabah within days for illegal entry into that country. Another MNLF leader, Parouk Hussin, a doctor, was elected the new ARMM governor.

Misuari was extradited back to Manila, where he waits in jail on charges of rebellion. According to Glenda Gloria, if found guilty, the man once regarded by his followers as the "father of Bangsamoro independence" could receive up to twenty years imprisonment. On top of that, in December 2001 President Arroyo announced that she had notified the United States and other countries that the jailed former MNLF leader and ARMM governor is now considered to be an international terrorist.

Salamat Hashim and the MILF

In contrast to Misuari, the MILF leader, Salamat Hashim, has followed a more stable if dangerous course—dangerous at least for the government. Philippine Army spokesmen, quoted by the *Washington Post's* Doug Struck in March 4, 2002 article, said that groups such as the MILF "can be a bigger problem [even] than the Abu Sayyaf . . . They have an ideology. They are talking about an Islamic way of life. They have bigger support in the community and more fighters than Abu Sayyaf." Within the last two years, the MILF was linked to several bombings in Manila. More worrisome were its alleged plans with al-Qaeda connections to bomb U.S., British, or Israeli embassies in Singapore, uncovered by authorities before they could be carried out.

The MILF is linked to al-Qaeda through Fathur Rohman al-Ghozi, an Indonesian militant trained in Afghanistan by al-Qaeda operatives. According to journalist Marites Vitug, MILF veterans formerly joined al-Qaeda and the Taliban when

it governed in Kabul. The government, however, downplays these allegations, and it is still engaged in peace talks with Hashim.

Philippine officials acknowledge that they are hard put to sort out MILF members from those of Abu Sayyaf. Both operate in roughly the same areas in the southern Philippines. Members often switch sides, and some Muslim families have members in each group. There also may be a breach between the leaders of the MILF and its rank-and-file, which does not always do the bidding of its superiors. In spite of the ongoing peace talks, MILF members are believed to have kidnapped a Korean and a Filipino businessman in February 2002, and MILF guerrillas often clash with Philippine forces in Mindanao.

Abu Sayyaf in the 2000s

Perhaps the biggest headache for the Philippine government is Abu Sayyaf. There is strong evidence linking the group to al-Qaeda leader Osama bin Laden through his brother-in-law, Mohammad Jamal Khalifa. This connection almost certainly took place in the 1990s, but many observers look on the funding provided by bin Laden as partly a test. Because Abu Sayyaf does not appear to have a very devout religious orientation and bin Laden is known for his religious extremist beliefs, the connection remains tenuous. In fact, the MILF is a more likely candidate for al-Qaeda money because of its stricter beliefs. The MILF is also seen as more cohesive and more battle tested, the ideal tool for bin Laden. Some observers believe that while Abu Sayyaf once had links to al-Qaeda, these seem to have gone cold in the late 1990s, although the Bush administration insists that Abu Sayyaf is a terrorist group funded by Osama bin Laden. At the same time, bin Laden is said to have been displeased with Abu Sayyaf for releasing American hostage Jeffrey Schilling in April 2001, after six months in captivity.

Some observers consider Abu Sayyaf to be a thuggish group mostly engaged in kidnap-for-ransom schemes, but also capable of gratuitous brutality. This could be to some extent due to the lack of any clear leadership. If there is a "loose cannon" in the Philippines, it is likely to be Abu Sayyaf, or what appears to be at least two Abu Sayyaf splinter groups: one, the Palawan group led by Khaddafy Janjalani and Abu Sabaya; another, the Basilan group under Commander Robot and Mujib Susukan. This is conjectural, however, since it is presumed that Janjalani died in a clash with army troops in May 2002.

If reports of Janjalani's death are true, this leaves Abu Sabaya as the primary leader, at least of one Abu Sayyaf faction. There is no clear indication, however, that Abu Sayyaf is a coherent and unified movement under the command of a single leader. Not only are its motives in question, its aims are a mystery as well. Muslim scholars question whether the group's proclaimed *jihad* correctly reflects the Koran's teachings. Some observers see Abu Sayyaf as more of a localized Moro separatist movement. The Philippine army agrees with Perlez and other journalists that Abu Sayyaf is primarily involved in its activities for the money. President Arroyo asserts that the group stands for nothing more than criminal malice.

The American Campaign

As noted above, the Bush administration in the United States sees the situation differently and believes that there is an Abu Sayyaf-al-Qaeda connection. This has led to the sizeable military assistance operation in the Philippines in which around 650 U.S. special forces will act as advisors and high-tech support personnel to assist the Philippine army in combating Abu Sayyaf. About one hundred Americans, two to a rifle company of one hundred Philippine soldiers, will outfit and train Filipino counterparts in guerrilla warfare. They will also accompany the Filipinos into the bush in search of Abu Sayyaf militants. They have been instructed, however, not to engage in any combat, and they may fire their weapons only in self defense.

Although the campaign is billed as a six-month exercise, many Filipinos, including congressional members, deride the action as neo-colonialist or imperialist. *Wall Street Journal* reporter Barry Wain, however, points out that part of "the fear is that the U.S. will lack the patience and subtlety needed to end the regional terrorist menace without destabilizing fragile administrations and disturbing religious and ethnic sensitivities." Nor does everyone agree with the threat as seen by the Bush administration.

The final act in this ongoing drama has yet to be played out. Just as Osama bin Laden and the remnants of al-Qaeda elude efforts to locate and destroy them, it is anybody's guess when Abu Sayyaf and the other "nationalist" movements in the Philippines will be brought under control. The United States, by sending in its troops, risks more than a battle or two in a foreign land. At what point will the Americans, now seen by many as accomplices against genuine freedom fighters, be considered invaders by the Muslims in the Philippines

and elsewhere in the world? Will destroying Abu Sayyaf also destroy U.S. credibility in the Philippines?

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Allen Wittenborn

PORTUGAL AT THE FOREFRONT: THE DECRIMINALIZATION OF DRUGS IN EUROPE

THE CONFLICT

In Europe of the early 2000s there is widespread belief that the United States-led “War on Drugs” has been a failure. There have been two opposing European models of handling narcotics issues: the strict criminal treatment of drug users and traffickers that has been adopted by Sweden, and the decriminalization of “soft” drugs such as cannabis in the Netherlands. In 2001 Portugal decriminalized the use of both “soft” and “hard” (heroin, cocaine, opium) drugs. Enforcement of any drug policy demands cooperation on an international basis, but particularly among the European Union nations, which are divided on which policy is the best to follow.

Political

- Within the country of Portugal there is disagreement on the issue of drug policy. Those who are for decriminalizing drugs believe that drug addiction and use should be treated as medical conditions. Those who oppose decriminalization fear that society at large will be disrupted by drugs. As a social disruption, according to this sector, drug use cannot be treated as a medical problem, nor can drug users be treated as victims.
- The European Union seeks standardization in its policies. Forging a consensus from such disparate positions on drug policy as held by the EU’s member states represents a great challenge.
- International agreements represent another significant challenge to a unified European drug policy. Under the terms of the 1961 UN Single Convention, a country legalizing narcotics will be breaking a treaty obligation, and there are some nations in Europe that want to completely legalize narcotics—not just to decriminalize them.

On July 1, 2001, a new narcotics law took effect in Portugal. The Iberian nation of ten million people has become the latest flash point in the highly charged debate over the legal standing of narcotics in Europe. The new Portuguese law decriminalizes the use of both “soft” (cannabis, hashish, psychedelic mushrooms) and “hard” (heroin, cocaine, opium) drugs. Under the new law, users may carry up to a ten-day supply on their person without fear of arrest or criminal prosecution.

Prior to this change, possession carried stiff penalties, including jail time. Instead of being summoned to a criminal court, offenders of the new law will be given 72 hours to appear before one of 18 three-member panels, consisting of a lawyer, a social worker, and a medical doctor. It is in the power of the panel to let the offender off with a warning, levy a fine, restrict driving privileges, or order mandatory treatment in one of the nation’s medical facilities for drug addicts. Despite this new law, however, there remain tough laws in effect for trafficking narcotics, which can land a convicted offender up to a 25-year prison term.

Portugal has adopted such liberal policies in the wake of growing numbers of addicts in its population and the highest per capita HIV-AIDS rate in Europe. There is a connection between the spread of AIDS and the unsanitary conditions that drug addicts are driven to out of a fear of getting caught by the police and sent to jail—the lack of clean conditions often results in the sharing of needles and other practices, which facilitates the spread of AIDS. Like many Europeans, there is a strong feeling in Portugal that criminalization of narcotics has not solved such problems as crime, disease, and addiction, and that it is time to try a new solution.

CHRONOLOGY

- 1900** The growing number of drug addicts in the United States is attributed to doctors who over-prescribe narcotic-laden patent medicines, concoctions that contain large quantities of opium, heroin, morphine, and cocaine.
- 1906** The Food and Drug Act is enacted in the United States, requiring proof in advertising and regulation of the patent medicines.
- 1909** A tariff revision in the United States includes a ban on opium importation.
- 1909** An international commission is held in Shanghai that results in an agreement by the signatory powers not to sell opium in countries that had anti-opium laws and to strengthen the regulations on morphine.
- 1911** Another international meeting is held at the Hague calling for the control of preparation, distribution, and sales of opium, morphine, heroin, and cocaine.
- 1924–25** Two series of discussions, called the International Opium Conference, are held in Geneva in which the signatory powers consent not to manufacture or export opium and its derivatives, except for medicinal reasons.
- 1930** The Dutch institute government-run treatment programs for drug addicts and alcoholics. Heroin addicts are placed on methadone regimes instead of detoxification programs.
- 1948** The Paris Protocol under the auspices of the United Nations (UN) amends the Geneva Convention by adding more narcotics to be covered by it.
- 1958** The Brain Committee in Great Britain confidently states that England does not have a serious narcotics problem, reflecting the state of much of Europe prior to the 1960s.
- 1961** The Single Convention on Narcotic Drugs creates the International Narcotics Control Board, whose purpose is to monitor the legal and illegal drug trade. Over seventy countries sign the convention.
- 1968** Sweden establishes the Narcotic Drugs Criminal Act, reversing its permissive narcotics policies and instituting criminal penalties for drug possession.
- 1970** The U.S.-sponsored “War on Drugs” is launched under President Richard Nixon.
- 1971** The Single Convention is amended for the inclusion of psychotropic drugs.
- 1976** The Netherlands amends the Opium Act and decriminalizes the possession of small amounts of cannabis. At the same time penalties for the sale of “hard” drugs are increased.
- 1980** The Dutch government issues a new decree regulating the sale of cannabis in coffee houses.
- 1988** The Single Convention is amended to add tougher sanctions against trafficking in the wake of the cocaine epidemic of the 1980s.
- 1994** Switzerland permits small arrest-free zones where addicts can safely inject their narcotics without fear of arrest.
- 2001** Dutch law gives the courts the ability to order addicts into treatment facilities and legalizes the medical use of cannabis.
- July 1, 2001** A Portuguese narcotics law decriminalizes the use of both “soft” (cannabis, hashish, psychedelic mushrooms) and “hard” (heroin, cocaine, opium) drugs. Under the new law, users may carry up to a ten-day supply on their person without fear of arrest or criminal prosecution.
- October 2001** Britain announces that its government will no longer arrest cannabis users.

“Why not be clear about this, and change the law to recognize that consuming drugs can be an illness or the route to an illness?” Vitalino Canas, the Portuguese official charged with implementing the new policy said to the *Guardian*, a British newspaper. “America has spent billions on enforcement but it has got nowhere. We view drug users as people who need help and care.” The underlying as-

sumption of the liberal policy in Portugal is that users are victims and not perpetrators of crime. The true criminals are the narcotics dealers and traffickers who take advantage of the users.

Under the old law, many casual drug users were sent to jail, where they learned to take hard drugs and became serious addicts. Portuguese officials responsible for the new policy of decriminalization

hope that the new commissions will identify addicts and give recreational users the information they need to prevent them from becoming dependent on narcotics.

Such liberal policy, however, is not without controversy in Portugal. Many fear that the small country will be overrun with predominantly young drug tourists who come to use narcotics with legal impunity. "There will be plane loads of students heading for the Algarve [Southern tourist region]," predicted Conservative Party leader Paulo Portas to the *Los Angeles Times*, "to smoke marijuana and take a lot worse, knowing we won't put them in jail. We promise sun, beaches and any drug you like." Prosecutors are concerned that the new law will make it harder to gain convictions against dealers and traffickers. In the past, users would give the police information to get reduced sentences. Under the new law, there is no incentive for the users to cooperate with the police, and traffickers will reap the rewards of the liberal policy.

Ever since 1973 Portugal had been in the forefront of European nations standing with the United States in the "War on Drugs." Attitudes towards narcotics in Europe, however, have been changing more quickly than in the United States. Throughout most of the 1960s and 1970s European countries generally focused their efforts on the strict prohibition of narcotics on education programs that emphasized abstinence; criminal prosecution for possession; and detoxification for addicts. In the 1980s and 1990s these same countries began opting for a strategy of harm reduction that calls for treatment programs over prison sentences; allowing doctors to prescribe heroin or methadone; the decriminalization of "soft" drugs, such as cannabis; and government sponsored syringe exchanges. In 1994 Switzerland even went so far as to permit small arrest-free zones where addicts could safely inject their narcotics without fear of arrest.

Moreover, the issue of legalization in Europe is complicated by the existence of the European Union (EU), the multinational organization that is establishing political, social, and economic integration of the continent. Much as occurred when the EU raised the matters of standardizing its economy and currency across member states, drug policy will come under increasing debate in the organization, especially in light of the EU ideal of open borders between members.

Portugal currently stands at the most liberal point in Europe when it comes to drug policy, along with the Netherlands, Denmark, and Switzerland, but there are others, such as Sweden, France, and

Norway that remain firmly committed to the policy of drug prohibition. In between stand countries such as Germany, Great Britain, Spain, and Italy that criminalize "hard" drugs, such as heroin, cocaine, and amphetamines, but not cannabis (marijuana). Portugal did more than change the law for its own country, it has called into question the entire narcotics regime of Europe.

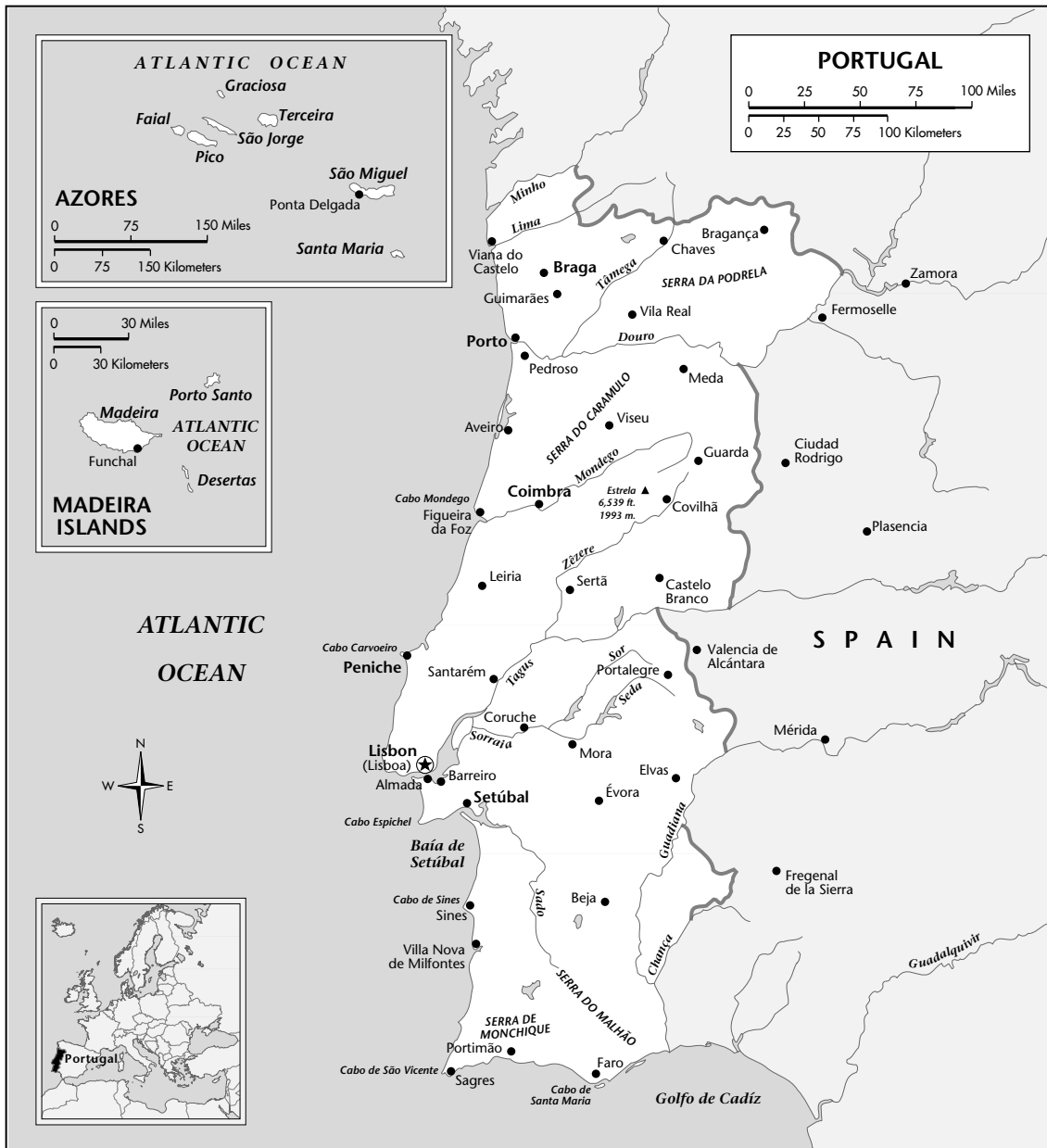
HISTORICAL BACKGROUND

Prior to the 1960s drug addiction was not considered a great problem in Europe, and the number of users was very small. Most addicts used opium, which was commonly based in the ethnically Chinese areas in a handful of large European cities. Most police forces did not bother to enforce the anti-opium laws as long as use remained confined to immigrant communities. Almost all the domestic narcotics control legislation throughout the twentieth century originated in international agreements, most of which were urged by the United States.

Three impulses in the United States sparked an effort for international reform of drug policies. First, there was a growing sense that drug addiction was a serious social problem that could be effectively confronted only through international cooperation. Drug use was heavy in the United States in the last quarter of the nineteenth century. Most users became addicted to drugs at the hands of doctors who over-prescribed narcotic-laden patent medicines, concoctions that contained large quantities of opium, heroin, morphine, and cocaine.

By 1900 U.S. reformers were becoming concerned with the growing number of addicts and their potential for crime. Still, reformers were unable to gain but a handful of regulatory laws, and most of those were indirect controls. The Food and Drug Act of 1906, for example, required proof in advertising, and regulation of the patent medicines, which helped ensure that the public was properly informed about what they were consuming—a situation not hitherto guaranteed by the oftentimes outrageously promoted tonics and health aids available at the turn of the century. The tariff revision of 1909 included a ban on opium importation, but that was as much as reformers could achieve in the United States with their limited resources. They hoped an international agreement would pressure the U.S. government to adopt stronger measures.

The second impulse that encouraged the United States to seek international reform of drug



MAP OF PORTUGAL. (© Maryland Cartographics. Reproduced by permission.)

policies concerned U.S. foreign policy in Asia. U.S. Far East Asia policy revolved around maintaining close relations with China and a moral stewardship over the Philippines. In both cases U.S. officials believed that stopping the international opium trade was an important element to the continued success of its foreign policy in that region.

Finally, American missionaries in China and a revived evangelical religious movement in the United States made the banning of opium a moralistic crusade that exerted pressure on the U.S. political establishment to do something about growing

drug use in the country. In this case the United States was unique in viewing drugs as a moral issue. Great Britain and the Netherlands permitted opium trading in their Far Eastern empires under government-sponsored patents. German chemical and pharmaceutical firms had a near monopoly on the manufacture and sale of cocaine and morphine. Portuguese traders had legal sanction to trade narcotics from their colony in Macao into the heart of China. France earned revenue from opium sales in Indochina.

Only the United States and China were fervently committed to banning the sales of narcotics,

and neither could make a dent in the global trade without the help of the European colonial powers. In this endeavor, they found they could rely on the support of Great Britain, which wanted to weaken a powerful component of the German economy.

In 1909 an international commission was held in Shanghai, China. The most important outcome of the Shanghai Commission was an agreement by the signatory powers not to sell opium in countries that had anti-opium laws. Signatory powers also agreed to strengthen the regulations on morphine. In his book *Opium: A History* (1996) historian Martin Booth states that the importance of the Shanghai Commission “was seminal in finally acknowledging a world problem.” In 1911 another international meeting was held at the Hague, the Netherlands, that called for the control of preparation, distribution, and sales of opium, morphine, heroin, and cocaine. Only seven countries signed the agreement before the onset of World War I (1914–18) put international discussions on the control of narcotics on hold. Germany was forced to become a party to the agreement as a condition of its surrender in the Versailles Treaty (1919).

In 1924 and 1925 two series of discussions called the International Opium Conference were held in Geneva, Switzerland. In these agreements the signatory powers consented not to manufacture or export opium and its derivatives, except for medicinal reasons. International agreements such as these were generally followed with domestic legislation that gave the agreements the force of law in all signatory nations. The Harrison Act in the United States and the Opium Laws in the Netherlands, for example, served to ban narcotics in accordance with similar drug-related agreements.

Where the United States tended to enact laws that banned the sale and use of narcotics for non-medical use, European nations generally took stands that were more liberal. Portugal, for example, wrote its drug laws into the customs, not criminal, code. Significant efforts were made to curb opium cultivation in colonial possessions, such as India, Macao, and Indochina. In India, for example, opium poppy cultivation dropped by 90 percent within a decade of the Geneva Conventions of 1924 and 1925. The victory was minimal, however, as Persia and Afghanistan filled the void.

More international agreements followed after the conclusion of World War II (1939–45). The Paris Protocol of 1948, under the auspices of the United Nations (UN), amended the Geneva Con-

vention by adding more narcotics to be covered by it. In 1953 another accord, the Opium Limitation Protocol, was created which attempted to grant seven countries—Bulgaria, Greece, India, Iran, Turkey, the Soviet Union, and Yugoslavia—the legal right to export opium for medicinal purposes. According to the protocol these seven nations established strict licensing provisions to prevent abuse of the privilege and limit the narcotics trade.

Despite its restrictions, the agreement did not succeed in limiting illegal narcotics trade. In addition to this failure, the 1953 protocol created animosity from several countries. Afghanistan, Pakistan, Thailand, and Laos did not sign the treaty because they felt it was against the interests of their own poor rural farmers, who depended upon opium poppy as a cash crop and were not granted the right to legally trade in opium for the same purposes.

Due to the failure of the 1953 protocol and other confusion from the growing multitude of narcotics-related international agreements, the United Nations took the lead in 1961 to formulate a convention that could streamline all previous agreements. The Single Convention on Narcotic Drugs of 1961 created the International Narcotics Control Board, whose purpose was to monitor the legal and illegal drug trade. Over seventy countries signed the convention, although the United States did so reluctantly in 1967 after several attempts to get stronger regulations had failed.

Other nations were dissatisfied as well. Turkey, for example, was upset that opium and other opiate derivatives were made illegal, but synthetic drugs produced by European and U.S. pharmaceutical companies were unregulated. The Single Convention was amended in 1971 for the inclusion of psychotropic (mind-altering) drugs and in 1988 to add tougher sanctions against trafficking in the wake of the cocaine epidemic of the 1980s. Like its predecessor agreements, the UN conventions make exceptions to allow the legal sale and use of narcotics for medicinal reasons.

The use of narcotics for recreational purposes in the United States and Europe skyrocketed in the 1960s. As late as 1958 the Brain Committee in Great Britain could confidently state that England did not have a serious narcotics problem. Within a few years, however, the global youth-oriented counterculture led to increasing use of cannabis, heroin, and amphetamines. In attempting to deal with this sudden and expansive problem, European governments tried a number of different policies and approaches.

COMMON ILLEGAL DRUGS

Amphetamines. Amphetamine or one of its derivatives, such as methamphetamine and dextroamphetamine, is a chemical compound that acts as a stimulant to the central nervous system. It is usually taken orally or injected, though the development of “ice,” crystallized methamphetamine hydrochloride, also allows it to be smoked. First marketed in the 1930s to treat nasal congestion and later applied to other medical treatments, amphetamine use had risen markedly by the 1960s. With use of the drug increasing so, too, was its abuse. A subculture of “speed freaks” developed, serviced by clandestine laboratories that produced the drug (primarily methamphetamine) and sold it on the black market. Methamphetamine in particular is highly addictive. Prolonged use of the drug results in a psychosis that manifests itself with paranoia, preoccupation with one’s own thoughts, picking at one’s skin, auditory and visual hallucinations, and violent and erratic behavior.

Cannabis. The cannabis, or hemp, plant is the source of three different drugs: marijuana, hashish, and hashish oil. The cannabis plant contains unique chemicals, among them delta-9-tetrahydrocannabinol (THC), which is believed to be the chemical responsible for most of the psychoactive effects gained from use of cannabis products. Drugs derived from cannabis, such as marijuana, are most commonly smoked. Low doses of the drug result in a state of relaxation and well-being. Impaired coordination and the distortion of time and space, as well as impaired memory, an altered state of self-identity, erratic emotions, and heightened senses are also common symptoms. These effects are magnified upon greater use and may even extend to fantasies and hallucinations.

Cocaine. Cocaine is considered to be the most potent stimulant occurring in nature. Derived from the leaves of the coca plant, cocaine was first used for medicinal purposes in the 1880s. Medical advances, however, soon eliminated its use as a local anesthetic. As an illegal narcotic, cocaine is most commonly distributed as a white crystalline powder, which is inhaled or dissolved in water and then injected, or as a chunky ma-

terial called “crack,” which is smoked. The effects of cocaine, as with other drugs, depend on the level of dosage. Cocaine use results in an almost immediate feeling of elation, similar to the effects of amphetamine. These powerful feelings are followed by a just as intense crash, involving fatigue and depression. Seizures and death by respiratory failure, stroke, or heart failure can result from cocaine use.

Hallucinogens. Hallucinogens are capable of altering human mood and perception, but, despite the name under which they are classified, not all result in hallucinations. Many hallucinogens (such as “magic” mushrooms) occur in nature, but the advancements of science have resulted in several synthetically derived hallucinogens (such as Lysergic Acid Diethylamide, or LSD) that are far more powerful than their natural counterparts. The effects from a hallucinogen can not be predicted but may include any of the following: change in perception, thought, or mood, elevated heart rate, dilated pupils, an increase in blood pressure, confusion regarding time and space, and impaired judgement. Weeks or months after a hallucinogen has been taken, a user may experience flashbacks to events in his or her past.

Heroin. A synthetic derivative of morphine, heroin was developed in 1874 and was widely used as a pain reliever for several decades. Heroin is usually distributed as a powder, the color of which may vary from white to brown or black as a result of impurities remaining from the manufacturing process or the presence of additives such as sugar, starch, quinine, or acetaminophen. Heroin users commonly inject the drug, though higher purity heroin can be more easily snorted or smoked than low quality (brown or black) heroin. Heroin is extremely addictive and results in a temporary, euphoric feeling, a warm flush of the skin, dry mouth, and heavy feeling in the extremities. After the initial “rush,” the heroin user will experience alternate feelings of wakefulness and drowsiness. Long term effects can include collapsed veins, infection of the heart lining and valves, abscesses, liver disease, and pulmonary and respiratory problems.

Over the years these changes have reflected various new factors, such as the rise of new popular drugs, the HIV-AIDS epidemic, and more abundant and reliable statistics. By the 1990s the Netherlands and Sweden had come to define two radically different approaches that offered models

for handling narcotics issues for their European neighbors. Both sides believed they had the best solution to drugs, and each vigorously tried to export their ideology under the assumption that complete success could not be had unless others followed the path they had laid out.

The Netherlands' Liberal Policies

Narcotics policy in the Netherlands has always been on the liberal side. Generally, the Dutch believed that strict controls would only lead to increases in the sales, manufacturing, and use of illegal narcotics. Although the Netherlands was party to the Shanghai, the Hague, and Geneva Conventions, as well as the 1961 UN Single Convention, Dutch law tended to be lax. Most narcotics use prior to 1950 was confined to Chinese immigrants in Rotterdam and Amsterdam. The growth of cannabis use was countered in 1953 with a law banning its sale, and offenders could, and, in some cases did, receive more than one year in prison for possession.

As in most European nations, the 1960s brought a rapid increase in narcotics use. The Netherlands differed from other countries, especially the United States, in that it preferred to subject users to medically supervised treatment facilities instead of prison. As early as 1930, the Dutch instituted government-run treatment programs for drug addicts and alcoholics. Heroin addicts were placed on methadone regimes, in which they stay in treatment longer and with fewer adverse effects and can be treated on an out patient basis, instead of detoxification programs.

The soaring use of drugs in the Netherlands during the 1960s, as in most European countries, occurred along two fronts based in university campuses. First, intellectuals experimented in lysergic acid diethylamide (LSD), a synthetic psychedelic narcotic that caused hallucinations. LSD presented an interesting problem for enforcement because it was not a natural substance, but a recently manufactured one that was not covered in any previous international agreement. After the UN Single Convention was amended to include psychotropic drugs in 1971, the Dutch made LSD and other hallucinogenics illegal.

While heroin use climbed in the 1970s Dutch policymakers began to draw a distinction between "hard" drugs that led to debilitating addiction and crime and "soft" drugs that posed little harm to users or society. In 1976 the Netherlands amended the Opium Act and decriminalized the possession of small amounts of cannabis. At the same time penalties for the sale of "hard" drugs were increased. The underlying goal was to make a clear division between "soft" drugs and "hard." The Dutch policy, however, remained somewhat ambiguous. While personal amounts of cannabis could be bought and used in small amounts without fear of legal prosecution, it was still illegal to sell or carry large amounts. Additionally, although cannabis was

decriminalized, no provision was made for its retail sale.

In 1980 the Dutch government issued a new decree regulating the sale of cannabis in coffee-houses. The law stated that the coffee houses could not advertise cannabis, sell hard drugs, present a public nuisance, or sell to anyone under the age of sixteen (the same age limit for alcohol) in exchange for immunity from prosecution. Local authorities were given some leeway in establishing coffee-houses, and some municipalities still do not permit retail cannabis sales. The coffee shops that sell cannabis are mostly concentrated in the largest of Dutch cities. Generally, the police are vigorous in responding to any forms of public nuisance in the immediate area of the coffee houses.

The Dutch have maintained their two-pronged approach as dictated in the opium law. New narcotics, such as Ecstasy, have been deemed hard drugs and remain illegal, while cannabis, hashish, and psychedelic mushrooms remain legal.

Currently, the Netherlands finds itself in the midst of a dilemma. While some countries, such as Germany, Spain, and Italy, are in favor of a Dutch-style policy, others, such as France and Sweden, are adamantly opposed to a general liberalizing of European narcotics laws. Because of this strong disagreement, at one point in the late 1990s France threatened to close its frontier with the Netherlands and undermine the "open borders" goal of the European Union. France reneged on the threat when an EU Judicial Council ruled in favor of the Netherlands. In the mid-1990s, just as discussions on a universal policy in Europe were taking place among national governments, the Dutch made a controversial decision to permit cannabis to be grown on farms in the Netherlands. "Nederweit," as the crop is widely known, was a part of the Dutch attempt to loosen restrictions on the wholesale exchange of cannabis and is popular among users because of its potency. According to the U.S. Department of State *International Narcotics Control Strategy Report for 2001*, 75 percent of the cannabis sold in the Netherlands is domestically grown. In 2001 Dutch law gave the courts the ability to order addicts into treatment facilities and legalized the medical use of cannabis, which some claim helps decrease pain and nausea.

Sweden Advocates Stricter Policies

If the Dutch represent a liberal approach to drug law that has become a beacon of responsible policy to some, Sweden, its polar opposite regarding drugs, is currently the bastion of strict narcotics prohibition. In Europe Sweden serves as the head-

quarters for the anti-decriminalization forces, and the government provides financial support to European Cities Against Drugs (ECAD), an organization coordinating the efforts to keep narcotics illegal in the European Union. It was not always that way, however, as Sweden had the most liberal narcotics laws in the 1960s. The Swedes, like the Dutch, modified their policies to accommodate changing attitudes and new beliefs as to what worked and what did not.

In April 1965 the Swedish government through its national healthcare system allowed doctors to prescribe narcotics to addicts. The government hoped that providing drugs to addicts would preclude them from committing crimes to support their habits. This practice was abandoned in 1967 when a 17-year-old girl died from an overdose prescribed by her doctor. Additionally, there had been pressure building from organizations such as the National Union for a Narcotics Free Society to reverse the practice because the prescribed drugs were making their way to the street.

In 1968, with the Narcotic Drugs Criminal Act, Sweden began the process of reversing its permissive narcotics policies and instituting criminal penalties. At the same time, prominent Swedish intellectual Jan Myrdal spoke out about the moral danger posed to society by the free use of drugs. A Swedish report conducted in 1975 concluded that this period of controlled addiction dramatically increased the number of those dependent upon “hard” drugs such as heroin, opium, and amphetamines, leading to great increases in crime. The Swedish parliament responded by demanding a drug-free society.

Historically a country with a strong temperance (or moderate) tradition concerning alcohol, the Swedish government adopted a prohibitionist policy towards narcotics in the 1980s to respond to the parliamentary mandate of a drug-free society. The government created stiffer legal penalties for narcotics use, possession, and sale, while at the same time increasing the number of treatment facilities available. Programs advocating abstinence from narcotic use were instituted in the national school system and written into the curriculum.

In the 1990s, however, Sweden cut many of the medical oriented programs in favor of further increasing penalties. Methadone, a synthetic drug commonly substituted in the treatment of heroin addiction, is provided only to addicts who have suffered dependence for over four years and only after they have attempted (and presumably failed) a drug-free treatment program. Drug offenders have

WEBSITES FOR FURTHER READING

The following Web sites contain scores of articles, newsletters, opinion pieces, links, and other items that will be of interest to those who want to read further:

- Drugtext: www.drugtext.org (views in favor of liberalization)
- European Cities Against Drugs: <http://www.ecad.net> (views in favor of prohibition)
- United States State Department: <http://www.state.gov> (with detailed discussions on international drug policy).

a more difficult time getting parole than under the previous rules, and the designation of “minor offense,” which was applied to most drug possession under the 1968 law, was strictly limited in its application, with the effect of raising the legal penalties. Swedish penalties, harsh by European standards, are still below the average sentence in the United States.

Sweden has continuously had problems with its European neighbors. Denmark, for example, has adopted a narcotics policy similar to the Dutch, and trafficking across the straits to the Swedish port city of Malmö is a focal point of enforcement efforts. Sweden’s enormous coastline, with many small inlets and islands, however, makes prevention of smuggling a formidable task. There is minimal narcotic manufacturing or cultivation in Sweden, and the country is not considered to be an important center of trafficking. Whatever drugs are smuggled into Sweden are solely for the domestic market. This contrasts with the Netherlands where Amsterdam, the world’s busiest port, is both a port of entry and exit for drugs bound to points around the globe.

A Tide of Liberal Drug Policies?

Sweden’s position has become more lonely, as prohibition policies are being abandoned by most other governments in Europe. Like Sweden, Great Britain experimented with prescribing narcotics to addicts in the 1960s. Addicts could acquire 100 percent pure heroin from their doctors with little hassle. Increasing drug tourism from American and Canadian addicts and growing narcotics use by its



POLICE SEIZED 2.3 TONS OF COCAINE NEAR LISBON. WHILE PERSONAL DRUG USE WAS DECRIMINALIZED IN PORTUGAL, TRAFFICKING REMAINS ILLEGAL. (Photograph by Gustavo Bom. AP/Wide World Photos. Reproduced by permission.)

own population prompted the British government to end this practice in 1968 and replace it with methadone therapy. A very limited number of psychiatrists, however, still retained the legal right to prescribe heroin.

After nearly thirty years the British government, under Prime Minister Tony Blair, announced that it would be reversing the policy in existence since the late 1960s and replacing it with a more liberal approach. In October 2001 the Home Secretary announced that the government would no longer arrest cannabis users. This presents one way of circumventing the process of passing new, and perhaps contentious, legislation; that is to say, use the power of prosecution to establish a *de facto* if not *de jure* policy (a policy in effect if not also in law). Technically, cannabis use is illegal in Britain, but it has been given sanction by the government in its failure to prosecute offenders. This option is not available in Sweden, where the law requires prosecutors to pursue all violations of the narcotics laws.

Another nation that has abandoned the Swedish-style narcotics prohibitionist policy is Germany. In recent years Germany has looked more to its neighbor the Netherlands than to its ally the United States. Like Great Britain, Germany has decriminalized cannabis and placed more resources into treating the “hard” drug addicts than

into prosecuting them. In addition to Sweden, only Finland, France, and Greece still consider cannabis illegal and worthy of prosecution.

The Debate

There are several positions in the drug debate. It can be confusing to follow all the subtle differences among them. Basically, however, they fall into two larger categories: those that believe prohibition is the best policy, and those that call for liberalization. It is among the liberals that there is the greatest variation, as the spectrum can vary from those that only want to permit more medical uses of narcotics to those that want legalization for all drugs, regardless if they are “hard” or “soft.” In this case there is less consensus among the liberal forces than one might ascribe to them when they are united behind the broadest possible issues.

Prohibitionists believe that drugs, be they “hard” or “soft,” represent a great harm to the individual user and to the society at large. According to this line of reasoning, drug addiction is a moral failing that will cause users to resort to crimes, such as robbery, theft, burglary, etc., to support their habit. More violent crimes like rape and murder, they believe, will result from drug-induced paranoia and loss of inhibition. In effect, drugs will impact the lives of even those who do not take them.

The legality of drugs, prohibitionists believe, has the potential to undermine the central institutions of society if they become widespread enough. Adherents to this position object to any form of legalization out of a fear that a snowball effect will lead even the most casual user of cannabis to become a heroin addict. Medicinal use of cannabis is considered to be a Trojan horse issue designed only to offer some legal protection to drug use and to provide the platform for further legalization efforts, rather than a genuine effort to reduce the suffering of terminally ill patients. In this way of thinking, medical use of drugs can turn doctors into dope dealers and further, as a moral issue, it is still not permissible for dying patients to turn to narcotics for succor when a legal alternative is available.

Prohibitionists believe that the threat of jail is often enough to deter the young from using drugs or escalating to the use of more serious ones. Despite the availability of drugs on the street, prohibitionists argue that social condemnation of drug use will prevent serious addiction. As such, prohibitionists believe that fighting the “War on Drugs” helps prevent addiction.

Opposed to the forces of prohibition are several groups in favor of varying degrees of legalization for an assortment of reasons. In this group it can be said that all agree that the U.S.-sponsored “War on Drugs,” begun in 1970 under President Richard Nixon and escalated by his successors, is a failure after thirty years, billions of dollars, and tens of thousands of lives squandered without any appreciable return. Criminalization of drugs, according to this group, has only led to more addicts.

A common thread holding the decriminalization forces together is the idea that the question of drug use is generally not a moral question, but one of public health. They cite scientific reports showing that cannabis poses little threat to the user and does not automatically lead one to more dangerous drugs. The Dutch government points to the fact that it has a per capita heroin addiction rate one half that of the United States. As the Portuguese have argued with their new law, the user can be seen as a victim, not a criminal.

Decriminalization advocates believe that the best way to handle narcotics use is with medical treatment, not jail time. Moreover, treatment does not have to be cold turkey (all at once); methadone and even heroin doses, in decreasing portions, are acceptable if they can allow the addict to bring his or her life back into control under the supervision of a doctor. Most concerned with public health issues—again, governments like Portugal—see the

THE MEDICAL USE OF CANNABIS IN THE UNITED STATES

Cannabis, or marijuana, has been used for medicinal purposes for thousands of years. In the United States it was prescribed as a medicine by some doctors until the cumbersome requirements of the Marijuana Tax Act of 1937 made it prohibitively complicated. In 1970 the Controlled Substance Act placed cannabis in the strictest category as a Schedule I drug—a substance with a “high potential for abuse” and “no currently accepted medical use.” Since then, many patients suffering from cancer, AIDS, glaucoma, multiple sclerosis, and other serious diseases have testified that marijuana is useful—or necessary—to them for pain relief, nausea suppression, curbing muscle spasms, appetite stimulation, and to ease the effects of chemotherapy. A national debate arose between those who wanted to legalize medicinal use of marijuana and those who felt that the drug should not be tolerated for any reason. During the 1990s nine states adopted laws that allow the use of marijuana for medicinal reasons.

In 1996 California voters passed Proposition 215, decriminalizing the use of marijuana for medicinal use. Several nonprofit organizations and physicians groups then created “cannabis cooperatives” to provide cannabis to people whose doctors recommended in writing that they use the drug for medical reasons. When federal agents sought an injunction to shut down the cannabis cooperatives, the Oakland Cannabis Club took the fight to the U.S. Supreme Court. On May 14, 2001, the Supreme Court ruled 8–0 against California’s medical marijuana law, saying that the federal law allows no “medical necessity” exception to the prohibition of cannabis. While the states do not have to choose to prosecute people who continue to use cannabis for medical reasons, the ruling is expected to reverse the current trend of accepting the therapeutic value of marijuana in the United States.

threat of HIV-AIDS as being much greater than the threat of drug use. Hence, they resort to policies that promote exchanges of needles in an effort to prevent the spread of the disease.

Those more inclined to liberal drug policies also cite the threat to civil liberties posed by the police apparatus needed to control narcotics trafficking. Even in the United States, conservatives like William F. Buckley, Jr., a journalist and founder of the *National Review*, have come out in



A DRUG USER LIES ON THE GROUND WITH HIS JACKET COVERING HIS HEAD AND A SYRINGE SHOT INTO HIS RIGHT HAND. HARD DRUGS, SUCH AS HEROIN AND COCAINE, WERE ALSO DECRIMINALIZED IN PORTUGAL IN 2001, ALONG WITH "SOFT," LESS-ADDICTIVE DRUGS. (Photograph by Gael Cornier. AP/Wide World Photos. Reproduced by permission.)

favor of the legalization of drugs. Under criminalization, government enforcement efforts have grown to the extent that conservatives like Buckley, worry about the growing bulk of government and its increasingly invasive techniques to crack-down on the use of and trade in illegal narcotics.

Finally, a significant sector believes that the criminalization of drugs only perpetuates the existence of powerful and organized criminal empires. If the drug trade could be legalized and regulated, this school of thought reasons, then most of the large criminal gangs might suffer a terrible blow as a mainstay of their illegal business became legal and the revenue became subject to taxes. Indeed, some

gangs might go out of business entirely. Currently, the interdiction or stopping of drug trafficking only interrupts three to five percent of the total traffic in illegal narcotics. This can make an impact on most drug traffickers, who make enormous profits. Corruption among the ranks of government agents involved in drug enforcement is the direct result of illicit drug dealers seeking to gain favors in the legal system. There is so much money in the illegal drug trade that it is often used for bribes and other payoffs. To counter the prohibitionists, those who want to liberalize drug policy argue that the illegality of drugs will attract many users, especially rebellious and inquisitive youth.

The debate on drug policy has become a hot one and there are numerous organizations, both private and government sponsored, that vigorously press their claims. Both sides are committed to their positions, which are based as much on ideological beliefs and faith as on science. While we generally look to science for value-free answers, each side in the drug debate can and has used statistics to bolster its own position. There is significant disagreement over the success of the respective policies of Sweden and the Netherlands. Proponents of the Swedish system point to decreasing usage among school-age children and dropping arrest records. Advocates of the Dutch methods point out that legalization has not led to a drug-saturated and lethargic culture, and that cannabis use has not escalated to widespread heroin addiction.

RECENT HISTORY AND THE FUTURE

Sweden and the Netherlands represent two opposites in the drug debate. Despite the fact that the general bulk of European countries are moving toward the Dutch position, Sweden remains adamant that it will not alter its policy of prohibition. "There will be no proposals for change of direction in Swedish drug policy," declared Lars Engqvist, Sweden's minister of health and social affairs, in September 2001 in the *ECAD Newsletter*. "We will continue to maintain a restrictive drug policy." Nevertheless, the opposition will also not surrender. "The drug war, in Europe at least, is essentially over," proclaimed Paul Flynn, a minister to the British Parliament from Wales, in January 2002 in *These Times Magazine*. "Our course is irreversibly moving toward a more pragmatic approach to substance abuse generally throughout Europe."

It would appear that the liberalization forces have the upper hand at the current moment as nation after nation defects from the U.S.-led "War on Drugs" to adopt policies that decriminalize drugs. Furthermore, more organizations are moving in favor of an increasingly liberal policy in light of further scientific information. Trends in drug policies, however, have been known to change in the past and could change in the future as well. Any number of possibilities could cause a reversal, just as the liberal policies in Sweden and Great Britain in the 1960s were reversed.

HIV-AIDS has had the greatest effect on drug policies in the 1990s, and was not foreseen in the 1970s. Ironically, neither Sweden nor the Netherlands has a high rate of heroin addiction or HIV-AIDS. Moreover, these are relatively small and



A SYRINGE EXCHANGE IS SET UP FOR INTRAVENOUS DRUG USERS IN THE CASAL VENTOSO SLUM OF LISBON. PORTUGAL IS AMONG SEVERAL EUROPEAN NATIONS THAT HAVE CHANGED THEIR DRUG POLICIES TO CONCENTRATE ON PROVIDING HELP, RATHER THAN PUNISHMENT, TO DRUG USERS.

(Photograph by Gael Cornier. AP/Wide World Photos. Reproduced by permission.)

homogenous countries in terms of population as compared to Britain, Germany, Russia, and the United States. Other countries might find the dichotomy, or division, between the Netherlands and Sweden to represent an insufficient choice.

A country like Portugal has to cobble together its own policy, as it has done with its decriminalization of "hard" drugs. The problem might be that such flexibility will be very difficult to incorporate into a European Union seeking standardization. Forging a consensus from such disparate positions represents the greatest challenge to the drug policy in Europe. The international agreements represent another significant challenge to a unified European drug policy.

Under the terms of the 1961 UN Single Convention, a country legalizing narcotics will be breaking a treaty obligation. There is discussion on this point among Europeans who want to completely legalize narcotics—not just to decriminalize them. One country will have to challenge the international agreements. Switzerland is, according to many experts, the most likely candidate to do so. How Europe reacts to such a challenge will most

likely determine the next stage of the debate over drug policy.

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Gregory John Dehler

RUSSIA-NATO RELATIONS IN THE POST-COLD WAR WORLD: RETHINKING THE FUTURE OF COLLECTIVE SECURITY

Britain's Lord Ismay, the first secretary-general of the North Atlantic Treaty Organization (NATO), famously said that the purpose of the alliance was "to keep the Americans in, the Russians out, and the Germans down." The quotation speaks to the perceived need in post-World War II Europe to prevent an American return to isolationism, to pursue an anti-communist domestic agenda, and to ensure that Germany not achieve hegemonic power in Europe again.

Lord Ismay's assessment may have been overly simplistic in many ways, but it certainly struck a chord in succinctly identifying NATO's mission. Today, 53 years after NATO's formation, and 11 years after the fall of its main adversary, the Soviet Union, Lord Ismay's words seem dated. Yet they continue to represent three poles that remain crucial to NATO's mandate: the leading role of the United States, the significance of Russia's voice, and the importance of maintaining stability and security in Europe.

The history of NATO since its formation in 1949 is a turbulent one, marked by internal power struggles, most notably involving France, and heated debates over the addition of new members, which took place in 1952, 1955, 1982, and 1999. The 1990s were a particularly difficult decade for NATO. With the collapse of communist power in eastern Europe in 1989, and then in the Soviet Union in 1991, NATO in the 1990s was forced to reevaluate its mission for a post-Cold War world. Chief among its concerns has been the place of post-Soviet Russia in the NATO mindset. Would Russia continue in the Soviet Union's role as foe, become a democratic friend, or settle somewhere in between?

THE CONFLICT

Ten west European countries joined with the United States and Canada to form NATO in 1949 as a military alliance intended to provide collective defense in the event of an attack by the Soviet Union. During the Cold War, NATO was countered by a similar alliance among the communist countries of Eastern Europe, which joined with the Soviet Union to form the Warsaw Pact. With the collapse of communist governments in the Soviet bloc between 1989 and 1991 and the dissolution of the Warsaw Pact, however, observers questioned NATO's mission in a post-Cold War world.

Political

- In the early 1990s NATO asserted that its collective defense mission remained relevant despite the fall of its major adversary. Reiterating its commitment to European security, NATO announced plans to expand its membership into the former communist countries of eastern Europe.
- Russia viewed NATO expansion as a threat to its territorial integrity and security. Despite ongoing attempts at dialogue between NATO and Russia, the 1990s were characterized by poor relations, sparked mainly by NATO's insistence on expansion into the former Soviet bloc. Relations reached their lowest point in 1999 and 2000 over the conflict in Kosovo.
- The terrorist attacks on the United States on September 11, 2001 opened a new chapter in the history of NATO and its relations with Russia. Despite Europe's invocation of NATO's collective defense clause for the first time, the United States rejected military aid from its allies in a move that will likely have significant repercussions for the alliance in the future.
- Russia also pledged unconditional support for the United States' war against terrorism, toning down its objections to NATO expansion for the time being. Although further expansion into eastern Europe is still planned, the terrorist attacks have altered the global climate to the extent that NATO-Russia quarrels no longer take center stage for either side.

CHRONOLOGY

1945 The end of World War II also signals an end to the brief wartime alliance between the United States and the Soviet Union. Their ideological conflict intensifies and becomes known as the Cold War.

1949 In April ten western European countries, plus the United States and Canada, sign the North Atlantic Treaty and form an organization (NATO) to oversee it. Western Europe, struggling to recover from the war, can now rely on military aid from North America in the event of an attack. The famous Article Five ensures that an attack on any member of NATO is considered an attack on all, and will be met with the collective resources of all member states.

September 1949 The Soviet Union successfully tests its first atomic bomb, ending the United States' monopoly on nuclear weapons and solidifying NATO's commitment to collective defense in the wake of this new Soviet threat.

1952 NATO expands its membership for the first time, admitting Greece and Turkey to the alliance.

1955 Less than a month after West Germany joins NATO, seven countries in Eastern Europe sign a treaty with the Soviet Union, known as the Warsaw Pact, ensuring their mutual defense in the event of an attack from the West.

1966 Arguing that Western Europe has become too dependent on the United States, French President Charles de Gaulle pulls French troops out of NATO's integrated military command and expels all NATO troops from France. The country would not rejoin NATO's military structure until 1995.

1989 A wave of revolutions in eastern Europe leads to the collapse of communist governments there, marking the first step towards the end of the Cold War.

July 1991 The post-communist states of eastern Europe dissolve the Warsaw Pact.

August 1991 A failed coup d'état in the Soviet Union ignites a chain of events that lead to the collapse

of communist power there and the dissolution of the regime. Russia emerges as the dominant successor state to the Soviet Union.

1993 NATO agrees to provide limited military support for UN actions in the civil war in Yugoslavia.

1994 At the NATO Summit in Brussels in January, the alliance announces its intention to expand its membership to include select post-communist states in eastern Europe, revealing NATO's new mission to preserve European security in the aftermath of the Cold War. Although the program is launched in part to improve NATO-Russian relations, Russia is skeptical of it and joins reluctantly.

1995 NATO conducts UN-mandated air strikes against Bosnian Serb targets in Yugoslavia in an effort to force the Bosnian Serbs to participate in the peace negotiations in Dayton, Ohio.

December 1995 NATO establishes an Implementation Force (IFOR) of peacekeepers to enforce the Dayton Peace Accord in Bosnia. Significantly, Russia agrees to contribute troops to IFOR.

1999 At NATO's fiftieth anniversary summit in Washington, DC, the former Warsaw Pact nations become official members of the organization. NATO leaders indicate that further expansion into eastern Europe will occur in the future.

March-June 1999 NATO conducts an air campaign against Yugoslav forces in the province of Kosovo. NATO-Russian relations suffer severe damage, and Russia suspends its diplomatic ties to the alliance until 2000.

2001 Terrorist attacks on the United States on September 11 lead NATO to invoke its mutual defense clause for the first time in its 52-year history. The United States rejects the offer of military assistance from its European allies, however, marking a significant turning point for NATO's mission. Russia offers full support for the United States' war on terrorism, and for the time being tones down its objections to NATO expansion.

In the 1990s the ever-changing domestic situation in Russia precluded any easy answers about its role in the post-Cold War global power structure, and one of the most difficult paths to negotiate has been its relationship with NATO. In particular, Russia has raised repeated objections in the past decade to NATO's efforts to expand its membership into the former communist countries of eastern Europe. NATO argues that including these countries in the alliance will help ensure the security of the European continent; Russia insists that the presence of NATO member states on its borders threatens its territorial integrity and security.

The debate between the two sides has been ongoing for a decade, marked by highs—such as the 1997 Founding Act that established a Russian voice in NATO affairs—and lows—such as NATO's 1999 air campaign against Yugoslavian forces in Kosovo, which Russia bitterly opposed. The alliance's first post-Cold War expansion, which saw the Czech Republic, Hungary, and Poland become members in 1999, was also met with trepidation by Russia, and the debate over a second wave of expansion, expected in late 2002, continues.

Both sides, however, have been affected by other global security concerns. The September 11, 2001, terrorist attacks on the United States, for example, marked a significant change both in NATO's world outlook and in Russia's position on the alliance's expansionist goals. The two sides will likely continue to quarrel, with each looking out for its own security concerns. In a new global climate that affords them the opportunity to work together against the common enemy of rogue terrorism, North America, Europe, and Russia may yet find a way to use NATO's framework to pursue common security goals.

HISTORICAL BACKGROUND

History of NATO, 1949–89: Origins

NATO resulted from a range of European and U.S. concerns that plagued the post-World War II era. In 1947 the United States initiated a recovery system known as the Marshall Plan, named after Secretary of State George C. Marshall, which offered technical and financial assistance to rebuild the economies of west European countries from the devastation of the war. In addition to economic problems, Europe also faced a major refugee crisis and political instability from domestic communist parties eager to take advantage of postwar vulnerability in order to stage revolutions—as occurred successfully in Czechoslovakia in 1948. To this end,



A RUSSIAN STANDS ON THE NATO FLAG. RUSSIAN RELATIONS WITH NATO HAVE OFTEN BEEN TENSE SINCE THE END OF THE COLD WAR, BUT THE TWO HAVE RECENTLY BEGUN TO MAKE PROGRESS IN DEVELOPING A RAPPORT. (*Photograph by Laski Diffusion. Hilton/Archive. Reproduced by permission.*)

it became apparent that Europe also required military aid, not only because of the threat of political coup d'états, but also because of deteriorating relations with the Soviet Union.

Following the end of the war in 1945, the Soviet Union quickly re-annexed the Baltic states of Estonia, Latvia, and Lithuania, which had declared their independence during the war. The Soviet Union then sponsored communist governments in Bulgaria, Czechoslovakia, Hungary, Poland, and Romania, expanding its sphere of influence and

creating a buffer zone between itself and Western Europe and drawing Western fears of a new threat to Europe—communism and the Soviet Union. In addition, the Soviet Union entered a clash with the West over the occupation of Germany.

Tensions were high on both sides in June 1948. After the United States and Britain merged their occupation zones, Soviet leader Josef Stalin (1879–1953) closed all roads to Berlin located within the Soviet occupation zone. The Soviet blockade of the city meant that the Western countries were cut off from their troops in Berlin. To overcome the blockade, the United States initiated a campaign to airlift supplies to Western troops in the city. The blockade continued for almost a year, until May 1949, and provided a major impetus for the formation of a defensive alliance among Western countries that could counter the Soviet security threat that the Berlin Blockade had revealed.

In 1948 the first seeds of NATO were sown with the Brussels Treaty, in which Belgium, Britain, France, Luxembourg, and the Netherlands pledged an economic, cultural, and military alliance. Most significant was the military component of the agreement, in which the five signatories committed to collective defense should any one of them face attack. With the East European rejection of Marshall Plan assistance, however, plus the formation of the Cominform (Communist Information Bureau) to coordinate communist parties across Europe, including those in France and Italy, Western Europe began to feel that it needed further military aid from beyond the continent. The Berlin Blockade confirmed this, as the United States took charge of the airlift to the city's Western occupation zones.

Even as the Brussels Treaty took effect, Western Europe began negotiations with the United States and Canada for a collective defense agreement that would provide North American military assistance in the event of an attack on Western Europe. (The agreement also worked in the opposite direction, of course, as we shall see with the September 11, 2001, attacks on the United States. In 1948 and 1949, however, the major concern was for a Soviet attack on Western Europe.)

The Treaty

After months of negotiations, 12 countries signed the North Atlantic Treaty on April 4, 1949, in Washington, DC. The signatories were Belgium, Britain, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, and the United States. The rather short text of the treaty itself consists of only 14 articles. Ar-

ticle Five is often cited as the most significant, as it encapsulates the treaty's purpose. It binds all signatories to a collective defense agreement, in which an attack on any one of them is regarded as an attack on all, and would be met with the full military strength of each member country. For Western Europe in 1949, this meant that it could rely on U.S. military support in the event of an attack, a provision greatly welcomed by the war-weakened European countries.

All those involved, especially the United States, hoped that binding European countries together in an alliance would help prevent a return to the cycle of wars that had plagued Europe for centuries. This rationale revealed the United States' motives in signing the treaty: it had been drawn into a European war twice already in the first half of the twentieth century, and it wanted to prevent a third war. Further, the United States saw the treaty as a strategy for containing Soviet expansionism, which had already swallowed much of Eastern Europe and threatened to absorb Greece and Turkey as well. The treaty suited the interests of all its signatories, on both sides of the Atlantic.

The Early Cold War and the First Wave of NATO Expansion

Despite the tensions of the Berlin Blockade and Soviet hegemony in Eastern Europe, NATO's signatories did not expect an imminent Soviet attack when they signed the treaty in April 1949. They simply wanted the security shield in place so that they could continue with their economic reconstruction work. Later that year, however, the mood changed drastically. In September 1949 the Soviet Union successfully tested its first atomic bomb, startling U.S. and European observers who doubted the Soviet Union's atomic capabilities.

Suddenly, the American monopoly on nuclear weapons, achieved during WWII, was over, and the global climate immediately chilled. A conflict between the Soviet Union and the West now threatened to include the use of nuclear weapons, elevating NATO's commitment to the mutual defense of its members. In June 1950 the perceived threat of communist attack deepened when the northern half of Korea invaded its southern half. The West believed that the Soviet Union firmly backed the invasion (although the situation turned out to be much more complicated), and it became increasingly feasible to the West that it could soon face a Soviet attack.

In an attempt to broaden its security against possible Soviet aggression, NATO, in February 1952, expanded its membership for the first time,

EXCERPT FROM THE NORTH ATLANTIC TREATY

Washington D.C.—4 April 1949

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defence and for the preservation of peace and security.

They therefore agree to this North Atlantic Treaty:

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Article 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an

attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article 6 (1)

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

- on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France (2), on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;
- on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security

Notes

1) The definition of the territories to which Article 5 applies was revised by Article 2 of the Protocol to the North Atlantic Treaty on the accession of Greece and Turkey signed on 22 October 1951.

2) On January 16, 1963, the North Atlantic Council noted that insofar as the former Algerian Departments of France were concerned, the relevant clauses of this Treaty had become inapplicable as from July 3, 1962.

NATO's official Web site at <http://www.nato.int/docu/basic/txt/treaty.htm>.

admitting Greece and Turkey as the thirteenth and fourteenth members of the alliance. These two countries had caused concern among West European countries, as well as the United States, since the end of World War II, as they remained politically unstable and prone to revolutionary activity. In 1947 President Harry Truman (1945–53) had issued his now famous Truman Doctrine, which

pledged U.S. support for all democratic countries resisting communist takeover, with Greece and Turkey in mind. By including these two countries in NATO, the alliance hoped to solidify its commitment to democracy and offset its members' vulnerability to communist or authoritarian influences.

In May 1955 NATO expansion encountered its first controversy when West Germany became a

member of the alliance. In the aftermath of the Berlin Blockade in 1949, the Federal Republic of Germany was created out of the Western occupation zones; the Soviet Union countered by creating the German Democratic Republic (East Germany) out of its occupation zone in the east. Those in favor of including West Germany in NATO, including the United States, argued that German isolation as a pariah state following World War I had contributed to the rise of Adolf Hitler. By that logic, supporters argued that the best way to rehabilitate Germany and prevent another German-led war in Europe was to integrate it into a Europe-wide power structure, where it could work cooperatively with its neighbors, rather than antagonistically against them.

Opponents of NATO membership for West Germany, particularly France, argued that German integration into Europe may well be desirable in the political and economic realms, but that offering it membership in a military alliance remained dangerous. France remembered all too clearly the threat that a militarized Germany had posed twice already in the century. After heated negotiations, West Germany was admitted to NATO in 1955 under a complicated agreement that forbade the manufacture of nuclear, biological, or chemical weapons on its soil.

Internal Dissent: France

A challenge NATO faced throughout the Cold War, and continues to struggle with since 1989, involves keeping each member happy. The debate over West Germany's admission to the alliance was one example of the difficulties inherent in obtaining unanimity from over a dozen countries with diverse interests. The case of France best exemplifies this problem, through its historically fraught relationship with NATO. France faced a multitude of problems following World War II, which taken together precipitated great anxieties over its national identity and its role in the post-war global order. Humiliated by its quick defeat and occupation during World War II, France remained not only fearful of a resurgent West Germany in the immediate postwar years, but also somewhat envious of Britain, which had earned great acclaim for its conduct during the war. Moreover, France in the 1950s saw its Asian and African colonies fight for independence, which France vehemently resisted.

Under the leadership of the charismatic and nationalistic Charles de Gaulle (1890–1970) from 1958 to 1969, France embarked on a path to redeem West European independence from what it

viewed as American hegemony. De Gaulle distrusted the United States' commitment to risk its own destruction to save Europe from a Soviet attack, and after the Cuban Missile Crisis of 1962, he saw that the United States was prepared to act unilaterally, without consulting its allies, in the event of a direct security threat.

As a result of these factors, de Gaulle withdrew France from NATO's integrated military command in 1966 and expelled all NATO troops from the country. Frustrated with NATO's integrated military structure, de Gaulle felt that France had too little control of its own troops, and minimal power to influence NATO decisions. It feared being drawn into a conflict with the Soviet Union on the basis of U.S. strategic decisions and sought to reclaim the sovereignty it felt it gave up by participating in the integrated command. It would not rejoin NATO's military structure until 1995.

France remained a member of the alliance during this time; de Gaulle's action affected only France's integration into NATO's military command. Nevertheless, the conflict exposed weaknesses within the alliance, which did not go unnoticed by the Soviet bloc. The Soviet press, for example, delighted in lampooning the French-American rift within NATO. It used the affair as an opportunity to reaffirm the historic Russian fondness for all things French, and to portray France as a potential Soviet ally against the United States.

NATO and the Soviet Bloc

While Western Europe and the United States were busy in the late 1940s negotiating a way to defend themselves against a potential Soviet attack, the Soviet Union was equally fearful that the West planned to strike before the Soviet army could recover from its devastating losses in World War II. With the signing of the North Atlantic Treaty in 1949, it appeared to the Soviet Union that the Western allies were preparing to wage war. The expansion of the alliance to include West Germany in 1955 proved to be too much for the Soviet leadership.

Less than a month after West Germany formally joined NATO, seven East European countries signed the Warsaw Treaty Organization, commonly known as the Warsaw Pact, with the Soviet Union. Unlike NATO, the Warsaw Pact never expanded its membership during its 36-year existence, always consisting of its founding members: Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Romania, and the

Soviet Union. Its mission, however, was virtually identical to NATO's. In the event of an attack on one or more of the Warsaw Pact countries, the others pledged to consider it an attack on all and to respond using the integrated resources of the treaty members. Cold War politics and diplomacy were thus supported on both sides by a military alliance charged with ensuring the security of each region.

The era of *détente* that emerged in the late 1960s and led to a relative relaxation of tensions between the two sides was based on the "military *détente*" that contributed to arms reduction talks in the early 1970s. The resulting treaties in 1972 (Strategic Arms Limitation Agreement, or SALT I), and 1977 (SALT II) had significant military implications for NATO and its counterpart, the Warsaw Pact, as their mandates were defined foremost in military terms. In 1987 U.S. president Ronald Reagan (1981–89) and Soviet leader Mikhail Gorbachev furthered arms reduction with the Washington INF (Intermediate-Range Nuclear Forces) Treaty, which eliminated intermediate-range missiles in Europe. By 1989 one might argue that NATO was in need of the shake-up it was about to receive, as its original mission was already becoming obsolete.

Recent History Since 1989: The Collapse of Communist Power

Germany, already the instigator of two monumental twentieth-century calamities, again found itself at the center of world events in 1989. Soviet reforms under the leadership of Mikhail Gorbachev, notably the policies of *perestroika* (a restructuring of the Soviet economic system) and *glasnost* (a more open government policy allowing criticism) helped pave the way for an easing of tensions between Eastern and Western Europe. Gorbachev also changed his policies toward Eastern bloc nations, lessening Soviet influence and allowing them to take more control of their own affairs.

In East Germany, as in several other Eastern bloc nations, this resulted in public, antigovernment demonstrations and calls for reform and greater freedom. The East German leader, Erich Honecker, and several other East German officials were forced to resign. The new leader, Hans Modrow, instituted reforms to decentralize the economy and lessened travel restrictions between East and West Germany. By opening its border with West Germany, East Germany unwittingly set off a chain reaction that unloosed the political, economic, and social tensions that had been building in Eastern Europe.

The Berlin Wall, which had divided the city of Berlin between East and West since 1961, was torn down. Shortly thereafter, other communist regimes throughout the Warsaw Pact countries also collapsed. Almost a year later, in October 1990, East and West Germany formally reunited, and the newly unified Germany replaced West Germany in NATO. The following month, NATO and the Warsaw Pact announced a joint declaration of non-aggression. Clearly, the new political climate in Eastern Europe rendered nonsensical NATO's founding fears, in 1949, of attack from Eastern Europe or the Soviet Union. Accordingly, in July 1991 the Warsaw Pact dissolved itself, signaling a new era in collective security. Before that new era could begin, however, a major player in the game had its own transformation to undergo.

The Soviet Union had quietly watched its allied governments fall in Eastern Europe in 1989, as Gorbachev recalled Soviet troops from the region and tried to initiate reforms that would enable the Communist Party to maintain power in the Soviet Union. Internal dissent within the Party proved to be the catalyst, however, and an attempted government coup d'état against Gorbachev in August 1991 not only failed, but provided the unstable political setting necessary for the country's economic and social problems to tumble to the fore. Before the year was out, Gorbachev had banned the Communist Party and dismantled the Soviet power structure. Fifteen independent countries emerged from the wreckage, including Russia, the unpredictable and ever-tumultuous heir to the Soviet regime.

NATO and Russia in the 1990s

The collapse of communist power in the Soviet Union and Eastern Europe and the dissolution of the Warsaw Pact immediately led many Western observers to question NATO's role in the post-Cold War world. Originally conceived as a military alliance to protect a vulnerable, war-ravaged Western Europe from Soviet attack, NATO clearly needed a new mandate in the wake of the removal of its chief adversary from the game and the reorientation of global security concerns that accompanied it. Some observers initially suggested that NATO too should disband, as its mission was obsolete in the absence of an enemy. Such talk quickly faded, however, and while the suggestion that NATO has no place in a post-Cold War world occasionally resurfaces, policymakers and observers alike generally agree that NATO still has a role to play in the twenty-first century.



THEN-RUSSIAN PRESIDENT BORIS YELTSIN ADDRESSES THE NATO-RUSSIAN SUMMIT IN PARIS IN MAY 1997, AT WHICH A DIALOGUE BETWEEN RUSSIA AND NATO WAS OPENED FOR THE FIRST TIME. (Photograph by Greg Gibson. AP/Wide World Photos. Reproduced by permission.)

That role was outlined early in the 1990s as NATO members decided amid the fall of the Warsaw Pact countries, that European security remained a priority, just as it had been in 1949. Along with the European Union (EU), NATO argued that, as with Germany following World War II, integrating the new democracies of eastern Europe into a broader European coalition offered the best strategy for ensuring their political stability. To this end, NATO by 1993 had raised the possibility of its expansion into former Warsaw Pact countries.

Predictably, this announcement alarmed the new leaders of Russia. From their perspective, west-

ern Europe and the United States were still the warmongers they had been in 1949—exploiting Russia's vulnerability and weakness in order to expand Western military power ever closer to Russia's borders. The revolutions of 1989 had cost the Soviet Union, and now Russia, its carefully cultivated buffer zone between itself and the West, and now NATO had declared its intention to move into that zone. The threat that Russia perceived to its security was understandable. NATO and Russia have conducted an ongoing dialogue through the 1990s and into the twenty-first century, aimed at achieving a solution that could reconcile NATO expansion with Russian security concerns. One outcome of this dialogue was the 1994 Partnership for Peace initiative, and another was the 1997 Founding Act.

While not a formal expansion of NATO, the Partnership for Peace established relations between NATO and a series of countries in eastern Europe and the former Soviet Union, including Russia. Officially introduced at the NATO Summit in Brussels in January 1994, it affords partner countries a limited voice in NATO activities without holding NATO membership. Partner countries must demonstrate a commitment to democratic government and a civilian military structure. They are permitted to participate in joint planning, training, and operations with NATO, particularly pertaining to rescue operations, disaster relief, and peacekeeping. Partner countries may send representatives to NATO headquarters, and NATO pledges to consult with any partner whose security suffers a direct threat.

In part, the Partnership for Peace resulted from a European plea that Washington reaffirms its commitment to NATO and to European security in the post-Cold War world. Although it did accomplish this task, the Partnership for Peace quickly became bogged down by calls for full NATO membership by some of its partner countries and their advocates. Meanwhile, it also aimed at incorporating Russia more formally into an ongoing NATO dialogue with non-NATO countries, a goal that took on increased urgency after the success of ultranationalist Vladimir Zhirinovskiy in Russia's Duma elections of December 1993. Zhirinovskiy's popularity reminded NATO leaders that isolating Russia could prove dangerous and caused some observers to draw parallels to Germany in the 1930s. Russia was reluctant to join the Partnership for Peace, however, and did so only in the footsteps of several east European countries and former Soviet republics.

While the Partnership for Peace opened communication channels between NATO and Russia,

it did not solve the ongoing problem of Russian opposition to NATO expansion. The 1997 Founding Act on Mutual Relations, Cooperation, and Security provided another attempt to bridge the gap between NATO and Russia, but it too has so far proved ineffective. The Founding Act established a NATO-Russia Permanent Joint Council with the goal of giving Russia a “voice but not a veto” in NATO affairs. From NATO’s perspective, the Founding Act was a critical step towards Russian acquiescence on the issue of NATO expansion. From the Russian side, gaining a seat at NATO’s table was key to achieving even a marginal ability to influence Western policy and maintain support for Western economic investment in Russia. Since 1997, however, the Permanent Joint Council established by the Founding Act has proved more symbolic than substantial.

While the Council represents the façade of dialogue between NATO and Russia, in practice the two sides have spent much of their time at the Council sessions talking past each other. Russia has complained that NATO has already made its decisions when it comes to the Council, and simply informs Russia of its policies rather than engaging in any meaningful debate. Still, the mechanism is in place for communication, and the fact that the Council has proved ineffective in the past does not mean that it will not be useful at some point in the future.

Crisis in Yugoslavia

NATO’s revamped mission in the 1990s—to continue to monitor European security while working to weave post-communist eastern Europe into a broad European fabric—was tested almost immediately by the series of wars in Yugoslavia. The United Nations, the European Union, and NATO have all been blamed to some extent for failing to take action early in the conflict that may have prevented its escalation to full civil war. It is a debate that is certain to continue among observers for years to come. NATO’s reluctance to involve itself in the conflict was rooted in the famous Article Five of the treaty: not only was Yugoslavia not a member of NATO, but also it had not technically suffered an attack from outside. According to its treaty, NATO was under no obligation to intervene in Yugoslavia. As the crisis worsened, however, particularly in the breakaway republic of Bosnia-Herzegovina, it became increasingly clear to NATO’s leaders that the war posed a threat to European security as a whole.

In 1993 NATO agreed to provide limited military support for action by the United Nations

(UN), including the deployment of NATO jets to patrol the airspace over Yugoslavia and to enforce the UN’s no-fly zone for military craft. Early in 1994 NATO jets shot down four Serbian warplanes violating the ban on military flights, marking the alliance’s first military action in its 45-year history. The incident also marked the beginning of NATO’s involvement in the Yugoslavian war. By 1995 NATO was participating in UN-mandated air strikes against Bosnian Serb targets in an effort to drive the Bosnian Serbs to the bargaining table and end the war. The action eventually achieved its goal; the Bosnian Serbs joined the peace process in Ohio, and in December 1995 the Dayton Peace Accord ended the war in Bosnia.

To enforce the peace, NATO deployed a multinational peacekeeping unit known as the Implementation Force (IFOR) to Bosnia. After lengthy negotiations Russia agreed in late 1995 to contribute troops to IFOR. The move was significant for NATO-Russian relations, particularly as discussions on the establishment of the Permanent Joint Council continued in 1996, because it signaled that Russia was willing to accept that in certain circumstances—such as the Bosnian war—NATO indeed could play a role in the post-Cold War world.

Still, Russian participation in IFOR was limited and was more about rebuilding Russian military morale after its debacle in the breakaway republic of Chechnya than about helping NATO. After the 1997 Founding Act promised to improve relations between NATO and Russia, a new crisis in Yugoslavia—this time in the province of Kosovo—emerged to send relations into a downward spiral, hitting a post-Cold War low in 1999.

A province of ethnic Albanians located amid the Serbian-dominated remainder of Yugoslavia, Kosovo sought independence, which Yugoslavian president Slobodan Milosević was not prepared to grant. The conflict quickly deteriorated into a civil war between Yugoslavian forces and Kosovar guerrilla fighters, with civilians caught in the middle. The situation became a humanitarian catastrophe, and refugees streamed out of Kosovo in search of safe haven from war-fueled atrocities.

As with the earlier war in Bosnia, NATO viewed Kosovo as a powder keg with the potential to ignite a wider European conflict. Again, European security was declared to be at risk, and moreover, after the international community’s failure to prevent the mass human rights abuses that had occurred against civilians in Bosnia, NATO felt increasing pressure to take swift action in Kosovo. In March 1999 NATO initiated



RUSSIAN DEFENSE MINISTER SERGEI IVANOV, LEFT, AND NATO SECRETARY-GENERAL LORD ROBERTSON, RIGHT, ATTEND A DECEMBER 2001 NATO-PERMANENT JOINT COUNCIL MEETING. RUSSIA WAS ONCE BITTERLY OPPOSED TO NATO BUT HAS SINCE MADE STEPS TO EXPLORE ACHIEVING GREATER COOPERATION. (Photograph by Virginia Mayo. AP/Wide World Photos. Reproduced by permission.)

an air campaign against Yugoslavian forces in Kosovo, with the goal of bringing Milosević to the bargaining table. The air strikes quickly became the largest military operation NATO had ever undertaken. Rather than coercing Milosević into negotiating an end to the conflict, however, the campaign only strengthened his resolve, while also affording him the opportunity to wage a propaganda war in Yugoslavia against NATO and the West. NATO's campaign quickly drew widespread criticism from other countries as well, most notably Russia.

Whereas NATO had acted as the military arm of the UN in Bosnia, with its limited military engagement sanctioned by the UN, in Kosovo NATO had acted alone. Russia, China, and India accused NATO of violating international law by not seeking a UN mandate for its action against the Yugoslavian forces in Kosovo. These three countries, each embroiled in its own dispute with renegade provinces, feared the precedent NATO set by unilaterally intervening militarily in Yugoslavia's domestic affairs. Still facing problems with Chechnya, for example, Russia was alarmed by the possibility of NATO becoming a global police force instead of a defensive alliance, as its actions in Kosovo seemed to suggest.

After three months of NATO bombardment, Yugoslav leader Milosević finally accepted NATO demands in June 1999, and the air campaign in Kosovo ceased. The province was placed under international control, and NATO led a multinational peacekeeping force in Kosovo known as KFOR. Its mission, which continues indefinitely, includes overseeing the safe return of refugees to Kosovo, supervising the disarmament of the Kosovo Liberation Army of guerrilla fighters, and monitoring the peace process in the province.

Russia's role in the conflict was complicated. It objected to NATO's offensive tactics, and it publicly opposed unilateral action against a sovereign state, and in particular, against a Slavic neighbor. To protest NATO actions, Russia severed its diplomatic ties with the alliance and introduced a UN resolution calling for an end to the air strikes, which was soundly defeated. Still, Russia could not claim complete ignorance of NATO's plans, as it had participated in a series of discussions over the worsening Kosovo crisis in 1998 and early 1999. Moreover, Russia passed over a potentially effective role as mediator between Milosević and the West prior to the air strikes.

Once the campaign was underway NATO tried to bring Russia into the diplomatic fray as a means of reminding Milosević of his increasing isolation, even among Slavic allies. To an extent this strategy did work, and the air campaign ceased after Milosević realized that Russia could neither support his actions in Kosovo nor wrangle a better deal from NATO in return for peace. Still, NATO-Russian relations were seriously damaged by the conflict, both diplomatically and in Russian public opinion. The two sides would not resume contact with each other until 2000.

Post-Cold War NATO Expansion

As the Yugoslavian conflicts wore on throughout the 1990s, and as NATO-Russian communication proposals followed the bumpy road to the 1997 Founding Act, a major component of NATO's declared post-Cold War mission gathered strength. This component was NATO's pledge, first announced at the Brussels Summit in January 1994, to expand its membership to include select post-communist states in eastern Europe. In the summer of 1997, less than two months after establishing the Permanent Joint Council to ensure a Russian voice in NATO affairs, the alliance issued membership invitations to the Czech Republic, Hungary, and Poland at its summit in Madrid. The last expansion of NATO had been in 1982, when Spain joined as a full member, and the extension of membership to former communist countries and Warsaw Pact allies demonstrated a significant change in NATO's mission since the end of the Cold War.

The exact reasons for NATO's drastic policy shift may remain locked behind closed doors for many years to come. Supporters of expansion, including NATO itself, argue that the potential instability of the post-communist states requires the incentive that the offer of NATO membership provides, in order to ensure that eastern Europe remains on the democratic path. Proponents also cite the need to finally dissolve the artificial line between eastern and western Europe and to establish a collective security plan for the continent as a whole. In the wake of the Yugoslavian crises, those in favor of NATO expansion argue that incorporating all of Europe into the alliance would prevent the isolationist militarism espoused by Milosević.

Opponents of expansion, including not only Russia but many observers in the West, argue that despite NATO's claims to the contrary, expansion is exactly as Russia sees it: a means for the West to

absorb the Soviet Union's former buffer zone in eastern Europe and creep ever closer to Russia's borders. NATO is perfectly aware, opponents say, that the post-Soviet Russian military is in shambles following its humiliation in Afghanistan in the 1980s and its inability to quell the Chechen rebellion in the 1990s. Expanding Western military power closer to the borders of a militarily weak Russian state is rightly viewed by the Russians as a threat, opponents of expansion argue, and NATO should think carefully about the future implications of that perceived threat.

Despite continued opposition from Russia and Western anti-expansionists, NATO formally extended full membership to the Czech Republic, Hungary, and Poland in March 1999, just weeks before the air campaign in Kosovo began. Russia, increasingly frustrated that its repeated denunciations of NATO expansion had gone unheeded, insisted that NATO not expand beyond its Red Line—the 15 former Soviet republics.

One result of the strained relations between NATO and Russia that emerged from the Kosovo crisis was Russia's renewed opposition to NATO expansion into former Soviet territory. This pronouncement referred mainly to the three Baltic states of Estonia, Latvia, and Lithuania, which have long been considered the most progressive and Western-oriented of the post-Soviet states, and the frontrunners for the next wave of NATO expansion. The fact that the first wave of post-Cold War expansion took five years to implement, between its initial announcement in 1994 and its final result in 1999, indicates that NATO is sympathetic to Russian concerns, and is committed to maintaining a dialogue with Russia over the smoothest path to expansion. There is no longer any debate, however, over whether or not expansion will occur at all; that was decided early in the 1990s. All Russia can do now is try to gain a voice in how expansion occurs, and more importantly, where it occurs.

NATO and Russia resumed diplomatic ties in 2000 after a brief suspension over the Kosovo crisis, but the frosty relationship between new American president George W. Bush (2001–) and Russia's president Vladimir Putin in early 2001 prevented any breakthroughs on the issue of NATO expansion. Bush came to power criticizing former President Bill Clinton's (1993–2001) warm relationship with former Russian president Boris Yeltsin, and then immediately announced his intention to pull the United States out of the 1972 Anti-Ballistic Missile Treaty in order to build new

STATEMENT BY THE NORTH ATLANTIC COUNCIL

NATO invokes Article 5 for the first time, September 12, 2001.

On September 12th, the North Atlantic Council met again in response to the appalling attacks perpetrated yesterday against the United States.

The Council agreed that if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.

The commitment to collective self-defence embodied in the Washington Treaty was first entered into in circumstances very different from those that exist now, but it remains no less valid and no less essential today, in a world subject to the scourge of international terrorism. When the Heads of State and Government of NATO met in Washington in 1999, they paid tribute to the success of the Alliance in ensuring the freedom of its members during the Cold War and in making possible a Europe that was whole and free. But they also recognised the existence of a wide variety of risks to security, some of them quite unlike those that had called NATO into existence. More specifically, they condemned terrorism as a serious threat to peace and stability and reaffirmed their determination to combat it in accordance with their commitments to one another, their international commitments and national legislation.

Article 5 of the Washington Treaty stipulates that in the event of attacks falling within its purview, each Ally will assist the Party that has been attacked by taking such action as it deems necessary. Accordingly, the United States' NATO Allies stand ready to provide the assistance that may be required as a consequence of these acts of barbarism.

Text of the statement as follows, reproduced from NATO's official Web site at <http://www.nato.int/docu/pr/2001/p01-124e.htm>. [Cited July 8, 2002.]

missile defense systems, a move Putin vigorously opposed.

The spy scandal that erupted in February 2001 with the arrest of accused Russian spy Robert Philip Hanssen in Virginia further cooled relations between Bush and Putin. Shortly after Hanssen's arrest Bush expelled 50 Russian diplomats, many of whom were suspected by U.S. officials of actually being Russian intelligence officers and even of being involved with Hanssen's espionage, Putin responded in kind two days later, expelling American diplomats from Russia in the most serious diplomatic row since the end of the Cold War. The deterioration of Russian-American relations also affected Russia's relations with NATO, and by the late summer of 2001 it looked as though NATO

expansion into the Baltic states would continue to meet fierce resistance from Russia.

RECENT HISTORY AND THE FUTURE

September 11, 2001

The terrorist attacks that destroyed both towers of the World Trade Center in New York City and part of the Pentagon near Washington, D.C., on September 11, 2001, proved a watershed for NATO-Russia relations. President Bush and U.S. Secretary of State Colin L. Powell have repeatedly stated that Russian president Vladimir Putin was the first world leader to call President Bush after learning of the attacks that day, and Russia immediately pledged its support for Bush's war on terrorism. The attacks also marked a turning point for NATO, in that they represented the first time in the alliance's 52-year history that Article Five was invoked. NATO released a statement immediately following the attacks, invoking Article Five and declaring that NATO considered this attack on the United States as an attack on all NATO members, and pledging the resources of its members in any forthcoming diplomatic, political, or military action.

NATO faces a crossroads over the September 11 attacks, however, because with the exception of marginal assistance from Britain, the United States has rejected NATO's invoking of Article Five and dismissed offers of military assistance from France, Germany, and Italy. If the use of Article Five in the first place was a historic moment for NATO, the U.S. rejection of allied assistance is even more significant, and betrays not only Bush's unilateralism, but also a severe fault line between the United States and Europe. Although there has not yet been any public fallout between NATO members over the United States' action, it is clear that the structure and purpose of NATO will require reevaluation in light of the aftermath of September 11.

While the terrorist attacks may have revealed the cracks in relationships between NATO allies, it marked a monumental change in NATO-Russia relations, and in particular, in Russia's policy towards NATO expansion. While Russia remains opposed to expansion in principle, since September 11 Putin has dropped his formal objection to NATO expansion into the Baltic states in the near future. A Baltic expansion—widely expected to be next on the list—would not only encroach onto former Soviet territory, but would put NATO on Russia's borders, the two potential developments that

Russia has most vehemently opposed since the end of the Cold War.

In part, Russia's change of heart undoubtedly comes from its genuine desire to participate in the U.S.-led coalition against terrorism. Having itself suffered terrorist attacks, including the bombings of an apartment complex and an underground shopping mall in Moscow in the late 1990s, allegedly by Chechen separatists, Russia's own security interests merge with those of the United States on this issue. In addition, the change in Russia's policy towards NATO expansion has likely been influenced by the American rebuff of its allies' assistance in the war against terrorism. The fact that the United States rejected NATO military aid demonstrated to Russia that NATO is not necessarily the unified war machine that Russia imagined it to be. NATO's role in the world has clearly changed, and while its new position may remain ill-defined, Russia welcomes any change that refocuses the alliance's collective defense structure away from Russia as the enemy.

A Look to the Future

Observers of NATO and Russia alike are now looking ahead to the Summit scheduled for November 2002 in Prague, where NATO is expected to issue invitations for new memberships for the first time since it invited the Czech Republic, Hungary, and Poland to join at the Madrid Summit in 1997. Although up to nine east European countries may be invited to join in Prague, the three Baltic states remain the frontrunners. Supporters of Baltic membership argue that the three states deserve a reward for their commitment to democracy since the fall of the Soviet Union, and for their efforts to reorganize their military structures and treat their sizable Russian minorities fairly. Baltic membership may still hit a snag, however, as Russia remains opposed, if more quietly of late, to any expansion that brings NATO to its borders, which the Baltic expansion would do.

Other countries under consideration for NATO membership include the former Yugoslavian republic of Slovenia, which managed to avoid the prolonged civil war that secession brought to its neighbors Croatia and Bosnia, and which has quietly worked to establish economic and cultural relationships with Austria, Italy, and Switzerland. Slovakia is another country keen to join NATO, particularly after watching the West embrace its Czech neighbors since Czechoslovakia split into two countries in 1993. Former authoritarian president Vladimir Meciar's plans to run for office again in 2002 may scuttle Slovakia's chances at NATO

membership, however, fueling doubts about the country's political stability.

Further back in the membership contest are Bulgaria and Romania, whose membership goals have caused a rift between northern and southern European NATO members. France, Greece, Italy, and Turkey support Bulgaria and Romania's NATO ambitions, out of a desire to increase membership in southern Europe. France and Italy have already voiced their disappointment that Romania was denied a membership invitation in Madrid in 1997. Both Bulgaria and Romania have a long way to go before meeting NATO's demands of democratic political stability, civilian military command, and other requirements.

Albania and Macedonia represent the most distant hopes for a membership invitation in Prague, yet some observers insist that NATO may extend sweeping invitations to all nine aspirants in an attempt to avoid alienating any of them. More likely, however, the Baltic states and possibly Slovenia will receive invitations.

Meanwhile, NATO's relations with Russia remain strained over the issue of expansion, which Russia will likely never fully accept, but the terrorist attacks of September 11, 2001 ushered in a thaw that is sure to continue for some time. Russia continues to face a series of domestic concerns, from military reform to media censorship, that need to be addressed before its position as a diplomatic power in the world can be reestablished. While the 1990s were marred by poor relations between NATO and Russia, capped by the 1999 crisis in Kosovo, the first decade of the new century offers the two sides the opportunity to engage in a meaningful dialogue that may help dispel the sense of threat that still hangs over NATO-Russia relations.

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Erica L. Fraser

SOUTH AFRICA: A SLOW ECONOMY DELAYS SOME POST-APARTHEID GOALS

On January 9, 2002, the South African government announced it was setting up a commission to investigate the precipitous fall of the South African currency, the rand, in 2001. Despite a sound economic policy and forecasts of growth in excess of 3.5 percent in 2002, speculators drove the price of South African currency down by 38 percent over the course of 2001. The currency speculators—fearing that the South African economy was weak—were busily exchanging their South African currency for currency from economies they thought would exhibit a better return on investment, such as the American dollar.

While this common practice in the international currency markets, usually growing economies attract currency buyers because they represent long-term growth in the value of the currency. Despite strong economic growth this is not occurring in South Africa. The South African commission, called the Myburgh Commission, was set up to probe whether illegal speculations by foreign investors had sparked the spiral of the currency.

The fall of South Africa's currency in relation to the U.S. dollar and other strong monetary figures such as the euro has potentially serious implications for a country that currently has an unemployment rate of nearly 40 percent; still struggles with the legacy of decades of apartheid racism, and has been hit hard by the emergence of one of the worst HIV/AIDS pandemics experienced by a nation. The decline in the rand reflects a general business skepticism over the long-term vitality of South Africa's economy that is not a healthy sign.

Some South Africans, uneasy about the stability of their economy, are converting their currency into British pounds and depositing them in

THE CONFLICT

When the African National Congress (ANC) took over the government of South Africa in 1994 and ended apartheid, it instituted nationwide reforms to promote equality, civil rights, and economic prosperity for all of South Africa's people. Although South Africa has made great progress without political turbulence and is seen as a model of transition for developing countries, it has thus far been unable to eliminate some of the vestiges of apartheid and colonialism. The slow growth of the economy means that many of South Africa's poor are no better off financially than they were before. Many believe that the economy is slow to grow only because foreign investors hesitate to place their capital there.

Political

- After 300 years of colonialism and apartheid, the legacy of racism was firmly entrenched in the South African economy in 1994, when apartheid ended. Since the end of the racist system, the new government has been conciliatory in changes that would cause friction with the white population. This reluctance to disrupt businesses and institutions has allowed South Africa to build a steady and sophisticated economy, although not one that can eliminate the poverty of a significant portion of the nation's people.
- South Africa's neighbor, Zimbabwe, is seizing white citizens' farms amidst violence and racial tension. Many foreign investors, watching to see if there is any sign that South Africa might pursue the same route, are hesitant to place their capital in the country.

Economic

- South Africa's epidemic of HIV/AIDS is devastating on every level, including the economy.

CHRONOLOGY

- 1652** The Dutch East India Company establishes a provisioning station near the site of the current Capetown, South Africa.
- 1679** The company encourages Dutch and German farmers to migrate to the colony to establish farms. These two groups form the core of the Settler or Boer community.
- 1836–54** The Boers seek to isolate themselves from the British and move further into the veldt, displacing native black populations in the process. The British progress after them. With the Sand River Convention and the Bloemfontein Convention, the British recognize the independence of the Boer lands of Orange Free State and the South African Republic. In exchange, the Boers agree to recognize British dominion over the area and promise to end slavery.
- 1866–67** Gold is discovered in Witwatersrand, in the southern part of the South African Republic, and a year later diamonds are discovered near the confluence of the Orange and Vaal Rivers. Within five years, the white population double as settlers seek to make profit from these finds.
- 1870–1885** The British attack and eliminate the remaining independent African kingdoms of the Xhosa, the Zulu, the Griqu, the Tswana, and the Pedi. By 1885 the only independent kingdom to survive is Lesotho.
- 1881** The Boers defeat the British at the Battle of Majuba Hill in their First War of Independence.
- 1899–1902** The Boer War is fought against the British.
- 1910** Louis Botha, a former Boer general, becomes the first prime minister of the Union of South Africa, ruling all of the British dominions in South Africa.
- 1912** A group of black lawyers found the African National Congress (ANC) to demand equal treatment.
- 1946** The African Mineworkers Union (ANMU) calls a strike in the mines; 60,000 strikers demand better pay and conditions for African workers.
- 1948** The apartheid system is instituted in South Africa.
- 1950** The Population Act classifies all South Africans as White, Colored, or Native. The Suppression of Communism Act allows the government greater security powers to crack down on groups it deems are causing disorder.
- 1959, 1960** The Promotion of Bantu Self-Government Act and the Native Laws Amendment Bill prevent black Africans from moving to cities unless they had employment there, while encouraging permanent black settlement in homelands away from the cities.
- 1960** After increasing criticism of its apartheid policies, South Africa declares itself a republic and leaves the British Commonwealth.
- 1952** The ANC organizes the Defiance Campaign, a nonviolent effort that includes civil disobedience and a general strike among African workers.
- 1959** Radicals within the ANC split off to form the Pan African Congress (PAC).
- 1960** PAC stages demonstrations against pass laws in the black township of Sharpsville. Police fire on protestors, killing 69 and wounding hundreds.
- 1962** Nelson Mandela is arrested. Eventually he is tried for sabotage and receives a life sentence.
- 1989** Botha resigns as prime minister and is replaced by F. W. de Klerk.
- 1990** De Klerk announces the legalization of the ANC, the PAC, and other African political organizations; Mandela is released from prison.
- 1994** The first free elections in South Africa are held in 1994. Nelson Mandela, of the ANC, emerges as president of the new South Africa. The NP and de Klerk will serve as junior coalition partners in the government until 1996.
- 2001** A Medical Research Council Report estimates HIV/AIDS infection rates in South Africa at 25 percent or higher.
- 2002** The South African government sets up a commission to investigate the precipitous fall of the South African currency, the rand.
- 2002** President Thabo Mbeki convenes a two-day summit of international business leaders and then announces that South Africa is going to begin a campaign to end the “negative perceptions” of the nation that are held among foreign investors.

London banks rather than investing them at home. South African corporations have embraced globalization by listing their shares on foreign stock markets and have not reinvested much hard currency in South African businesses and ventures. Foreign investment in South Africa, while in some cases significant (particularly in the automobile sector), has not met expectations and has done little to alleviate the unemployment problem.

Aside from its current problems with slow growth and a fall in the currency, South Africa has the most advanced economy on the African continent and is generally considered a model economy for a developing nation. It has an abundance of natural resources and has developed its communications, transport, and energy industries expertly. South Africa also has one of the world's top ten stock exchanges. Despite expectations to the contrary, the post-apartheid (since 1994) African National Congress (ANC) governments under presidents Nelson Mandela and Thabo Mbeki have pursued liberal economic policies while attempting to address the daunting racial legacies of apartheid.

South Africa is generally seen as the shining light in the otherwise catastrophic economic and political situation in sub-Saharan Africa. Yet, these relatively sensible economic policies have not led to a general acceptance of South Africa as a prime business location. South Africa has, in effect, made the effort to extend itself to the global community, but is not reaping the benefits.

Part of the function of the commission looking into the low rate of the rand is simply to ask the question that so many in South Africa's leadership are posing: The government has done (almost) everything right in the economic sphere—in some ways neglecting the social sphere in consequence—so, why has the international business community failed to embrace South Africa? This lack of international interest in South Africa's economy has resulted in an economy that has remained stagnant since the end of apartheid in 1994. Solutions to the social problems that economic growth was to finance, such as improved health and living standards for much of the population, have thus gone largely unaddressed. Regardless of the political intentions of the government, South Africa's economic performance has not been strong enough to effect social change on its own.

Great progress has been made since 1994 to create a stable and equal society in South Africa in which everyone is assured civil rights. That South Africa in the early 2000s has not been able to quickly turn around the devastating effects of cen-

turies of racism and division is not surprising. For many poor South Africans, however, the oppression of apartheid may be gone but their economic conditions remain the same—difficult, desperate, and depressed. Despite the government's strong determination to eliminate the disparities created in the country's colonial and apartheid past, the economic effects of its former systems remain entrenched in some of South Africa's institutions.

HISTORICAL BACKGROUND

The strategic location of South Africa, on the southern tip of the African continent, has long attracted migrants. The original Khosan peoples of the region were gradually displaced by Bantu-speaking peoples starting sometime before CE100. The current dominant groups—both of Bantu descent—are the Xhosa and the Zulu and they occupied most of the eastern coast of the country by 1500. The wide-open veldt of this part of South Africa suited their culture of cattle farming. The western and southwestern part of the country remained sparsely inhabited despite visits from Europeans starting in 1488 when Portuguese explorers landed on the Cape of Good Hope on their way to India.

In 1652, the Dutch East India Company established a provisioning station near the site of the current Capetown, beating out the English, who also had an interest in the area. Initially, the Dutch attempted to trade with the inhabitants of the area but were quickly forced to start producing their own foodstuffs. They began to import labor in the form of slaves. The growing needs of the colony, often referred to as the Cape Colony, particularly in the area of foodstuffs, resulted in a rapid expansion inland, which decimated the indigenous population. At the same time, the Portuguese brought into the area slaves from east Africa, Mozambique, Madagascar, and south and southeast Asia. These were some of the ancestors of the diverse population that inhabits the Cape provinces today.

The Boers and Frontier Wars

The Dutch East India Company allowed employees of the company to take up plots of land and engage in farming to support the colony. In addition, starting in 1679, the company started encouraging Dutch and German farmers to come to the colony to establish farms. The small population of European settlers brought in imported African slaves and began to establish farms in the area of the Cape of Good Hope. In 1689 a group of about 200 Huguenot refugees (French Protestants from



MAP OF SOUTH AFRICA. (© Maryland Cartographics. Reproduced by permission.)

the Reformed Church who were forced to flee from persecution) settled in the Cape Colony and soon intermarried with the Dutch and Germans there.

The European population of farmers became known as the Boers or Afrikaners. They spoke the Afrikaans language, a language of Dutch origin and structure similar to the Flemish and influenced by several African, Portuguese, German, French, and Malay languages. The Boers were a fundamentalist Christian group. They were Calvinists, believing in a strict adherence to the writings in the Bible and in predestination. In the early 1700s there were about 1,700 Europeans in the Dutch colony and about 1,100 African slaves. They would grow at a rapid pace during the century.

In the middle of the eighteenth century the Boers began to move north out of the Cape Colony

in search of more land for farming. They further displaced the local people, and the conflicts over land and sources of water, caused a series of wars between the Boers and the Xhosa and the Zulu.

In 1794 the Dutch East India Company went bankrupt, and the British took over the Cape Colony in 1795. In 1802 the Netherlands took control of the Cape Colony, but by 1806 the Dutch once again relinquished control to the British, and the British solidified their control with the Treaty of Vienna in 1820. That year the British sent 5,000 settlers to the Cape Colony. These were the first Europeans in the colony who did not assimilate to Boer culture. The British rule gave equal rights to free non-white people in the colony, which was very unpopular with the Boers. In 1833 Britain abolished slavery in the Cape Colony.

Beginning in 1836 approximately 6,000 Boers abandoned their farms in the British territories and, along with their African servants, began what was later dubbed the Great Trek, relocating to the north and east of the colonies. One group, under Andries Pretorius, defeated and caused the division of the Zulu kingdom at the Battle of Blood River in 1838. These settlers formed the Voortrekker Republic of Natalia south of the Tugela River.

Britain annexed (took possession of) Natalia and renamed it the Natal in 1842. The majority of the Boers abandoned this new country and moved north yet again. The displaced Boers established the Orange Free State between the Orange and the Vaal Rivers and the Transvaal (a former province located in the northeastern section of present-day Republic of South Africa). In both of these areas the former farmers of the Cape began to engage in large-scale ranching and hunting in the wide-open veldt—emulating the local African population. Unlike the British dominions on the Cape, the Boer Republics did not recognize African equality under the law and restricted suffrage to white males. Africans were also prohibited from carrying guns in Afrikaner territories, as the Boer lands were called.

Meanwhile, the British tried to extend their dominions to the north and east starting in the 1850s. They launched a war against the Xhosa in the land of Sotho (now Lesotho). After failing to take Lesotho the British pulled out of the high veldt. They did, however, recognize the need for political influence in the area and, accordingly, in 1852, with the Sand River Convention, and in 1854, with the Bloemfontein Convention, the British recognized the independence of the Orange Free State and the Transvaal. In exchange, the Boers agreed to recognize British dominion over the area.

Thousands of Xhosa died in a famine in the 1850s and many of those remaining were driven to the Cape Colony to work as ordinary laborers. Elsewhere in the area, however, the African populations maintained significant independent strongholds in Zululand, Lesotho, Swaziland, and in the Pedi Kingdom northeast of the South African Republic. Significant African populations that had descended from the local Khoikhoi tribe and the imported slave population remained in the Cape Colony. These groups would form what would come to be called the “colored” population (of mixed race) of South Africa.

Diamonds: A New Economy Arises

Even within areas nominally controlled by the whites, such as the Boer Republics, there were still

majority African populations. European immigrants were more likely to be attracted to the United States, Australia, or New Zealand than to South Africa. As a result, taking the area as a whole, even as late as the 1860s there was still significant doubt as to the continued viability of the white settlements.

This was to change with the discovery of diamonds near the confluence of the Orange and Vaal Rivers in 1867. The British quickly took over the area despite protests from the Boers of Orange Free State and organized the new wealth into an export commodity. The discovery of gold in Witwatersrand (which is where the rand got its name), in the southern part of what is now South Africa in 1866 had also fueled the mineral speculation in the area. Exports of diamonds and gold caused the economy to boom and attracted large numbers of new settlers to the area. In 1895 the area that is now South Africa accounted for 20 percent of the world’s gold production. As a consequence, by 1900 the white population had doubled with those seeking to profit from the land’s rich resources.

The new industrialization attracted Africans as well as Europeans. Many Africans came to the new mines to generate cash to rebuild their herds, which had been depleted by years of warfare. Others increased their production of foodstuffs to feed the new urban populations around the mines. Johannesburg, on the edge of the Witwatersrand, became the largest city in southern Africa, quickly outstripping Kimberley in the diamond-mining area on the border of the Orange Free State. Many Indians also migrated to the new industrial areas, bringing with them skilled labor and small business entrepreneurship.

Pass Laws and Repression

Early economic struggles between the miners and their managers quickly became racial. In Kimberley, mine owners successfully lobbied for a “pass law” that restricted the African miners from moving from mine to mine in search of better wages. Special courts and segregated areas quickly followed these restrictions and formed the basis for many of the racial laws of the twentieth century. Most, if not all, of these restrictions were based on a desire for cheap labor, but they created the first instance in which blacks were legally discriminated against in the British dominions of the Cape Colony.

The white people behind the new industrialization realized that the Africans would simply return to areas under African control if they were

ECONOMIC FACTS OF SOUTH AFRICA, 2001–02

- Black people comprise 75 percent of South Africa. They earn 35 percent of the national income.
- About one-third of South African people draw water from unsafe sources.
- Unemployment in South Africa is estimated at around 30 to 40 percent, but estimates for black South African unemployment run as high as 50 percent of the population.
- The number of Zimbabweans who have migrated to South Africa is estimated to be between one and two million.
- Half of the white student population of South Africa goes on to college or university, compared to about 12 percent of the black and colored student population.
- Seventy-two percent of South Africa's poor live in rural areas.
- Nine million South Africans earn less than US\$1 per day.

actively exploited in the white industrial areas. Accordingly, they convinced the British government that their need for cheap labor required the elimination of these havens so that the Africans would have nowhere to turn to. In a series of wars between 1870 and 1885, waged purely out of commercial interests, the British military attacked and eliminated the remaining independent kingdoms of the Xhosa, the Zulu, the Griqu, the Tswana, and the Pedi. By 1885 the only independent kingdom to survive was Lesotho. The imposed economy of industrialization forced the newly conquered peoples to raise crops for cash in order to pay taxes or to migrate to the industrial areas to work as laborers in the mines.

Africans Organize

Africans reacted to this increasing discrimination by organizing, first around religious and educational organizations and eventually around overtly political associations. These groups, however, could do little to overcome the increasing disenfranchisement of the Africans in the Cape Colony; by 1900 increasing property requirements meant that only 8,000 Africans could vote against

the discriminatory practices in the new industrial areas.

The rapid industrialization also created new tensions between the two white populations, the Boers and the British. The diamond mines had been appropriated by the English from areas previously claimed by the Orange Free State, and while the gold mines in Witwatersrand were still part of the Transvaal they were managed by the British. The gold mines became a particular bone of contention because the British mine owners resisted supporting the local economy, begrudging the Boer government even taxes.

Boers' First War of Independence

In 1877 the British formally annexed the Transvaal. In 1881, however, the Boers revolted and defeated the British at the Battle of Majuba Hill. After what the Boers would subsequently call their First War of Independence, the British withdrew from direct control over the South African Republic.

During the Boer government of Paul Kruger (from 1883 to 1900) thousands of white English speakers migrated to the mining areas around Johannesburg. Kruger resisted attempts to give them the right to vote. By 1890 the *uitlanders* (outlanders), as the Boers called them, constituted a majority of the male population and represented a real threat to Boer control of the area. The Afrikaners were very suspicious of the British and of the longer-term English-speaking colonists, dreading a second attempt at the annexation of the Transvaal and wishing to prevent the contamination of their fundamentalist Calvinist republic by the uitlanders.

In 1895 the British colonialist, Cecil Rhodes, who owned the de Beers Diamond Consortium in Kimberley, dispatched a force of five hundred men into the Transvaal in an attempt to overthrow Kruger, but their mission failed. After this incident, Kruger opened relations with Germany and began to import arms from Europe to strengthen his military position against the British. Kruger sought assistance from other Boers in Orange Free State and the Cape Colony and made use of a new *Afrikaner* nationalism that was developing in the area and associated all of the former Dutch and German colonists.

The Boer War

Citing discrimination against the uitlanders and the mines, Rhodes and influential members of the British government demanded action against

Kruger. In 1899 Joseph Chamberlain, the British colonial secretary, demanded that Kruger enfranchise the uitlanders and dispatched British troops to the Cape. In response, Kruger, allied with the Orange Free State, declared war on Britain in October 1899.

The Boer War lasted until 1902. While the Boers won some early victories, the eventual British superiority in arms allowed them to take Bloemfontein (the capital of Orange Free State), Johannesburg, and Pretoria in 1900. What followed, however, was a guerrilla conflict that mirrored many of the twentieth-century wars that were to follow. In response to Boer guerilla attacks the British rounded up all of the Afrikaner women and children and placed them in what they called concentration camps. Due to disease and overcrowded conditions at least 25,000 Boers died in the camps. After two years of brutal warfare the Afrikaners (Dutch colonists) finally agreed to peace in May 1902. Orange Free State and the Transvaal were formally incorporated into the British colony. While Afrikaners were forced to give up their arms, they were not forced to give Africans the right to vote in the Transvaal.

Alfred Milner, the British high commissioner for South Africa who negotiated the final peace treaty with the Boers, pursued a policy designed to cement English rule. Milner's attempts to subsume Afrikaner nationalism were fruitless. The Afrikaners responded to Milner's attempts with a resurgence of national pride enhanced by their collective suffering during the war. The election of a Liberal government in London in 1905 proved to be the end of Milner's policies. The major result of this era, ironically, was the institutionalization of the racial laws that had been an area of complaint by the British against the independent Boer governments.

The British Yield to the Afrikaners

The new government in London quickly negotiated a governmental arrangement with the leaders of the Afrikaner political parties, granting the Boers limited self-rule in 1907. In 1910 Louis Botha, a former Boer general, became the first prime minister of the Union of South Africa, which then ruled all of the British dominions in South Africa. The new arrangement reflected an implicit recognition by the British government that the English-speakers would never outnumber the Afrikaners in South Africa. Their compromise was made in the interest of insuring the viability of the colonial economy of the region.

African Resistance and the Rise of the ANC

The new Boer government was not very receptive to the demands of the four million Africans (compared to 1.2 million whites in the colony in 1910). In response, a group of African lawyers formed the African National Congress (ANC) in 1912 to promote the interests of blacks. The ANC was a moderate group that demanded equal treatment for Africans under the new regime. They stressed "traditional" African rulers and made kings and chiefs officers within the ANC organization as a matter of right. Other groups also organized during this period. Indian nationalist Mohandas Gandhi (1869–1948), then a young lawyer, attempted to overturn the pass laws in South Africa through non-violent protest. (Under pass laws, blacks had to carry documents that identified them and certified that they had authorized jobs in white areas.)

Division of the Boers

World War I (1914–18) became a significant source of division for the new South African government. Botha and his deputy, Jan Smuts, another Boer general, supported declaring war on Germany and sending troops to assist in the British war effort. Despite an attempted coup by another Boer fighter, their view prevailed. South African troops invaded German Southwest Africa (now Namibia), participated in the campaign in German East Africa (now Tanzania), and sent a corps to the Western Front in Europe.

These actions sparked the formation of an Afrikaner opposition party called the National Party of South Africa (NP) under J. B. M. Hertzog. The new party attempted to appeal to Afrikaner nationalism by supporting increased use of the local language, Afrikaans, and opposing British commercialism. The NP's power base was made up of Afrikaners who felt threatened by the British economic system, which was largely supported by low wage African labor. They wished to protect the jobs of white workers.

After the war, conflict between the whites erupted along its traditional economic lines as the mine owners attempted to replace higher-paid white workers with African workers. This led to a strike in 1922 that Smuts, now prime minister, felt compelled to put down by force. Seventy-six strikers, supported by the Labour and Nationalist parties, were killed in the ensuing action. Resentment over this action resulted in Smuts's replacement by Hertzog and the Nationalist Party following the 1924 elections. The new government promptly moved to protect the position of white labor against

the mine owners. Faced with powerful economic interests, it accomplished this largely by instituting stricter controls over black workers.

This effort prompted the rise of significant African union movements demanding an end to discrimination and colonial rule. Espousing far more radical politics than the ANC, the Industrial and Commercial Workers Union (ICU), the largest of these groups, claimed 200,000 members by 1928. The ICU, however, collapsed in the face of the absolute refusal of the NP government to deal with its demands.

The Great Depression (1929–39) undermined Hertzog's hold on power and he was forced to unite with Smuts to form the United South African National Party (also known as the Unified Party or UP). Smuts became Hertzog's deputy after they won the election of 1934, but racial policy hardly changed under the new arrangement. In response, the ANC encouraged its membership to look to chieftains and other tribal leaders for guidance rather than to confront the white government.

World War II (1939–45) again split the political forces within South Africa's white government. Many Afrikaners supported National Socialism (the Nazi Party) and its adherence to racial policy. Smuts, however, forced Hertzog out of the government and once again brought South Africa into the war on Britain's side.

Industrialization and the Unions

World War II brought increased industrialization to South Africa and produced significant African movements concentrated around industrial unions such as the Council of Non-European Trade Unions and African Mineworkers Union (ANMU). ANMU struck in the mines in 1946; 60,000 strikers demanded better pay and conditions for African workers. The strike was crushed, but provoked concern from the mine owners as well as the Afrikaner political leadership about the growing strength of black movements. The political and economic alliance between mine owners and the Afrikaners was a dramatic turnaround and spelled a bleak future for black workers.

This alliance was ultimately expressed in the elections of 1948 when Daniel François Malan and the Herenigde (Reunified) National Party (HNP) won the general election. Malan had advocated an alliance with Germany in the 1930s and supported many of the racial policies of the Nazis under Adolf Hitler. Hertzog joined him. The new party, renamed the National Party (NP), was to rule South Africa until 1994.

Apartheid is Established

In 1950 Malan appointed Hendrik Verwoerd, a journalist and white supremacist, as minister of native affairs. Verwoerd vigorously began to implement the National Party's policy of apartheid, or racial "separateness." Within five years the department of native affairs had affected every aspect of government policy and South African life. The 1950 Population Registration Act, the backbone of the apartheid legislation, assigned every person in South Africa to one of four racial categories: whites, Bantus (blacks), coloreds (people of mixed race), and Asiatic.

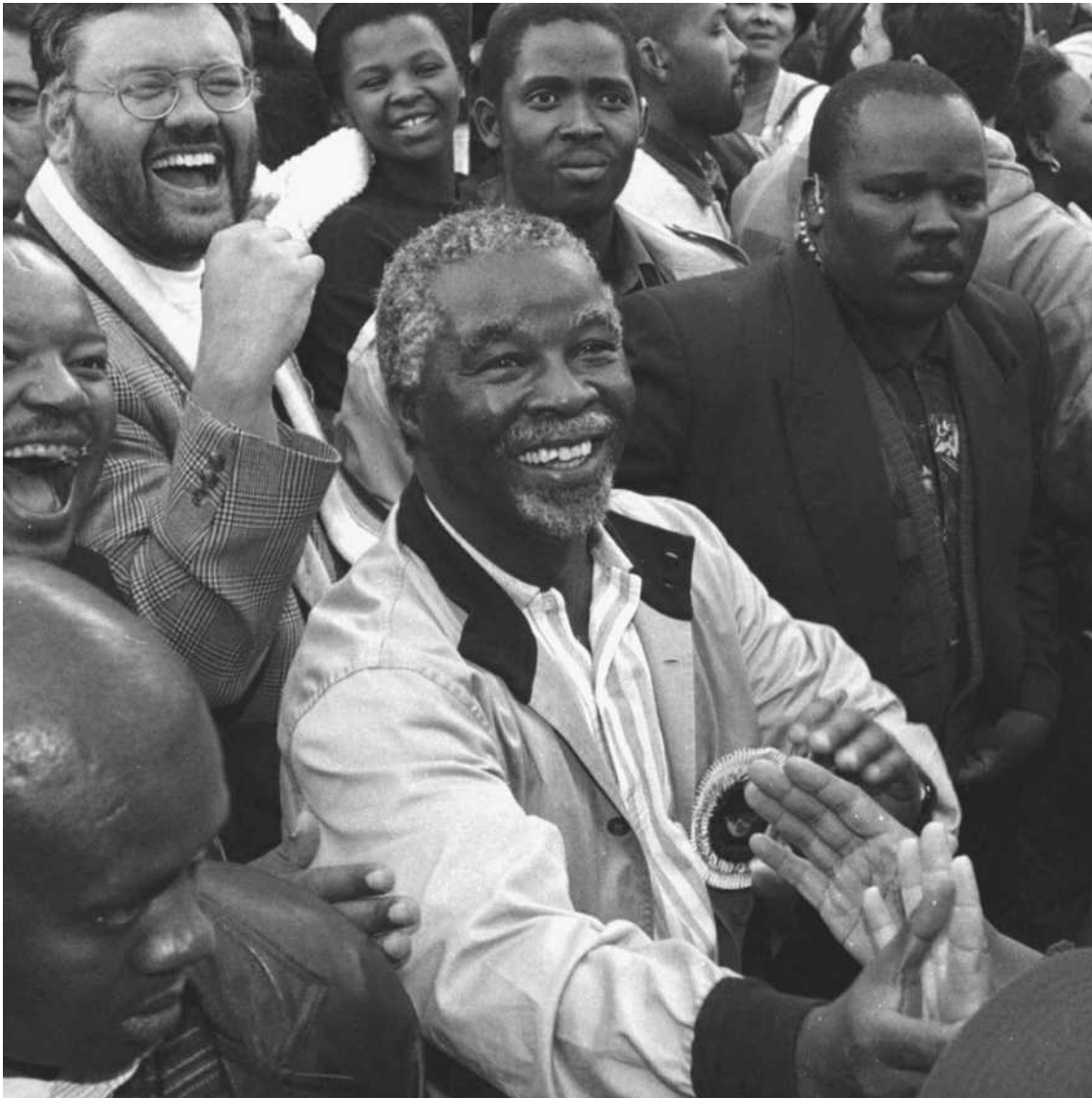
Once the bureaucrats had classified people by race, the state set about enforcing the separation of the races. It designated where people could live, what land they could own, and which jobs they could hold. It determined where they went to school and what public facilities—toilets, bus stops, hospitals, and the like—they could use. It even denied marriage to people in different racial categories.

The Group Areas Act of 1951 assigned blacks citizenship to homelands (also called Bantustans), an imaginative creation by whites based on the ill-conceived concept of tribal affiliations. The government had the authority to force blacks to move to the homelands—thousands were deported. Legislation in 1952 required blacks to meet certain requirements in order to live in cities; it required all Africans over the age of 16 to carry a pass at all times.

The Promotion of Bantu Self-Government Act of 1959 and the Native Laws Amendment Bill of 1960 prevented black Africans from moving to cities unless they had employment there. The laws also regulated the labor market more closely, while encouraging permanent black settlement in homelands away from the cities. Because the white minority government controlled foreign policy, currency, transport, and internal security in the homelands, the black populations were unable to generate sufficient income for themselves there.

Most black Africans migrated to the cities, where they were at a disadvantage both economically and legally. The Suppression of Communism Act of 1950 allowed the government greater security powers to crack down on groups it deemed were trying to cause disorder—giving the security forces a very broad mandate to maintain control. Later acts also gave the government extensive powers of censorship.

The NP, supported almost unanimously by Afrikaners, gradually achieved an electoral monop-



PRESIDENT THABO MBEKI, FRONT RIGHT, SUCCEEDED NELSON MANDELA AS SOUTH AFRICA'S SECOND POST-APARTHEID PRESIDENT. HE CONTINUED THE LIBERAL ECONOMIC POLICIES SET OUT BY HIS PREDECESSOR, WITH LITTLE SUCCESS. (*Photograph by Obed Zikwa. AP/Wide World Photos. Reproduced by permission.*)

oly over the UP. In 1960, after increasing criticism of its apartheid policies, South Africa declared itself a republic and left the British Commonwealth.

The ANC Rebels

In 1943 the activist Congress Youth League (CYL) was founded by Anton Lembede. After Lembede's death the leadership of the CYL was taken over by activists Nelson Mandela, Oliver Tambo, Peter Mdlu, Jordan Ngubane, and Walter Sisulu. The CYL advocated a more African approach to the problems of South Africa. It argued that the conflict in South Africa was racial rather than class-based, and therefore disassociated itself from the South African Communist Party, which,

though also opposed to the apartheid regime, focused on class structure rather than race. In 1949 the CYL managed to elect one of its own as the president of the ANC and in the 1950s embarked on a policy of increased resistance to the new apartheid regime of Prime Minister Malan.

In 1952 the ANC organized a Defiance Campaign. The young attorney Nelson Mandela was the "volunteer in chief." He traveled around the country recruiting volunteers to break apartheid laws through such acts as passing through "whites only" entrances to railroad stations, defying curfews, and burning passes. A "stay-at-home" effort in this campaign was in effect a general strike



A WOMAN CELEBRATES AFTER THE AFRICAN NATIONAL CONGRESS, ALONG WITH OTHER PREVIOUSLY-UNRECOGNIZED POLITICAL PARTIES, IS LEGALIZED IN SOUTH AFRICA. (Photograph by David & Peter Tumley. Corbis. Reproduced by permission.)

among African workers. Under the authority of the Suppression of Communism Act the government cracked down on these efforts by the ANC, arresting as many as 8,500 strikers by the end of the year.

The government's restrictions had little deterrence on the ANC's support. ANC membership swelled from 7,000 at the beginning of the year to 100,000 by the end of the year in response to the government's new militancy. The ANC also embarked on a program of active cooperation with other racial groups, including the whites in opposition to apartheid, Indians, and coloreds. The government responded by arresting Mandela, Tambo, Sisulu and others for treason in 1955. The case did not go to trial for three years. Though himself on trial, Mandela served as one of the defense attorneys and it was largely through his efforts that he and all of his co-defendants were acquitted.

Radicals within the ANC split off to form the Pan African Congress (PAC) in 1959. The PAC organized mass protests against the pass laws starting the next year. In Sharpeville, a township near Johannesburg, 67 protestors were shot—many of them in the back—during a protest at a police station. The mass demonstrations (predominantly black) that followed prompted the government to

outlaw both the ANC and PAC and place the remainder of their leaders in jail.

After being outlawed, both the ANC and the PAC turned to violent action. Mandela, Sisulu, and other ANC members concluded that the white government of South Africa would respond only to violence. They set up the *Umkhonto we Sizwe* or "Spear of the Nation" (known by the initials MK), which would become the military wing of the ANC, to carry out sabotage and guerrilla warfare. Mandela was made its commander. The ANC targeted government installations while the PAC embarked on a campaign of terror directed against black leaders it saw as collaborating with the apartheid regime.

Mandela was arrested in 1962 for encouraging people to strike and for leaving the country illegally. He was sentenced to five years of prison labor. While he was serving his time, police found during a raid some of Mandela's plans for government sabotage. New charges were brought up against him. At his trial, against the advice of his lawyers, Mandela insisted on giving an opening defense statement explaining the objectives of the ANC. He concluded his statement by saying (as quoted in Mary Benson's biography *Nelson Mandela: The Man and the Movement*, 1986): "During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities." Mandela was convicted of sabotage and sentenced to life in prison.

The harsh government reaction to Sharpeville and its aftermath prompted business to return to South Africa and, after initial skepticism over the stability of the apartheid regime, the South African economy boomed during the 1960s and early 1970s. Many businesses were reassured that the apartheid government seemed to have control. The diamond and gold miners and agricultural concerns were threatened by an uprising of blacks: they stood to lose their investments for a number of reasons, ranging from the loss of cheap labor to the possibility of an overthrow of the government and the appropriation of the nation's resources. This boom solidified the alliance between the Afrikaners and commercial interests that had been forged in the late 1940s.

At the same time black students united behind activist Steven Biko to form the non-violent South African Students' Organization (SASO). The government considered the group a threat and arrested

Biko and other leaders on charges of fomenting terrorism. Biko later died during a police interrogation in 1977. A year earlier, in 1976, black students protested the required use of the Afrikaans language in the classroom, which was seen as the language of the oppressor. This resulted in the Soweto riots, in which dozens of protesters were killed. Unrest continued after the riots and led to the protest movement that was to eventually lead to the overthrow of apartheid.

In the 1970s and 1980s the South African economy was under increasing strain. Rising oil prices hit economic growth hard and border wars with Angola resulted in increasing government investment in the armaments industry. Increasing dissatisfaction among blacks over discrimination impacted industry as a whole. In response the government under Prime Minister P. W. Botha started loosening some of the more onerous parts of the apartheid program and sought to encourage the development of a black middle class. Botha's half-hearted attempts to shore up the system could not resist increasing international pressure to abolish the system, as well as internal collapse of support for the South African leader. In 1989, Botha was forced to resign. He was replaced by F. W. de Klerk.

Apartheid Ends: Shaping a New Nation

F. W. de Klerk secretly began negotiations with the imprisoned Nelson Mandela. The election of de Klerk to the prime minister's position early in 1990 significantly accelerated these efforts, and on February 2, 1990, he announced the legalization of the ANC, the PAC, and other African political organizations. Mandela was released from prison on February 10.

The ANC and the NP then began a long and tortuous set of negotiations over the shape of the new government. Afrikaners resisted the inevitable and more radical organizations. The PAC, in an extreme position, demanded that Mandela reject any form of multiracial government. In addition, other fissures appeared among the African population such as the split between the Xhosa-dominated ANC and the Zulu Inkatha Freedom Party under Mangosuthu Buthelezi; fighting erupted between supporters of both groups. After four years of difficult negotiations, the first free elections were held in 1994, with the ANC emerging as the big winner and Mandela as president of the new South Africa. The ANC under Mandela pursued a course of reconciliation: the NP and de Klerk served as junior coalition partners in the government until 1996. Mandela and the ANC also reached out to the Zulus, making Buthelezi minister of home affairs in 1994.

SHARING THE LAND

In the 1970s a white South African woman, Lilla von Maltitz, married into a family with a large farm in the Free State province. The farm had been established in 1879, when Friederich Wilhelm von Maltitz and four black laborers staked it out. Since that time, the families of those first four black laborers have farmed the land with the Maltitz family.

When Lilla von Maltitz took over running the farm, she quickly realized that the knowledge and skills of the black families who were farming it were indispensable. She shifted management responsibilities over to them and in 1989 began what would be a 10-year-process of turning half of the farm over to the black families.

During those ten years, apartheid ended in South Africa. Von Maltitz said, in a BBC News article "Farming in the New South Africa" (Dempster, June 27, 2002), that the farm showed a 40 percent increase in profit the first year of shared ownership. The new co-owners, whose ancestors had been born and died on the land, wanted their children to have the opportunity to farm it as well. The combination of owners works together in the decision-making processes and enjoy a relationship of equality. They all have a large stake in the success of their collaboration.

RECENT HISTORY AND THE FUTURE

As it came into power, the African National Congress promised land reform, jobs, clean water, schools, health care, and electricity to all the people of South Africa. The new government made tremendous strides in many areas. It doubled the amount of the population that has electricity and brought safe water to three million South Africans. By 2000 over one million low-cost homes had been built. But the economic situation impeded the democratic impulses. The poor in many parts of South Africa have actually gotten poorer since apartheid ended. The challenge of de-racializing the country has changed from a political to an economic challenge.

Land Redistribution

After the end of apartheid there was a widespread expectation—by the South African public and international observers—of racial violence and retribution or some form of conflict between Africans and other groups over power in the new

government. The conciliatory transition to an ANC government allayed these fears. Wholesale government appropriation of white-owned lands and income redistribution have not occurred. Land redistribution was one of the promises made by the new ANC government, in the interests of justice for the people who were forced from their homelands during apartheid and colonialism. In 2001, however, only about two percent of formerly white-owned land had been distributed back to blacks. The ANC decided not to proceed with any forced seizures of land from whites, as its neighbor Zimbabwe has been doing. In the spring of 2002 it announced a target of returning 30 percent of farm land to black people over the next 15 years. The government has repeatedly vowed to take land from white people only through agreements and negotiation.

The land redistribution issue is a thorny one for President Thabo Mbeki. The people of South Africa, after suffering under apartheid, want to see the remnants of the racist system eliminated from their nation. Although the new government provided affordable housing to about one million people, there are still an estimated 7 million poor black people in South Africa in need of homes. There are significant groups of South Africans awaiting the time they can return to their traditional lands. On the other hand, international perception of the land appropriation (and the violence with which some of it is being done) in Zimbabwe under President Robert Mugabe is highly negative. It is clear that foreign investors will not venture into the South African market if there is any hint of racial violence or involuntary seizure of lands, for fear that investments in the country will be seized or that political instability will cause investments to be devalued or labor to be unreliable. Whether because of foreign perception or by principle, the land reform measures are going slowly, in a conciliatory manner, and by the agreement of all parties.

Education and Job Skills

The vestiges of apartheid remain not only in land ownership, but in business and the professions. One of the reasons whites remain dominant in South African business ventures is that they have much more training and education than blacks. During apartheid, education was strictly segregated; spending on white students was ten times higher than for black students. In post-apartheid South Africa the formerly white universities in South Africa are still largely run by, and attended by, whites. Integrating them has been a part of the new government's policy since 1994, but like other

reforms, it has been slow to manifest, and many black students may not be able to afford to attend.

Improving the previously black schools and making them available to rural students is another priority. BBC commentator Alastair Leithead observed in "South Africa Fights 'Education Apartheid'" (May 20, 2002) that "despite heavy investment in previously black schools and colleges and the ending of segregation, schools and universities remain one of the most obviously divided sectors of post-apartheid society." In 2002 the ANC announced that the traditionally white universities had five years to integrate blacks into their programs and at the same time black institutions of higher learning will be modernized and brought out to the rural areas of South Africa, where education has been difficult to access.

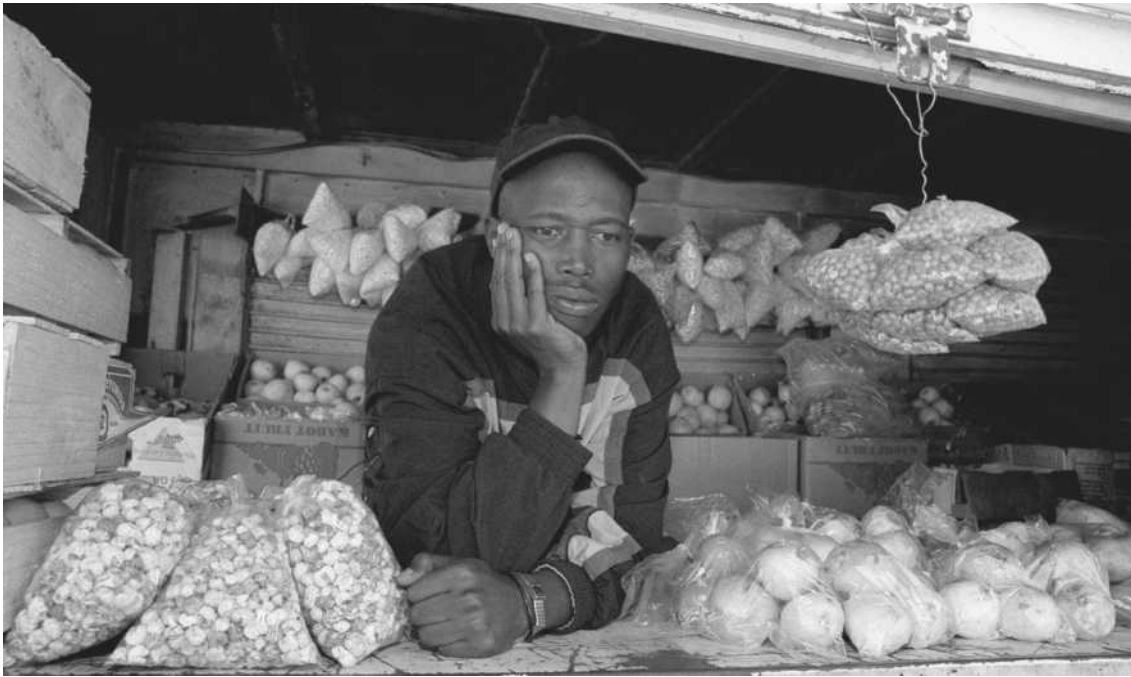
South Africa's economy has made a strong transition into a global, industrialized, computer-driven market, but the many of the South African people are not sufficiently educated for this new world. In professional fields like computer studies, engineering, or business studies, white students predominate by a large margin. This too is beginning to change, but very slowly.

Chronic unemployment has persisted since 1994, at least in part because of the inequities in training. The economy no longer needs vast numbers of miners or factory workers so much as skilled workers in trade and services. The unemployment rate in South Africa has hovered in the range of 26 to 40 percent, with blacks experiencing rates even higher. Anticipating future growth, South Africa opened its doors to immigrants after apartheid ended, and since that time the poor from many African countries have entered South Africa looking for work, exacerbating an already difficult economic situation.

The unemployed already living in South Africa resent the competition for work represented by immigrants. As tensions have risen over the job-seeking immigrant, the lack of employment, and country's stagnant economic situation, these forces have combined to create discontent and a massive crime rate, further affecting society; South Africa has one of the highest murder rates in the world.

HIV/AIDS

There is no problem as threatening to the prosperity of South Africa, however, as the massive spread of the HIV/AIDS virus. In 2001 a Medical Research Council Report estimated infection rates in South Africa at 25 percent and higher. At these rates, as many as seven million South Africans will



AFRICA'S ECONOMY HAS NOT BENEFITED FROM FOREIGN INVESTMENT AS IT HAD HOPED AFTER THE END OF APARTHEID. BUSINESS IS SLOW AND NEARLY 40 PERCENT OF THE POPULATION IS UNEMPLOYED. (Photograph by Cobus Bodenstein. AP/Wide World Photos. Reproduced by permission.)

have died from the disease by 2010. Besides the tragic loss of human life, there is a huge toll on the resources of families who lose working or caretaking members, and on the local and federal governments that must take care of orphans and the disabled.

President Mbeki was at first very skeptical about the epidemic and Western treatments for it; in his early administration he denied universal access to anti-AIDS drugs for pregnant AIDS mothers which could have prevented them from transmitting the disease to a child. By 2002, however, the South African government was deeply committed to fighting HIV/AIDS and had quadrupled its budget for fighting the disease.

Globalization: Promise or Threat?

A defining moment came in late 2001 when the New National Party (NNP)—successor to the apartheid regime—split with its alliance with the more commercially minded Democratic Party, a party with strong white membership, and joined a coalition with the ANC, as reported in the *Economist*, November 29, 2001 (“Creeping Back Into Bed”). This pairing is not as unlikely as it seems. The one thing the Afrikaners have in common with large elements of the ANC is a deep-seated traditionalism and conservatism that makes them

suspicious of the largely English-speaking business elite.

This traditionalism can also be seen in Thabo Mbeki's seemingly paranoid response to the AIDS crisis, which has been criticized by many international observers, as well as the conspiracy theories swirling around the collapse of the rand in 2001. Some key players in South Africa oppose many aspects of modernity, the influence of business elites, and the demands placed upon South Africa as an active member of global trade. That these forces exist in South Africa and run counter to the modern, liberalizing forces that also exist there, may be a part of the reason that change has come so slowly to the nation.

The South African government is working hard to remedy its standing in the international community. In early February 2002, after Thabo Mbeki convened a two-day summit of international business leaders, he announced that South Africa was going to begin a campaign to end the “negative perceptions” of the nation that are held among foreign investors. He let it be known that the South African government would eradicate the misconceptions of international investors that the country was crime-ridden, slow to reform, unstable, connected to Mugabe in Zimbabwe, and backward in its handling of the AIDS virus.

His spokespeople reiterated the mandate to bring foreign capital into South Africa's economy in order to stimulate economic growth and, therefore, jobs. South Africa has privatized many of its telecommunications, transportation, and power facilities in a move to raise funds and modernize. The privatization spurred massive strikes by South African public sector workers fearing the loss of jobs in August 2001. By 2002, however, the privatization process was running on schedule and smoothly.

The liberal, business-oriented economic policies followed by the ANC government since 1994 have so far failed to attract large foreign investment despite a well-educated, English-speaking, and relatively cheap workforce. Growth has been respectable but still not high enough to deal with the country's even larger unemployment rate and its attendant social problems. Thus far (less than a decade since the transition from apartheid), the liberal economic policies followed by the government have failed to produce the kind of social change desired by the ANC and its supporters. There is no sign, however, of anyone giving up on the prospect.

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Thomas Haymes

TURKEY: WOMEN ARE GRANTED EQUAL RIGHTS

On January 1, 2002, Turkey revolutionized women's legal standing in marriage, family, and property law when lawmakers amended the civil code to grant women formal equality with men. The changes struck down the old principle that "the head of the marriage union is the man" and provided sweeping new legal and economic rights for women, within marriage and in the event of divorce. The reform of Turkey's civil code builds upon a long-standing foundation of Turkish feminism.

The new code outlines dramatic changes for women, raising the legal age of marriage, liberalizing family law, and formalizing a 1994 court ruling that allowed women to work outside the home without their husbands' permission. The changes also provide major economic assistance for women. Under the new law, women are entitled to an equal share of property and household resources, instead of only owning property that is legally registered under their own names. These economic changes have ripple effects on the rest of women's lives. Women's growing economic independence provides a platform for their developing sense of autonomy and increasing social status.

The new code forms part of a broad set of legal and economic changes Turkey has implemented recently, largely in the hopes of gaining recognition as part of the European Union. A political network of 15 western European countries, the European Union requires its member nations to meet strict standards of human rights, economic openness, and democratic processes. In the past, Turkey's membership bid provoked concern over human rights issues, the military's role in politics, and the unequal place afforded to women in Turkish society.

THE CONFLICT

On January 1, 2002, Turkey amended its civil code to grant women formal equality with men. Turkey has a long history of solid feminist reform, but it also has many traditions that reinforce unequal gender roles, with women losing out in terms of rights, property, salary, and self-image. Turkey's history includes an ongoing effort to secularize government and Westernize culture; at the same time a significant portion of the population is based in Muslim traditions that have historically relegated women to inferior positions within families and the community. Civil legislation may not affect daily life as much as the ongoing and valiant efforts of the Turkish feminists themselves.

Political

- Turkey's new civil code comes at a time when Turkey seeks to join the European Union, which requires its member nations to meet strict standards. In the past, the unequal place afforded to women in Turkish society has provoked concern over Turkey's bid to enter the EU.
- In 1934 Turkey granted women the right to vote. But with the right to vote, the state claimed that gender equality had already become a reality and banned the Turkish Women's Association, expecting women to support the secular agenda of the new Republic—not by organizing explicitly for women's rights.

Religious

- Traditional Islamic views place women clearly within the realm of the home and family. In Turkey, women's social and political emancipation has become linked with secular movements—and some say with a growing Westernization. Women's experience in Turkey has been profoundly shaped by the cultural tension between the sharp secularism of the state and the religious character of many of Turkey's people.

CHRONOLOGY

- 1785–1839** Sultan Mahmut II rules the Ottoman Empire and introduces Western reforms to the military, government, and culture.
- 1839** The Ottoman Empire enters an era of reforms known as the *Tanzimat* period, in which law and education became increasingly secularized, and Western cultural influences increase significantly.
- 1869** Turkey's first feminist journal emerges.
- 1914** A university for women opens its doors in Turkey, as a result of feminists agitating for it.
- 1918** British, French, and Allied forces invade the Ottoman Empire and occupy the capital, Constantinople. The Ottoman Empire is basically dissolved.
- 1919–23** The Turkish War of Independence offers many women the chance to enter professions that had been dominated by men. Women also play major roles in the struggle.
- 1923** Kemal Atatürk establishes the Turkish Republic, setting himself up as the first president. Under Atatürk, the Turks adopt western numerals and the Latin alphabet and institute restrictions on religious symbols. It is forbidden to wear religious attire outside of prayer services in mosques, the fez is replaced with the hat, religious colleges are abolished, and Sunday becomes the official day of rest.
- 1926** The Turks abolish the holy law and adopt Swiss civil code, which raises women's social and legal status.
- 1928** At this time Turkish women are publishing 40 journals centered on women.
- 1934** Turkish women are granted the right to vote.
- 1946** Turkey makes a peaceful transition into a multi-party democracy.
- 1960** The Turkish military seizes power of the country, but after a brief period of transition, military leaders reestablish a democratic system.
- September 1980** Amid rising unrest and social tensions, Kurdish separatism, a beleaguered political system, and disastrous economic developments, another military coup takes control of the government, but once again, it reestablishes a multi-party government.
- 1987** Istanbul feminists organize the first street demonstration since the coup, in which nearly three thousand women protest publicly about violence against women.
- 1989** Turkish feminists' activism stirs a public uproar against a Supreme Court decision that reaffirmed the law that if a man raped a prostitute, the penalty was reduced.
- 1994** A Turkish court rules that women can work outside the home without their husbands' permission.
- January 1, 2002** Turkey amends the civil code to grant women formal equality with men.

While the law opens up new possibilities for women, a change in women's legal status cannot single-handedly shift Turkey's social structure. Equality between men and women is impossible to legislate. The roots of women's position in Turkey run deep into the country's history—and have become intertwined with tensions over westernization, secularization, the resurgence of Islam, the Turkish feminist movement, and the competing values that shape Turkish life.

HISTORICAL BACKGROUND

From the Ottoman Empire to the Turkish Republic

The position of Turkish feminism and the tensions shaping the role of women in Turkish soci-

ety have their roots in the course of Turkish history since the days of the Ottoman Empire. Emerging in the thirteenth century with the conquests of the warlord leader Osman, the Ottoman dynasty gained political and military might when the Byzantine Empire began to wane. The Ottoman Empire encompassed the Balkan Peninsula for five centuries. Through a combination of conquest, leadership skill, and tolerance for difference among its varied subjects, the Ottoman Turks managed to bring a vast region under their control.

At the height of their glory in the seventeenth century, the Ottomans expanded far enough to twice threaten the city of Vienna. Yet their history of conquest and incorporation brought with it many challenges. The Ottoman Empire spanned a vast territory and enfolded people of many cultures.

Inefficiency, financial woes, and administrative burdens eventually took their toll. In 1683 a defeat in their second siege of Vienna marked the end of the era of Ottoman conquest. Ever after, the empire would find itself on the defensive—struggling to hold its own against external powers and internal stresses.

In the final century of the Ottoman Empire, many sultans and leaders tried to institute reforms that incorporated advances from Europe, which had risen in political and military prominence. In 1798 Sultan Selim III attempted to revitalize the Ottoman military by soliciting the assistance of French officers and officials, which broadened the contact between Ottoman elites and Europe. Selim's reforms were largely unsuccessful and his reign ended abruptly in a revolt that cost him his life. Yet when Sultan Mahmut II gained the throne in 1808, he embarked on an even more extensive program of military reform and westernization. Mahmut II strengthened the authority of the central government and consolidated power over the main portions of the empire. Nevertheless, during this period the empire lost outlying regions in modern day Greece, Serbia, and Egypt.

After Mahmut's death, the empire entered an era of reforms and increasing bureaucracy known as the *Tanzimat* period; during which, law and education became increasingly secularized, and western cultural influences increased significantly. In his *Turkey: A Modern History* (1993), Erik Zürcher writes: "The scribes—by now the bureaucrats—who came to dominate the state during the *Tanzimat* were a new breed. Their passport to preferment was their knowledge of Europe and of European languages. . . . Their knowledge was new, and so was their style. They wore frock coats and fezzes and liked the company of Europeans, with whom they now mingled frequently."

The *Tanzimat* reforms were quite unpopular with the majority of the population, including some of the bureaucratic elites themselves. These disaffected bureaucrats argued that their compatriots were imitating the West on a superficial level, but disregarding traditional Islamic values and sacrificing their nation to serve the interests of Europe. The most prominent voice of opposition belonged to a group known as the Young Turks, and in particular to Mustafa Kemal—who would later be known as Kemal Atatürk, the father of modern Turkey.

During the *Tanzimat* era, the Ottoman Empire gained superficial admission to some diplomatic circles among the European powers. Yet



TURKEY IS A PREDOMINANTLY MUSLIM COUNTRY IN WHICH WOMEN HAVE RECEIVED THE LEGAL RECOGNITION OF EQUALITY WITH MEN. IN ACTUALITY, HOWEVER, MANY BARRIERS REMAIN TO BE OVERCOME WITHIN TURKISH SOCIETY BEFORE WOMEN RECEIVE EQUITABLE TREATMENT.

(Photograph by Murad Sezer. AP/Wide World Photos. Reproduced by permission.)

Nicole and Hugh Pope suggest in *Turkey Unveiled* that "as with Turkey and today's European Union, the Ottoman empire was usually an object of, rather than a partner in, their discussions of the Eastern Question." Internal unrest and grave financial troubles plagued the empire, and outlying regions of Ottoman territory gained independence or were surrendered to Britain, France, or Russia.

The first World War (1914–18) proved a disastrous turning point in the history of the Ottoman Empire. Allied with German forces and defeated despite their military prowess, the Ottoman Empire crumbled under the loss. In 1918 British, French, and Allied forces invaded the empire and occupied the capital, Constantinople, as well as inciting Greek forces to begin their own invasion in 1919. Aiming to drive out the foreign powers, Mustafa Kemal rallied the Turkish people under a nationalist banner and led them to victory in the War of Independence. Though the Turkish government still officially denies it, the army also engaged in widespread massacres against the Armenian communities within Turkish borders. The rhetoric of nationalism proved bitter for minorities.

On the centerstage, nationalism carried the day. In 1923, Kemal Atatürk abolished the sultanate and established the Turkish Republic, setting himself up as the first president. Atatürk led Turkey through an ambitious set of reforms aimed at rebuilding, modernizing, and secularizing the country, as well as building a new national Turkish identity. Westernization and secularization came hand in hand. Under Atatürk, the Turks adopted Western numerals and the Latin alphabet, which replaced the Arabic/Persian script of the Ottoman era. The Republic also instituted restrictions on religious symbols, forbidding religious attire outside of prayer services in mosques, replacing the fez with the hat, abolishing religious colleges, and declaring Sunday the official day of rest instead of Friday. In 1926, the Kemalists adopted the Swiss civil code, abolishing Şeriat, the holy law, which had held sway primarily in matters of family law.

Atatürk brought about revolutionary shifts in Turkey. Yet changes from above can only go so far in shifting deeper cultural patterns. Erik Zürcher suggests that some historians overemphasize the impact of the national shifts on ordinary people. He writes, "A farmer or shepherd from Anatolia had never worn a fez, so he wasn't especially bothered about its abolition. His wife wore no veil anyway, so the fact that its use was discouraged did not mean anything to him or her. He could not read or write, so the nature of the script was immaterial to him." In the towns, the reforms changed people's lives more profoundly. Urban culture became dramatically secularized. Women—particularly the more privileged—had access to unprecedented new possibilities. In the Turkish Republic, women gained the right to vote. They also gained a new set of role models. From professional women to opera singers, women were more visibly entering the public sphere than ever before.

Politics in the Republic: Ongoing Tension Between Democratic and Authoritarian Trends

Over the course of modern Turkey's history, democratic trends have vied with a strong military tradition for influence over the country's political life. During the founding years of the Republic, Kemal Atatürk's political party triumphed over those advocating a more decentralized government in the Western liberal tradition. In reaction to political dissent and the rebellion of the Kurdish ethnic minority, Atatürk strengthened his hold on the political scene, suppressed other political parties, and established an authoritarian one-party state.

While a democratic system with a parliament and governmental elections remained in place, Turkey did not gain pluralistic political options until after World War II (1939–1945). In 1946 Turkey made a peaceful transition into a multi-party democracy and in 1950, the Democratic Party gained a majority in Turkey's new parliament.

Under democratic leadership, many of Turkey's rural regions experienced more economic prosperity. But the Democratic Party faced many troubles: friction between the two dominant political parties, an over-ambitious program of rapid modernization that led to financial crisis, and growing opposition among urban elites. In 1960, the Turkish military seized power. After a brief period of transition, military leaders reestablished a democratic system, and a great number of political parties emerged. In September 1980, amid rising unrest and social tensions, Kurdish separatism, a beleaguered political system, and disastrous economic developments, another military coup took control of the government. Once again, the military reestablished a multi-party government, within the bounds of their approval. In recent years, Turkish politics have moved toward further democratization.

A Secular Islamic State: The Contested Role of Religion

Another broad tension facing modern Turkey is the place of Islam. Since Atatürk, the Republic of Turkey has been avowedly secular, though an overwhelming majority of Turks are Muslims. In recent years, radical Islamic politics have been on the rise. The Islamic political party Refah has become a major political force. More women garbed themselves in religiously traditional dress. Though Turkish women are forbidden to wear headscarves in public offices or state universities, growing numbers of women challenge this ban. In 1999 Islamic lawmaker Merve Kavacki scandalized the country when she wore a headscarf to be sworn into parliament. She was later expelled from parliament and her political party was banned for activities that violated the state's secular policies.

While feminist scholar Şeriat Tekeli suggests that the majority of Turks are tolerant on this issue, the political question illuminates several of the tensions shaping women's roles in Turkey. Traditional Islamic views place women clearly within the realm of the home and family. In Turkey, women's social and political emancipation has become linked with secular movements—and some say with a growing Westernization. Women's experience in Turkey has been profoundly shaped by the cultural



KURDISH WOMEN PARTICIPATE IN AN INTERNATIONAL WOMEN'S DAY DEMONSTRATION ON MARCH 8, 2002, IN ISTANBUL, TURKEY. THEY ARE DEMANDING THE RIGHT TO EDUCATION IN KURDISH. KURDISH WOMEN IN TURKEY OFTEN ENCOUNTER AN ADDITIONAL BARRIER TO RIGHTS—THEIR ETHNICITY. (Photograph by Murad Sezer. AP/World Wide Photos. Reproduced by permission.)

tension between the sharp secularism of the state and the religion of many of Turkey's people.

Feminism in Ottoman Times

Turkish feminism has a long history. Its roots date back to late-nineteenth-century Ottoman society, when well-educated, middle-class Ottoman women began contesting the traditional roles ascribed to women. They defended women's right to education and work outside the home, as well as greater participation in public life. Turkey's first feminist journal emerged in 1869.

By the time of the Kemalist alphabet reforms in 1928, Turkish women were publishing 40 journals centered on women. While some of these magazines aimed at building information networks among women, others espoused an explicitly feminist agenda. Regrettably, much of this history remains hidden. In her introduction to *Women in Contemporary Turkey*, Şirin Tekeli writes, "As a result of the transformation of the alphabet as part of the Republican reforms, today's young generations are unable to read this literature, and it is difficult for them to imagine how imaginative and courageous this movement was, and how many similarities it possesses with the present day movement."

The Ottoman feminists secured major gains for women. The Ottoman Association for the

Protection of Women's Legal Rights, one of the most radical women's organizations of the day, pushed for women to gain access to education and civil service jobs. Their advocacy bore fruit. Under pressure from the association, the Istanbul Telephone Company began to employ women. The activists also successfully agitated for a university for women, which opened its doors in 1914. The Turkish War of Independence (1919–23) offered many women the chance to enter professions that had been dominated by men. Women also played major roles in the struggle, protesting during the occupation of Istanbul and strategizing with other women to support Turkey's independence.

Women in the New Republic

After Turkey secured its independence, the new Republic enacted many feminist demands. The Civil Code of 1926 significantly raised women's social and legal status and the suffrage reform of 1934 granted women the right to vote. During this period, nationalism played a vital role in redefining women's roles. Within this new perspective, it was acknowledged that women made critical contributions to the state. The Republicans wanted women to serve as teachers and citizens in the new state. But the state expected women's exclusive loyalty.

Though women's status improved significantly during this period, the feminist movement itself suffered serious setbacks. Since women had already gained the right to vote, the state claimed that gender equality had already become a reality. The Republic banned the Turkish Women's Association and expected women to identify politically with the secular Kemalist state. According to the state, women would protect their own interests by supporting the secular agenda of the new Republic—not by organizing explicitly for women's rights.

Feminism in the 1970s and 1980s

Grassroots feminism remained subordinate to the state until the 1970s, when other organizations entered the Turkish political sphere, advocating for social justice for the poor and raising issues of imperialism and class exploitation. Yet despite the emergence of public protest groups, women's issues remained on the fringe. After the 1980 military coup, feminism emerged as a reinvigorated social movement. Feminists began establishing journals and women's organizations, organizing political campaigns and conferences, and working on the grassroots level.

In 1987 Istanbul feminists organized the first street demonstration since the coup, in which nearly three thousand women protested publicly about ongoing wife-beating and violence against women. In 1989 feminists' activism stirred a public uproar against a Supreme Court decision that reaffirmed the law that if a man raped a prostitute, the penalty was reduced by two thirds, since the court claimed that the constitution only protected the rights of "honest women." Şirin Tekeli writes (in *Women in Modern Turkish Society*) that "The protest campaign initiated by feminist groups with the striking slogan 'We are all prostitutes' was so effective that the most important opinion-makers sided with the feminists, against the court decision." Eventually, the outcry forced the National Assembly to abolish the law.

The modern feminist movement in Turkey characterizes itself as a democratic movement independent of all political parties. It strives to reach women of all social classes—though it remains most influential in urban areas. Above all, the feminist movement is a decentralized one, with different groups concentrating on a variety of issues that face Turkish women today. To better understand feminist aims and the circumstances of Turkish women's lives, we will consider several areas that illuminate women's position in modern Turkey.

Women and the Family

Turkish society places a high value on the stability and centrality of the family. Virtually all women there become married and have a family. Most parents arrange marriages for their children, though marriages of choice have become more common in urban areas. Girls often marry young, especially in rural areas. For many women, traditional attitudes regarding marriage prevail. According to a 1991 research study conducted by Turkish political science professor Yilmaz Esmer, three-quarters of the women living in Istanbul believed that the husband was the rightful head of the family—even though four-fifths of the same women thought that there was no difference between men and women at birth. Almost half believed that men had the right to beat their wives under certain circumstances.

By and large, women perform the vast majority of the household work but make very few household decisions. Most Turkish wives do not work outside the home but labor long hours to care for their families and households. Yet under the old code, if a woman sued for divorce, a husband could claim that his wife contributed nothing to the family's financial state. A wife's work on behalf of her family went uncalculated—and uncompensated. For most women, divorce spelled utter impoverishment. As Turkish divorce lawyer Janin Arin told the BBC, husbands often assert that they owe their wives nothing, leaving women who seek divorce "free to go off with [their] underwear, that is all." Divorce also incurs social disapproval. Preserving the family holds a central place in most people's conception of Turkish life.

Women's Education

Since the founding of the Republic, Turkey has placed great value on universal education. Turkish law made basic education mandatory for girls and boys in 1845. But the law remained distant from reality for many Turkish girls. Though the constitution guarantees children the right to education regardless of their gender, female students are chronically underrepresented in schools. These days, girls and boys go to primary school in nearly equal numbers, but by middle school and high school, the ratio of girls to boys drops substantially, especially in vocational-technical schools.

In 1997 Turkish lawmakers decreed that all children must attend school through the eighth grade. Though that ideal seems far from actual practice, opportunities for women's education are growing. Turkey has made great strides in combating female illiteracy. According to World Bank

statistics, the percentage of illiterate women in the labor force has dropped to 29 percent in 1990, from 69 percent 30 years before.

Women in Turkey still face disadvantages in their education—both because they commonly receive less education than men and because the educational system tends to reinforce women's existing social roles. Access to education is only one part of the equation. The content of education shapes the way women are educated, and the life for which they are educated. In her article "Women and Education in Turkey," Fatma Gök writes that the quantity and quality of education received by women in Turkey does not change their social position. Men continue to hold most of the powerful and decision-making positions in the society. "Although most of the teachers at all levels of the educational system are female, almost all principals and supervisors are male. . . . The role that seems natural is for a woman to get married and struggle with the daily routine of intensive labor and wear herself out. Those who disregard these terms and go on to succeed in their chosen professions experience an unconventional life and usually prefer not to marry, or if they do, choose not to have any children."

Education has the power to help transform cultural norms that yield inequality—or it can prepare students for the roles their society expects of them. By and large, Turkish schools provide women with a different education than the one they offer to men. Gök concludes that "while women in Turkish society are in theory encouraged to be producers rather than consumers and to participate in economic life, in practice they are expected to undertake a narrow range of jobs which society sees fit for them—such as tailoring, nursing, teaching, and secretarial work—which develop neither creative nor intellectual powers." Western feminists have leveled similar charges against American and European schools. Schools shape and reinforce the attitudes of young people profoundly—and they often reinforce the social inequalities that already exist.

Gender issues in religious and cultural values also affect whether families send their girls to school at all. A joint study between the Turkish Ministry of Education and the World Bank suggests that the government's policy of coeducation may actually hinder some girls' access to education, since some families who would be willing to send their daughters to girls' schools will not permit them to attend classes with boys. In some rural areas, the Ministry of Education has built central coeducational schools that routinely only attract boys. Religious schools have also expanded dramatically



TANSU ÇILLER ADDRESSES MEMBERS IN PARLIAMENT. ÇILLER WAS TURKEY'S FIRST FEMALE PRIME MINISTER (1993–96). (Photograph by Burhan Özbilici. AP/Wide World Photos. Reproduced by permission.)

in the past 30 years and now serve as part of the mainstay of Turkey's educational system. For women, this means that a growing number of their educational options actively promote a model of female life that centers around the home and family. At the same time, these religious schools may be providing an education to girls who would not otherwise receive one.

Despite these broad challenges, some women do gain access to an educational system that prepares them for professional life. From 1975 to 1985, women accounted for from 22 percent to 28 percent of students who graduate from higher education programs. While women's educational opportunities vary dramatically accordingly to class, Turkey hardly stands alone in grappling with the challenges that poverty poses for children's opportunities.

Women and Work

Early Republican reforms opened the doors for women to work in a variety of public professions. Educated urban women in Turkey have long had a wide range of options available to them. The World Bank's report *Turkey: Women in Development* points out that "in the 1920s when neither the BBC nor American radio stations would consider the employment of a woman

announcer, Turkish radio employed women as both announcers and technicians.” As early as the 1930s, women have held positions of public office and become faculty members at the university level.

While highly-educated women have many options regarding their careers, the majority of women commonly work in textiles, agriculture, food, and domestic spheres. Girls and women often begin work at an early age. Turkish law prohibits children from working before they are 12 years old. Though few girls in urban centers go to work so young, 88 percent of girls who live in rural areas begin work between the age of 12 and 14. While gender norms influence the kind of work women tend to do, Turkish law explicitly prohibits women from “difficult and dangerous jobs” including work in mines, sewage systems, chemical industries, and construction work.

The state argues that these prohibitions protect women from work that is inappropriate to their gender and physical strength, but state paternalism makes life hard for women who desperately need work. The Helsinki Foundation’s report *Women 2000* reveals one example: Yeter Tayer, a 53-year-old Turkish woman, admitted to interviewers that she had disguised herself as a man and worked for 20 years as a construction worker, driver, and repair worker. She had been unable to find work as a woman after her husband died. Without the subterfuge, she had no way to support herself and her children.

Women employed outside the home still face economic disadvantages. In 1971 the Turkish Labor Code established the principle of equal pay for equal work, making it illegal for women and men to be paid differently for doing the same quality of work in the same amount of time. Yet the Turkish Women’s Commission of the Contemporary Lawyers Association argues that employers routinely determine the quality of women’s work subjectively—so that women are still paid less than men.

On the whole, professions dominated by women receive less pay, lower status, and fewer benefits. Women experience less job security—and the principle of “last hired and first fired” that Western feminists have struggled against for decades holds true in Turkey as well. Despite regulations that guarantee a woman maternity leave, employers often dismiss a woman if she becomes pregnant. On average, families headed by women manage on half of the income available to households headed by men.

Women on the Margins

Like women in many societies, Turkish women live radically different lives depending on their social backgrounds. In *The Turkish Labyrinth* (1997), James Pettifer comments that despite the radical shifts in Turkish politics, “in many ways, little has changed. The ancestors of the girls who work computers for the banks probably worked abacuses for the sultan. The ancestors of the women who pick broad beans for a refrigeration plant in Adana picked broad beans for the pasha.” Women who live in rural areas still suffer so-called ‘honor killings,’ risking murder by their families if they bring shame upon the household. Women with disabilities face difficult social attitudes—and in some areas, mothers who give birth to disabled children lose respect from their families. Human rights activists decry virginity examinations that some girls undergo in schools.

Over the course of its history, Turkey has brutalized ethnic minorities, including communities of Armenian Christians and the Kurds. The Kurds struggle for sovereignty to this day. When Atatürk converted Turkey from an Islamic state to a secular state, already strained relations between the majority Turks and the minority Kurds deteriorated even further. A Kurdish rebellion broke out in 1925, which the Turkish government brutally repressed. After the execution of many Kurds and the forcible resettlement of much of the Kurdish population, the Turkish government has officially denied the existence of a separate Kurdish identity. The Turkish government and military continue to clash with Kurds, and Turkey’s Kurdish repression has brought censure from human rights groups and international circles. For Kurdish women, this long history of tragic relations adds another layer of complexity and challenge to issues of gender.

RECENT HISTORY AND THE FUTURE

Turkish feminists have established themselves as a public force in Turkish society, and their efforts have led to significant gains in women’s social position, economic opportunities, and everyday well-being. Though women benefit in different ways and to different degrees, Turkish feminists have wrought change in many aspects of Turkish life. When the Turkish Parliament amended the civil code on November 22, 2001, the mainstream daily newspaper *Milliyet* proclaimed, “Who says the man is the head of the house!”

For feminists, the change represents a major victory and a sign of how far women have come.

In correspondence with journalist Mona Eltahawy ("Turkish Law Recognizes Women, Men as Equals" January 13, 2002), Turkish feminist Pinar Ilkcaracan remarks, "The reform of the civil code has come as a result of decades of advocacy by the Turkish women's movement. The fact that the reform of the civil code did not even meet any resistance from the public proves that the public has long accepted the demands of the Turkish women's movement—it was rather the Turkish parliament which was slow."

But how deeply the changes will run remains to be seen. Turkish women's groups want to force the government to divide property equally among spouses who are already married. Presently, the revolutionary equal split applies only to assets that a couple acquires after January 1, 2003. And as lawmakers and feminists already know, no legal change can transform people's attitudes and values. In rural areas, many girls and women already remain outside the influence of protective legislation. For many women in Turkey, these changes in the law code have only a symbolic significance that has little place in their daily lives.

Amid the ongoing tensions between secularism, westernization, and nationalism, between Islamic practice and cultural traditions, Turkish women must navigate a difficult road. Some suggest that Turkey's future lies with the West—and that women's rights go hand in hand with continued secularization. Others believe that Islam will develop into an even stronger political and cultural force—and that Turkish feminists will either be locked into a struggle with a religion that seems to be their nemesis or develop a model of women's empowerment that draws strength from within Islam.

Yet Turkish history also holds out the promise of a third road. Şirin Tekeli writes, "We are far from the Ottoman period's cultural unidimensionality based on religion; we are far from the nationalist unidimensionality of the founding years of the Republic. . . . At present the cultural mosaic of Turkish society is made up of many different value systems: elements of Mediterranean culture, of Islamic culture, of secular Western culture, of atheistic socialism and various regional cultures are interacting with each other to create an extremely rich and complex whole." Women's voices are reshaping modern Turkey to include their own visions of the future—to forge a future where women's lives become a valued part of their communities, their cultures, and their country.

WOMEN AND THE NEW CIVIL CODE: MAJOR CHANGES AT A GLANCE

In addition to striking down the principle that declared a man the head of the marriage, Turkey's newly adopted civil code provides sweeping changes in family matters. Under the new law:

- women married after January 1, 2003 are entitled to an equal share of property held in the marriage
- women can work outside the home without their husband's permission
- the legal age for marriage rises to 18, up from 17 for men and 15 for women
- adults can adopt a child at age 30, instead of age 35
- single parents can now adopt children
- children born out-of-wedlock gain inheritance rights
- men can request alimony from wives who earn more than they do
- a man can take his wife's surname and a woman can keep her maiden name
- couples must be legally separated for 6 months before they can file for divorce.

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Julia Watts

UKRAINE—A PRESIDENT STANDS ACCUSED: MURDER AND POLITICS

The body was found headless in the chill of a central Ukrainian forest, in early November 2000. The victim was Georgy Gongadze, the founder of an independent online newspaper, *Ukrainska Pravda*, (Ukrainian Truth). The publication's reporting had been—and continues to be—highly critical of the national government. The journalist-editor had disappeared the previous September, at which time government officials made a very public and seemingly sincere effort to locate the missing man. But when Gongadze's body was found in the forest near the village of Tarascha, the prospects for finding the truth behind the case, and for the future of Ukrainian politics in general, became, at best, murky.

In the nearly two years since a Tarascha villager made the macabre discovery, evidence has mounted against (and has been fiercely disputed by) Ukrainian President Leonid Kuchma, who had won his second five-year term as president in 1999. This election, which sustained the incumbent president in office, is a reflection of a Ukrainian society worn down by a stagnant economy and an increasingly corrupted political system. As of this writing, President Kuchma remains in office in spite of highly damaging audiotapes his critics assert implicate him in the kidnapping and murder of the journalist.

The president's ability to withstand the accusations is partly a function of the waxing and waning of Ukrainian and international attention to the case of Georgy Gongadze. In March of 2001, for example, over 10,000 people rallied against Kuchma, in large measure motivated by the mounting evidence in this case. This demonstration, however, would be the last strong show of public opinion for some time. After a lull in interest, in

THE CONFLICT

In the 1991 wake of the Soviet Union's collapse, Ukraine emerged as one of 15 newly sovereign states. Aside from a brief period at the end of World War I and the Russian Revolution, Ukraine had not been an independently governed nation since the seventeenth century. The recent, post-Soviet history of Ukrainian independence has been dominated by half-steps toward political and economic transitions, persistently stalled by power struggles, corruption, and scandal.

Political

- The discovery in November 2000 of a murdered journalist known for his contempt for the governing officials, and the emergence of evidence implicating the newly reelected president in the murder, have darkened political moods in Ukraine.
- There is reason to believe that the citizens—not to mention international aid donors and lenders—will soon reach the end of their patience with the Ukraine government's corruption. The current crises of scandal, corruption, and political stalemate may drive the Ukrainians farther into Balkanization, or, alternatively, may provide the impetus for progressive socio-political change.

Economic

- The opposing forces of reform and anti-reform have had a harsh effect on Ukraine's economy. Opponents of reform in the Rada succeeded in derailing the reformists' plans to privatize industry and agriculture. Taking the steps necessary to transform Ukraine to a capitalist, free-market economy would have led to short-term pain for privileged elites and for everyday workers. In the long run, however, such measures could have produced real economic progress for the nation at large.
- Lending by the IMF and the World Bank to help Ukraine pay debts has further complicated the direction of its economic reforms by pressuring the government into promises for privatization and free-market trading that it has not been able to keep.

CHRONOLOGY

- 1988** The Soviet Union, prior to its dissolution, creates the Congress of People's Deputies, a new legislative body to which voters in the federal republics elect representatives, or deputies.
- 1989** The first Ukraine elections to the Congress of People's Deputies result in significant victories for candidates of the Communist Party of Ukraine (CPU).
- 1991** Two historic public referenda are held simultaneously in elections: one on the subject of independence, the other to choose a popularly-elected president. Nationwide the vote for sovereignty garners over 90 percent of the electorate's support. Leonid Kravchuk is elected president by an absolute majority of the popular vote.
- October 1993** Reacting to the rivalry between President Kravchuk and Prime Minister Leonid Kuchma, parliament accepts Kuchma's resignation and grants support to Kravchuk's demand for control of the cabinet with particular regard to economic policy, but also votes to hold new parliamentary elections in March 1994 and new presidential elections the following June.
- June 1994** In the election between rivals Kuchma and Kravchuk, Kuchma wins the presidency in a runoff election.
- July 1996** President Kuchma scores an important victory over the forces of resistance with the adoption of Ukraine's first constitution since attaining independence.
- 1999** Kuchma wins his second five-year term as president in elections.
- November 2000** The headless body of journalist Georgy Gongadze, a critic of Kuchma's corrupt government, is found in the Ukrainian forest.
- March 2001.** Over 10,000 people rally against Kuchma, in large measure motivated by the mounting evidence that he was involved in the kidnapping and murder of Gongadze.
- April 2002** U.S. FBI officials arrive in Ukraine for a second time to investigate the accusations against Kuchma in the kidnapping and murder of Gongadze.

April 2002, international focus on the controversy was renewed by a second visit to Kiev by officials of the United States Federal Bureau of Investigation (FBI). A presidential guard who planted the secret digital tape recorder in Kuchma's office that incriminates the president has been granted asylum in the United States. Thus far the FBI's conclusions support the accusations that President Kuchma was involved in the kidnapping and murder of the journalist. However, neither the legal nor the political aspects of this case are settled in 2002.

Mr. Gongadze was not the first, nor the last, to die in the stormy arena of Ukrainian politics. Journalists, businesspersons, and political candidates have lost their lives, often in ways or in circumstances that left no solid answers to apparent crimes. Nor has Mr. Gongadze's story, or those of the myriad other victims of allegedly politically motivated murders, been enough to elicit persistent and effective demands for political change. Just barely into its second decade of post-Soviet independence—a record of independent sovereign statehood unmatched in Ukrainian history since the seventeenth century—the country whose title means “borderland” or “the edge” is certainly living up to its name.

Geographically, Ukraine exists on the borders of East and West. It constitutes a Texas-sized fertile plain, except for the mountainous southwest of the country. The country borders on seven other countries and two seas. However, the phrases “borderland” and “the edge” are also apt metaphors for the political fate of contemporary Ukraine. Once considered the most promising of all 15 former republics of the Soviet Union, Ukraine has experienced social, political, and economic roller-coaster rides throughout the past dozen years of independence. Today, the political situation in Ukraine continues to reflect a populace divided by language, ideology, and geography. In what follows, we review the brief but rocky history of these matters since the collapse of the Soviet Union in 1991.

HISTORICAL BACKGROUND

1988–91: Prelude to Independence

By 1989, the four-year efforts of the last Soviet leader, Mikhail Gorbachev, to salvage the Soviet Union through measures of *glasnost* (frank discussion of the problems facing the Soviet Union) and *perestroika* (reform of the Soviet economy and bureaucracy) were spinning out of the statesman's control. The people of the Soviet Socialist Republic of Ukraine found this as an opportunity to ex-



MAP OF UKRAINE. (© Maryland Cartographics. Reproduced by permission.)

press their desire for change, particularly through the new legislative body representing federal republics called the Congress of People's Deputies that had been created by the Soviet Union in 1988. Voters in each of the federal republics could elect representatives, or deputies, to this lawmaking body.

Not surprisingly, the first elections to the Congress of People's Deputies, held in 1989, resulted in significant victories for candidates of the Communist Party of Ukraine (CPU). The results of the election, though, were less significant for its immediate outcome than for its longer-term consequences. Although the CPU provided 90 percent of all candidates and won nearly 88 percent of the Ukrainian republic's proportion of seats in the Congress, the prospect of anything resembling a competitive election to a Soviet Union body was a turning point in history. As scholar Sarah Birch has concluded in her 2000 book, *Elections and Democratization in Ukraine*, this election, though statistically favorable to the CPU in its immediate outcome, in reality "fragmented the party and galvanized the opposition, paving the way for the truly competitive contests of 1990."

In 1990 nearly 85 percent of eligible voters in Ukraine participated in what would become the second of three electoral stages culminating in the choice for independence. The 1989 elections involved a new legislative body that met at the "all-Union," or federal, level. According to Birch, Ukrainians in 1990 had an average of 6.4 candidates per seat to choose from for elections to a new Ukrainian-level parliament, as opposed to an average of 1.9 candidates per seat in 1989's federal level elections. A political system was taking shape, as evidenced not only by the impressive voter turnout and the greater number of candidates, but also for the organizational aspects of the election. Specifically, the rise—and success—of a Democratic Bloc of emerging political parties indicated a maturing in the institutions of Ukrainian politics.

Political Parties and Interests Form

Two related issues were gaining purchase with the people of the Soviet Ukrainian republic: political-economic reform and national independence. Political-economic reform advocates defined progress as a move toward more extensive

democratic processes and a turn toward free-market economics, and away from the state-controlled system of communism.

Reformers were not all cut from one cloth, however. Different people desired similar outcomes for different reasons. The same can be said for the advocates of national independence. There was, for example, disagreement over the question of democratic and free-market reforms. A nationwide consensus on these matters was therefore unlikely. Indeed, after analysis of the 1990 electoral results, Birch concluded that they “revealed an electorate that was becoming increasingly well-defined in social terms.” Political divisions within society were becoming more obvious, as was the promise of being able to address these divisions through democratic processes.

As both an ideology and a political party, communism was still a force to be reckoned with in Ukraine in this early period. It is clear, though, that many party elites were guarding their privileges as party elites, perhaps more so than they were standing on principle. In other words, the former beneficiaries of the old communist system, mostly former Communist Party bureaucrats and directors of state-owned industries and collective farms, were protecting their salaries, homes, and exclusive opportunities with great determination.

Geographical references are central to understanding the evolution of post-Soviet Ukrainian politics. Clearly by 1990 the most fervently independence-minded region of Ukraine was Eastern Galicia, which was once part of Poland and consists of the three provinces of Lvov, Ternopil, and Ivano-Frankosk. The city of Lvov, within the province of the same name, was the font of much independence-motivated activism.

Demographically, Ukraine is divided between its western regions and those of the east and south. In the west, Ukrainian nationalism is very strong, anchored in language and customs that have survived centuries without an independent Ukrainian political system. Indeed, the long experience of being subject to, among others, Polish and Russian-Soviet domination intensified the nationalist spirit in these regions.

To the east of the Dnieper River and to the south toward the Black Sea are mostly Russian-speaking people, many of whom were highly resistant to the independence movement. In the east are highly populated cities built around coal and other mining industries that were once valuable to the industrial power of the Soviet superpower (while it lasted).

To the south are, among others, Crimean Tatars, occasionally the most independent-minded of all Ukrainian residents, in that many in this population support complete Tatar independence, from Ukraine itself even. In recent years, this population has swelled with returnees from Central Asia, where hundreds of thousands of Tatars had been deported in 1944 by communist dictator Joseph Stalin in retaliation for alleged support of the Nazis in World War II.

By 1991 pro-independence nationalists were roughly divided into two camps, democratic and market reform advocates (“national democrats”) and “nationalist communists” who supported varying degrees of independence for Ukrainians but not political-economic reform. The common denominator for the two was nationalism, the desire for a truly Ukrainian nation founded up a common language, education, and culture. Again, these sentiments were most strongly held in western Ukraine, though there were pockets of Ukrainian nationalists throughout the country.

Alternatively, there were two camps of “anti-nationalists,” again divided along political-economic lines. The liberals were not necessarily opposed to nationalist aims; rather, their priority was political-economic reform toward democracy and capitalism. If national independence was required to achieve these goals, so be it. Birch explained that the “national democrats viewed democracy as a means of achieving independence, whereas the liberals viewed independence as a means of achieving democracy.” The truly anti-nationalist group turned out to be the last holdouts for retaining (or later re-establishing) Ukraine’s status as a semi-autonomous republic within a federal union. These “imperial communists” were the strongest opponents of change and the strongest advocates of retaining close ties with Moscow.

Rise in Political Activism and Organization

In the months leading to the two historic public referenda held simultaneously in 1991 Ukraine—one on the subject of independence, the other to choose a popularly-elected president—political organization and activism increased significantly. Of course, it should be kept in mind that these were times of great change sweeping across not only the Ukrainian plains, but throughout the Eurasian landmass as well. West and East Germany reunited into one federal republic across the ruins of the Berlin Wall, and eastern European nations from the Baltic Sea to the Black Sea declared themselves free from the Soviet stronghold. At the same time,

THE POLITICAL SYSTEM

The political system of the newly independent Ukraine evolved in various ways over its first post-Soviet decade. The Constitution of 1996 institutionalized a complex system of participatory democracy, including electoral and appointment procedures that were evolving since the independence referendum of 1991. The Ukrainian parliament, or Verkhovna Rada (hereafter Rada or parliament) is a unicameral body with 450 deputies elected through a mix of two electoral schemes.

Voters in Ukraine cast two votes in parliamentary elections. On one ballot is a competition among political parties, each with a list of candidates, called party lists. The voters choose among the parties, and those parties that garner over four percent of the popular vote get a number of parliamentary seats proportional to their popular support. For example, a party receiving 25 percent of the popular vote will receive 25 percent of the 225 parliamentary seats up for election. Ukrainian voters cast a second ballot, this time for individuals seeking to represent single-member districts, not unlike the elections for the U.S. House of Representatives, except that in Ukraine the individuals running for single-member seats are from a much larger pool of political parties and many are running as independent candidates.

It is not uncommon in Ukraine for members of parliament to be elected as independents, then to begin cooperating with a party or a bloc of parties once in parliament. This may change as time passes and the party system becomes better defined, but at this point in time the prevalent condition in parliament is for no political party to receive a majority of seats, thereby necessitating the formation of coalitions comprising like-minded minority parties. These coalitions are often fragile, driven by events, and influenced by the political skills of the president.

The people of Ukraine directly elect the president for five-year terms. Measuring the true power of the

presidency is a difficult task, for as is often the case, presidential power is a combination of constitutional authority—which is likely to be curbed somewhat by the constitutional authority of parliament and the courts—and personal persuasive capabilities. The president, being electorally separate from the parliament, must often rely on his political skills to create and sustain a parliamentary majority coalition. His constitutional authority to name the prime minister and cabinet officials is an important linkage between the presidency and parliament. The prime minister heads a cabinet of bureaucratic ministries known collectively as “the government.”

In most parliamentary systems, the prime minister and the cabinet are the leaders of the majority party in parliament, and their ability to govern depends on sustaining the majority status of their party or, in some cases, coalition of parties. In many of these systems, officials such as the president constitute the mostly ceremonial position of head of state. The prime minister—as head of government—possesses the actual executive authority. In mixed systems such as Ukraine and Russia, with the head of state, or president, possessing real constitutional authority and an electoral mandate to exercise it, the prime minister is secondary in power to the president.

The prime minister typically has responsibility for economic policy in the country, though as is discussed below, tensions have arisen between the Ukrainian president and prime minister over policy matters as well as over political jealousies between the officials. In Ukraine, the president names the prime minister and the cabinet of ministers, subject to parliamentary approval. The president’s choice of prime minister reflects his efforts to sustain a parliamentary majority necessary for legislative support of his agenda.

widely diverse peoples from the western edge of the defunct Warsaw Pact to the Pacific east coast pondered the possibilities of independence. For those experiencing these social, political, and economic transitions on a day-to-day basis, the future was anything but certain.

In Kiev, workers, students, and political activists sustained weeks of protest, culminating with

the resignation of the prime minister in October 1990. The protestors were demanding a wide scope of political and economic reforms, including multi-party elections leading to and consolidating national independence, an independent Ukrainian currency, and the transfer of properties held by the Communist Party—including media outlets—to public ownership, with eventual privatization also the goal of many protestors.



DEMONSTRATORS IN KIEV CARRY SIGNS WITH PHOTOS OF "VICTIMS OF PRESIDENT KUCHMA'S REGIME" WHO HAVE BEEN JAILED OR KILLED. MOST OF THOSE PICTURED WERE POLITICIANS. MURDERED REPORTER GEORGY GONGADZE IS PICTURED AT RIGHT, NEXT TO A SIGN READING "YOU CAN BE THE NEXT." (Photograph by Viktor Pobedinsky. AP/Wide World Photos. Reproduced by permission.)

Such demonstrations, while generally uncharacteristic of Ukrainian political culture, had been staged over the previous summer, when the Ukrainian parliament elected hardline Communist Vladimir Ivashko to be president of the republic. Ivashko's strident opposition to political and economic reforms prompted the formation of a new democratic association among political parties and individuals making up the 450-seat parliament. The Narodny Rada, or People's Council, would comprise the newly formed Ukrainian Republican Party and Democratic Party, as well as members of a reformist wing of the Communist Party known as the Democratic Platform. While initially unable to match the power held by the Communist Party's hold on parliamentary seats, a rapidly forming opposition was clearly becoming manifest.

In time, President Ivashko had made token statements of support for Ukrainian independence, but such pronouncements were not enough to preclude his ouster and replacement with Leonid Kravchuk, a more sophisticated political operator whose skills would sustain his influence for the next several years. As president, Kravchuk announced the prime minister's resignation, thereby securing his own position without significantly advancing the cause of the protestors, at least not in the short-term.

Throughout 1991, Ukrainian elected officials negotiated with one another on plans for public referendum to decide the fate of the emergent country. The basic choice was between sovereignty and semi-sovereignty in a more or less sustained Soviet Union. The latter choice was tied to the struggling Soviet Union leader Mikhail Gorbachev and his call for a new Union Treaty. The matter was resolved on December 1, 1991, in the third of the three electoral events leading to Ukrainian sovereign statehood. Nationwide the vote for sovereignty garnered over 90 percent of the electorate's support. In addition, and in a rare electoral feat, Leonid Kravchuk was elected president—now of an independent Ukraine—by an absolute majority of the popular vote in the first round of voting, precluding the need for a runoff election as is a more typical outcome.

1992–94: Establishing Sovereignty

The long process of state-building is rife with complexity under any circumstances. When the process includes the emergence of 15 sovereign states, each rising from the ashes of a collapsed superpower *and* each constituent of numerous ethnic and linguistic minorities, the possibilities for dis-

aster are innumerable. That the epochal events of 1988–91, which would usher in the ill-defined “post-Cold War era” of international politics, occurred without massive bloodshed, not to mention nuclear holocaust, will stand permanently as an unparalleled historical subject.

Ukraine itself was territorial home to a vast arsenal of nuclear weapons, as well as the less menacing but symbolically important Black Sea Fleet stationed at the now-Ukrainian port city of Sevastopol on the Crimean Sea. Russian-Ukrainian negotiations for ownership of the rusting Black Sea Fleet would eventually overcome obstacles and conclude favorably for both sides. The world felt little threat from these diplomatic tussles, and only paid attention to them as indicators of evolving Russo-Ukrainian relations. The matter of nuclear weaponry, however, was one that understandably attracted global attention.

The Nuclear Weapons Issue

The fate of nuclear weapons on the territories of four post-Soviet states—Russia, Ukraine, Belarus, and Kazakhstan—was a vastly complex matter. That Russia would remain a nuclear power was not generally questioned; Russia would also assume the permanent United Nations Security Council seat vacated by the Soviet Union, and would otherwise occupy a host of diplomatic spaces previously occupied by the U.S.S.R. The sudden introduction of three additional nuclear weapon states into the world, however, was a daunting prospect. Ukraine would emerge as the most reluctant of the three to give up these weapons of mass destruction. This was due less to Ukrainian concerns for security against a foreign enemy, though Russo-Ukrainian relations were highly uncertain at times, as it was due to domestic politics.

Although the nationalists of Ukraine were split by the question of political-economic reform, most could agree on the utility of retaining possession of the arsenal. Quite simply, the lure of great power status implied by the possession of such deterrent and destructive power was difficult for nationalists to ignore. For the next three years, diplomats and political leaders from the United States, Europe, Russia, and Ukraine would work out a common agreement, so that by late 1994 Ukraine had ratified international agreements guaranteeing Ukraine's status as a non-nuclear weapon state. The nuclear arsenal would eventually be shipped to Russia for dismantlement. The years of uncertainty about the fate of such an arsenal, located in an area of great strategic importance for the United States, Europe, and Russia (not to mention Ukraine itself), were il-

lustrative of how significant the changes were that were occurring to Ukraine.

The Promise and Perils of Independence

In the years following the 1991 elections, Ukrainian political and economic conditions failed to live up to the hopeful expectations of both domestic and international observers. Worldwide this period was filled with aspirations for a peaceful and prosperous post-Cold War era, in which democratization and international cooperation seemed to flourish in the reunification of Germany and in the spread of democratic and free market reforms in Eastern Europe, Latin America, and parts of Africa.

The success of Operation Desert Storm in reversing the Iraqi invasion of Kuwait in 1991 gave credence to the idea of a new world order based on multinational cooperation centered in the United Nations. Progress was taking hold in many areas of the world such as in eastern Europe, where participation and the promise of membership in such institutions as NATO and the European Union helped to consolidate democratic gains. The world, however, was soon witness to grave setbacks in Yugoslavia, Somalia, Rwanda, and elsewhere.

Fortunately, the situation in Ukraine never approached the level of violent chaos that was happening in those troubled lands. Indeed, just months before the fateful December 1991 independence referendum, the *Times* (UK) reported a survey by the German *Bundesbank* that ranked Ukraine as best prepared for economic transition relative to all other former Soviet republics. Nonetheless, hopes for the successful emergence of a prosperous and democratically progressive Ukraine were time and again dashed on the twin shores of economic stagnation and short-term political considerations, often leading to political corruption.

The economic problems facing the newly independent nation were numerous and deeply troubling. Ukraine depends heavily on gas and oil imports from Russia, a situation that hampers the development of a truly independent Ukrainian identity by giving Russia a powerful instrument of influence over Ukrainian decisions. The dependence on Russian energy supplies has wreaked havoc with Ukrainian efforts to control its own economy, mostly by creating a multibillion dollar debt problem for the Ukrainians, who cannot always pay for their energy imports. The ability to manage this and other balance of payment problems is greatly influenced by the decisions of international financial institutions, such as the International Monetary Fund (IMF) that was

UNITED NATIONS CHRONICLE COMMEMORATION: THE THIRD MOST POWERFUL NUCLEAR ARSENAL RENOUNCED

On August 24, 2001, Ukraine celebrated the tenth anniversary of its independence. The United Nations issued the following commemoration about Ukraine's international standing.

From the moment of achieving independence, Ukraine has shown itself as a predictable and peace-loving member of the international community. Having clearly defined its priorities in foreign policy, Ukraine continues to adhere to them purposefully and unswervingly. The main strategic directions of its foreign policy are integration in the European Union (EU) and strategic partnership with the Russian Federation, the United States and Poland. These directions—in conjunction with its friendly relations with neighbouring States, its activity on regional and subregional levels, and its participation in multilateral diplomacy and peacekeeping—became the basic elements that determine Ukraine's foreign policy today. Its strategic aim to become a full-rights member of the European Union is to ensure the country's stable economic growth, social harmony, political stability and state independence and security. The European Parliament supported the entry of Ukraine into the Union . . .

A top priority step to get into the Union is membership in the World Trade Organization. In 1997, Ukraine started bilateral negotiations with the WTO member States as to access to the market of goods and services. Presently, it holds negotiations with 39 countries, among which are members of EU, the United States, Japan, Canada, Australia and countries of the Central European Free Trade Association.

As one of the founding members of the United Nations, Ukraine has always regarded the Organization as a universal mechanism for resolving global problems and for building close cooperation among its members. Its participation in the United Nations activities during the last ten years has been extremely productive. Ukraine's active and well-considered position on numerous issues on the UN agenda has been widely recognized by UN Member States. . . . Its election to the Security Council as a non-permanent member for the period 2000–2001 has become one of the most im-

portant achievements of Ukraine's foreign policy since its independence . . .

For ten years, Ukraine has turned into a reliable partner of the United Nations in carrying out its peacekeeping operations. Nearly 12,000 peacekeepers from Ukraine have fulfilled their mission under the UN flag in many parts of the world—the Balkans, the Middle East, Asia, Central America and Africa . . .

Ukraine was one of the countries that proposed the convening of the General Assembly special session on HIV/AIDS and actively worked to make this event possible . . .

Ukraine is developing cooperation with the Council of Europe. During its membership in the Council, it has become party to 33 European Conventions and Agreements of the Council, and signed and ratified the greater part of the international and legal documents to which it had to accede and meet the obligations undertaken upon joining the Organization. Ukraine's membership promotes development of "European thinking," and directs the State power and the public thought at high democratic and humanitarian standards, which are the foundations of the contemporary European civilization.

By its foreign policy and constructive position with regard to the numerous items on the international agenda, Ukraine presents itself as a predictable, balanced and reliable partner, which conducts understandable policy. Its voluntary renunciation of the third most powerful nuclear arsenal in the world for the sake of strengthening stability and security on the planet is the most vivid evidence of such policy.

Ukraine still has a long way to go. However, democratic choice will remain invariable. Having started the construction of a democratic European State, it will pursue this course in the future.

Celebrating the tenth anniversary of independence, Ukraine faces the future with confidence, which is connected with the future of the European family of nations.

United Nations Chronicle. [Cited July 15, 2002.] Available on the World Wide Web at <http://www.un.org/Pubs/chronicle/2001/issue4/0104p66.html>.

created in the aftermath of World War II for the purpose of assisting countries with these sorts of problems.

By the 1990s it was common for the IMF to place strict conditions on loans it provided to countries facing economic turmoil, such as requiring the recipient government to privatize government-owned industrial and agricultural enterprises, to slash spending on popular but budget-draining social programs, and to liberalize its investment and trade policies to allow more interaction with for-

eign investors, producers, and consumers. In sum, the new government of Ukraine was faced with domestic and international pressures to transform the nation's economy from the communist system of state-owned industries and farms—in which the interests of the local and, for the most part, of the Soviet Union communist parties determined wages, prices, and trade interactions—into a system in which a combination of the local, regional, and global marketplaces would determine such dynamics.

These grand shifts in the economic infrastructure of Ukraine were to be implemented at the same time as the inauguration of a new political system based on participatory democracy, in which office-holders make decisions that not only affect their constituencies, but also decide their chances for reelection. And, to return to our history of recent Ukrainian politics, there was a stultifying lack of consensus in regard to the countless details included in the above-mentioned policy areas; indeed, the resistance to the reforms necessary to make those transitions was persistent and often emanated from surprising sources.

Having won the presidential election, Leonid Kravchuk proceeded to consolidate his position in the uncertain political system. As the *Economist* observed on December 17, 1992, “under the guise of nation-building” Kravchuk carved a strong role for the presidency, partly by taking advantage of a population that had endured great hardships in the twentieth century and was thus desirous of positive leadership. However, President Kravchuk would soon be confronted not only by the sheer magnitude of the problems facing the country, but also by the rising star of his second prime minister, Leonid Kuchma. Indeed, the next two years of Ukrainian political life would be overshadowed by the moves and counter-moves between these two politicians.

Kuchma Draws Attention as Prime Minister

Nearly any commentator on Prime Minister Kuchma is compelled to point out that he came to the premiership from a rather unique position: prior to Ukrainian independence, Kuchma was not only a long-time Communist Party functionary, he was the director of the largest missile factory in the world, located in the city of Dnepropetrovsk in southeastern Ukraine. Upon his elevation to prime minister, advocates of economic transformation put their hopes in the perception that as a former boss in the industry perhaps most closely tied to the statist policies of communism, Kuchma would possess unique legitimacy in the eyes of the notoriously anti-reform industrial leaders who feared losing their privileged status in a free-market system.

Only someone with Kuchma’s credentials could be persuasive enough with the industrial leaders to successfully privatize the stagnant, inefficient state-controlled (or highly subsidized) economic sectors, or so the thinking went. In truth, the reformers worried they could be wrong about this, and they knew that as a Russian-speaking industrialist from the conservative eastern re-

gion of Ukraine, Kuchma would be under a great deal of pressure to resist reform. They also knew, however, that they had no one else to whom they could turn.

Indeed, Kuchma slowly and often hesitatingly began to carve a path of reform, all the while maintaining a close balance between the opposing political forces—those who felt his reforms were in no way proceeding rapidly enough, and those who fought against any semblance of reform. In the words of the November 21, 1992, *Economist*, Ukraine had begun to turn “its attention from building a state to building an economy,” and doing so required decision-making power that cannot come from a politically fractured parliament.

On Kuchma’s agenda were a broad attempt at tax reform, a move against government support for failing industries, progress toward market reform in the agricultural sector, and, perhaps ironically given the charges later hurled at Kuchma himself, a determined attack on corruption in government. Reformers who also wanted to see progress toward diminishing state controls over wages, foreign currencies, and trade found themselves largely disappointed in these areas, and not fully satisfied even in the areas Kuchma did attempt to change.

After six months as prime minister, Kuchma’s policies had succeeded in sustaining both supporters and opponents, but overall were progressing enough to embolden the prime minister to request additional economic steering powers from parliament. This time, however, President Kravchuk emerged as an opponent of Kuchma’s quest for power and change. Kuchma had clearly been outpacing Kravchuk in positive public attention, and the latter was determined to enhance his status by turning against the reformist premier and seeking to advance his own base of power.

By October 1993 political winds in parliament seemed to be in Kravchuk’s favor, at least for the time being. In May of that year parliament rejected Prime Minister Kuchma’s offer to resign in the face of Kravchuk’s abandonment of the already weak reform agenda and in the face mass labor strikes in the eastern mining areas where wages were scarcely paid. However, in October, parliament not only accepted Kuchma’s resignation and granted support to Kravchuk’s demand for control of the cabinet with particular regard to economic policy, but also voted to hold new parliamentary elections in March 1994 and new presidential elections the following June. This decision led the *Economist* to comment on October 2, 1993, “Ukraine’s parliament decided to commit suicide rather than wait to be strangled.”



UKRAINIAN PRESIDENT LEONID KUCHMA (RIGHT) AND THEN-ITALIAN PRESIDENT OSCAR LUIGI SCALFARO SURVEY THE HONOR GUARD AT THE PRESIDENTIAL PALACE IN KIEV IN 1996. DESPITE BEING IMPLICATED IN THE KIDNAPPING AND MURDER OF A JOURNALIST, KUCHMA REMAINS IN POWER. (Photograph by Gleb Garanich. Reuters/Archive Photos, Inc. Reproduced by permission.)

The parliamentary elections of 1994 illustrated the country's lack of political development. Ukraine was still two years away from adopting a new national constitution, and there was still a lack of political parties officially contesting the election. Rather, the large majority of candidates ran as independents or tied to non-party organizations such as trade unions. In these largely candidate-centered elections, the voters often cast "negative" votes—in numerous run-off elections between two candidates in which the winner must garner over 50 percent of the popular vote, the voters managed to vote against both candidates. It would be months before all the seats in the Rada would be filled. The Ukrainian political party system had not yet matured; party organizations had failed to become an institutionalized part of the electoral process.

Once the parliament was fully staffed, it became clear that even in the post-Soviet era the communist ideology remained strong. In the years to come, nearly any attempt to steer Ukraine toward a capitalist, free-market economic system was strongly resisted by individuals tied either formally or informally to the Communist Party or to smaller parties with similar ideologies.

Kuchma Wins Presidential Election

In the June 1994 contest between rivals Kuchma and Kravchuk, Kuchma won in a runoff election after neither candidate acquired even 40 percent, much less a majority, of votes in the first round of voting. As in 1991, the presidential election results pointed to social divisions along two fault lines: reformists versus anti-reformists, and western nationalists and pro-Europeanists versus eastern/southern Russians and Russophiles. While neither candidate put forth a strong pro-reform agenda, Kuchma was seen as at least a moderate reformer and thus had the upper hand with those voters who supported change toward a more free-market economic system. It was the geographic-ethnic divide more than the issue of economic reform, however, that determined the election outcome. This was demonstrated somewhat in the first round of voting, but was starkly prevalent in the runoff election.

In the end, the incumbent Kravchuk prevailed in the western region of the country, where Ukrainian national pride and a resistance to close ties to Russia are strongly held feelings. Meanwhile, Kuchma swept the east and the south, which are populated by mostly Russian-speaking people, many of whom desired close ties to Russia. (Kuchma's first and most fluent language is Russian and his home is in the eastern region.) Kuchma also out-pollled Kravchuk in the central region along the Dnieper region, where the emphasis is mostly on local conditions and the Ukrainian-Russian nationalist debate is less pronounced.

The outcome of the election was determined by simple demographics: the eastern and southern regions of Ukraine are considerably more populated than is the western region. With strong victories in the east and south, and a more narrow but conclusive victory in the central region, Kuchma won the runoff election by a margin of 52 percent to 45 percent. The remaining three percent constituted "negative" votes in which both candidates were rejected in a sort of "none of the above" ballot.

1994–99: One Step Forward, Two (or More) Steps Backward

In the next five years of Ukrainian history there were signs of progress toward what westerners would consider a normally functioning economy, that is, an economic system based on principles of limited government intervention in the economy, on a system of laws to protect private property rights and contract agreements, and on a stable, productive relationship with international trading and investment partners. Unfortunately, the reality

in Ukraine was that all indications of progress in these directions were overtaken by resistance from parliament, from industrial and agricultural leaders who benefited from the old communist ways of doing business, and, perhaps most disappointing, from the behavior of the president himself, who could never seem to muster the courage to resist the temptations of corruption. In other words, in spite of occasional reasons to believe Ukraine was getting its act together, the events of 1994 to 1999 not only disappointed advocates of reform, but also comprised a mere prelude to the truly depressing events surrounding turn of the century.

From the elections of 1994 through the summer of 1996, the opponents of reform in the Rada succeeded in derailing plans to privatize industry and agriculture. There is little doubt that taking the steps necessary to transform the Ukrainian economy would have led to short-term pain for privileged elites and for everyday workers. In the long run, however, such measures could have produced real economic progress for the nation at large, as was occurring in other post-communist societies such as Poland and the Czech Republic. Rather than confronting the challenges of change, however, the anti-reform members of the Rada continued to preserve the status quo.

International financial institutions such as the World Bank and the International Monetary Fund were not pleased with these developments, and responded by threatening to suspend loan payments worth hundreds of millions of dollars. President Kuchma was moderately successful on overruling the parliament's anti-privatization measures, but without a clear constitutional division of power in monetary affairs, the Rada simply continued to print and spend money on unproductive subsidies, raising the prospect for continued high inflation. In addition, Kuchma was trying to maintain a delicate balance between pushing for economic reform while failing to live up to his promises to crack down on government corruption that mostly took the form of heavy bribes imposed upon international investors by unscrupulous bureaucrats. The prevalence of such corruption prompted the nation's chief prosecutor to resign rather than keep up the fight.

Overall, a counterproductive pattern was taking shape. Promises of reform were made, followed by an agreement on international loans conditioned on the fulfillment of these promises that never seemed to fully materialize. This resulted in a freeze on the loans and then a new round of negotiations. The United States, having the predominant voice in the World Bank and the IMF, continued to sup-

port Ukraine's cause in the international financial institutions in spite of the setbacks. In addition, the United States provided direct aid to Ukraine, which for a time was the third largest recipient of American foreign aid behind Israel and Egypt. Simply put, the interest of the United States was in promoting democratic, free-market transitions in the post-Soviet world.

Therefore, the United States chose to withstand disappointments in the progress of the new government in the hopes that its patience would be rewarded by the emergence of a western-friendly Ukraine. It should be kept in mind that in many of the former Soviet republics, including Ukraine, there were undying demands for a return to not only the policies of communism, but also for the actual reconstruction of the old Soviet Union. Obviously, such a possibility was directly counter to the national interests of the United States.

The Adoption of the 1996 Constitution

In July 1996 President Kuchma scored an important, albeit limited, victory over the forces of resistance with the adoption of Ukraine's first constitution since attaining independence. This was not an easy accomplishment. Indeed, the president had to threaten to call new elections before parliament relented and agreed to ratify the constitution.

According to the constitution, the president retained the right to name the prime minister and cabinet ministers, but only with the approval of the Rada. Thus, a system of checks and balances was instituted, which democratic theorists maintain is a necessity to prevent the emergence of tyranny. In addition, the president retained the right to direct many areas of economic policy by decree, that is, without the input of the parliament. However, in another example of the constitutional limits on presidential power, this was a temporary measure that would expire in 1999 when the president's current term would end.

The adoption of the constitution was an important step in securing Ukraine's independence. Celebrations of this political progress, however, were soon overtaken by events. Within months after the ratification of the 1996 constitution, it was clear that the problem of corruption in the form of bribery, graft, and even murder continued to plague the nation. In addition, as the calls for Ukraine to give up the idea of independence and rejoin a hypothetical re-establishment of the Soviet Union began to quiet down, new sources of tension emerged based on differences between the various regions within Ukraine. For example, the president was crit-

icized for steering disproportionate amounts of government subsidies and contracts to the region of Dnepropetrovsk, while the workers in the mining region of Donetsk went without pay and access to political connections. The fact that Kuchma fired Prime Minister Marchuk, a moderate supporter of economic reform, and replaced him with the anti-reform Pavlo Lazarenko of Dnepropetrovsk, was evidence of the sort of political maneuverings at work.

The spring of 1998 brought another round of parliamentary elections in Ukraine. In large part due to the constitution of 1996, political parties were better organized in the 1998 elections than in previous elections. The electoral system described earlier, in which voters cast two ballots, one for a party list and one for an individual representative, was legally established by the constitution.

This turned the electorate's attention toward party platforms for the party list elections that filled 225 of the Rada's 450 seats. The remaining seats were contested by individuals, many of who were independent of party ties (though a number turned toward party organization within the Rada once they took office). The parliamentary elections did not produce a majority winner. The Communist Party sustained its plurality with approximately 27 percent of the 450 seats. The proportion of seats won by other leftist parties that would in most cases vote with the Communists in the Rada brought this coalition's ratio of seats to over 38 percent. Moderate parties, that is, supporters of, at most, very gradual economic reform, received nearly 23 percent of the seats, followed by the most reform-minded deputies' accounting for just over 13 percent. The remainder of seats was won by independents.

In presenting and analyzing these data, Sarah Birch concludes that in this election, geographic divisions within Ukraine played a lesser role in explaining voters' choices. Rather, socio-economic factors were shown to be dividing the electorate to an unprecedented degree, in addition to the more typical split between economic reformers and anti-reformers. The socio-economic factors recognizable in the 1998 balloting remain an important factor among the Ukrainian public today, in particular regard to the gulf separating the educational and occupational opportunities available for poor, politically unconnected Ukrainians from the opportunities taken for granted by the families of Soviet-era party elites.

The First Term: Diplomatic Success, Domestic Turmoil

In sum, the Kuchma administration of 1994–99 succeeded in ensuring that Ukraine would retain its

independence from Russia, but overall failed to fulfill the promise of a progressive, democratic, and capitalist Ukraine. The successful establishment of a seemingly permanent Ukrainian statehood was no small feat, and should not be taken for granted. After all, with only a brief interruption in the early twentieth century, Moscow had ruled the territory occupied by Ukraine for over 300 years. The very idea of a sovereign Ukraine was simply foreign to many Russians. Ukraine's dependence on Russian energy supplies did not make the situation any easier for supporters of Ukrainian independence.

Considerable credit was rightfully given to Kuchma for consolidating Ukrainian independence and for conducting a carefully balanced diplomacy between Russia and the United States-dominated West. He successfully negotiated a deal with Russia over the ownership of the Black Sea Fleet of naval ships (resulting in co-ownership of the rusting but symbolically important fleet), and he successfully negotiated with the United States and Russia in regard to the nuclear weapons that were left on Ukrainian territory after the collapse of the Soviet Union (resulting in the transfer of the weapons to Russia for dismantlement).

Building upon these diplomatic successes, Ukraine during this period joined the Partnership for Peace program established within the North Atlantic Treaty Organization (NATO) to help consolidate political and military transformations throughout most of the territory previously part of and controlled by the Soviet Union. Certainly, without the prior settlement of the nuclear weapons issue, Ukraine's mostly favorable relationships with NATO and the United States would have been far more difficult to forge and sustain. In addition, these accomplishments illustrated a shift toward the West, and thus by implication away from Russia, in President Kuchma's diplomatic priorities. Indeed, Kuchma not only brought Ukraine into NATO's Partnership for Peace program, but in 1997 he also succeeded in attaining special status for Ukraine vis-à-vis NATO, in the form of a Charter for a Distinctive Partnership between NATO and Ukraine.

The diplomatic successes discussed above stand in stark contrast to the domestic political conditions. While the constitution of 1996 was a bright spot in Ukrainian political development during this period, the process of getting the constitution ratified was hardly a model of democratic values in action. Then again, those involved in the process were by definition operating without constitutional guidance. Political parties began to add structure to

Ukrainian electoral and legislative politics, but did little to stem the tide of corruption rapidly taking over the political system. The unicameral parliament enshrined in the constitution was divided among party blocs to such an extent that no party or coalition could muster a majority bloc, thereby stifling the lawmaking process.

By 1999 it seemed as though two Ukraines were taking shape. That is to say, contradictory patterns indicating both a progressive and a regressive Ukraine seemed to be developing. Constitutional ratification stood side by side with deepening government corruption. Indicators of economic growth were noted simultaneously with inflationary policies and a persistent multi-billion dollar debt to Russia for energy imports.

RECENT HISTORY AND THE FUTURE

1999–2002 and Beyond

On November 16, 1999, the *Times* (of London) characterized the Ukrainian presidential election as offering voters a choice between “regression and corruption.” The “regression” was offered by Communist Party leader Peotr Symonenko, whose agenda included the re-nationalization of the industries privatized under Kuchma and a severance of relations with NATO and the European Union. Symonenko would go as far as renewing the call for a restored Soviet Union.

Roman Solchanyk in his book, *Ukraine and Russia: The Post-Soviet Transition* (2001), reports that at the time of the election only ten percent of the Ukrainian public held a positive view of the incumbent Kuchma. In the first round of an election that would receive forthright international criticism for the coercive tactics used to ensure the incumbent’s advantage, neither of the candidates received a majority of votes, each having lost ballots to even less popular candidates. In the November runoff election, Kuchma defeated the Communist leader by approximately 20 points.

Of greater importance than the margin of victory are the political dynamics revealed in this election. Specifically, in terms of policy substance, Kuchma would make a dramatic westward turn. However, in terms of political tactics, the incumbent strongly affirmed his critics’ greatest fears about corruption in high places, exhibiting a pattern of behavior that would be surpassed only by his post-election activities. In the 1994 election, Kuchma had capitalized on his Russophone background in combination with a Russian-friendly

rhetoric to sweep the large cities of eastern and southern Ukraine. In 1999 Kuchma’s strategy could scarcely be farther from his previous campaign. In the contest against the Communist Party leader Symonenko, Kuchma’s campaign built upon his relative success in foreign policy vis-à-vis the West, implying a leaning toward further free-market reforms at home.

Following the election, the *Economist* titled its report of the results, “Leonid Kuchma, Ukraine’s Dismal Choice.” Kuchma’s abuses of power to secure his victory included all-too-credible threats against media outlets that wavered in their bias toward the incumbent. Should a television station, for example, be perceived as not toeing the line, it could find itself under intrusive tax investigations or even facing the seizure of its broadcasting license. Kuchma also put his crony connections to full use, prompting the *Times* of London to quote in a November 16, 1999 article, his opponent’s declaration that “It was not Leonid Kuchma who won the elections, but certain oligarchic clans and systems of corrupt power who fought to remain in power.” In the time since Kuchma’s reelection, it seems that his biggest achievement may have been to drive more Ukrainian citizens into the anti-reformist, even full-blown communist, camps.

The domestic and international criticisms of the unethical abuses of power that Kuchma had utilized to secure his victory would nonetheless change neither the election outcome nor Kuchma’s abuse of power in office. For some time into his second administration, Kuchma acted upon his pro-western rhetoric, for example by appointing Viktor Yushchenko as prime minister, who was known as a strong advocate of economic reform and a fierce opponent of Russia. In the end, Kuchma would lose the protection that his prime minister provided; in April 2001 the anti-reform members of parliament succumbed to pressure from industrial and agricultural oligarchs whose power was threatened by Yushchenko’s reforms, and cast a vote of no confidence, that is, ousting the prime minister from office. His removal from office forced Kuchma, as ever without a trace of principles beyond sustaining his grip on power, to adjust his policy stance once again.

Since Yushchenko’s ouster, Russian-Ukrainian relations have warmed considerably, while western fears of further policy reversals have increased. The situation was aptly described by an ordinary Ukrainian citizen, Volodymyr, an unemployed engineer who now tries to eke out a living driving a cab, (as quoted by Elizabeth Piper in her March 26, 2002, article appearing in *Johnson’s Russia List*):



A PROTESTOR PLACES FLOWERS IN THE SHIELDS OF POLICE WHO ARE GUARDING LEONID KUCHMA. U.S. OFFICIALS ARRIVED IN UKRAINE IN APRIL 2002 TO INVESTIGATE FOR A SECOND TIME THE PRESIDENT'S POSSIBLE INVOLVEMENT IN THE DEATH OF A JOURNALIST. (Photograph by Viktor Pobedinsky. AP/Wide World Photos. Reproduced by permission.)

"What's going to change? We cannot get away from Russia. Gas pipelines and trade are like the veins that join Russia and Ukraine as one body. And the heart? I don't know if either of us have a heart."

In the meantime, of course, the grisly discovery of Georgy Gongadze's headless corpse would become big news, even further shaking domestic and western confidence in Ukrainian stability down to this day. Indicative of the rediscovered friendship between Russia and Ukraine, Russian President Vladimir Putin chose to remain silent on the unfolding murder mystery.

As the twenty-first century became reality, President Kuchma was faced with charges far more serious than election-rigging. Evidence against him in the kidnapping and murder of the journalist is convincing. A former presidential guard named Mykola Melnychenko claimed to have secretly inserted a digital tape recorder into Kuchma's office. Included in the more than 300 hours of recorded conversations were statements allegedly made by Kuchma clearly implicating him in the kidnapping and murder. Various private and governmental institutions—including the FBI—have concluded that the tapes were not doctored, in contrast to

Kuchma's claim that snippets of many different conversations were joined together to falsely implicate him in the crime. The guard Melnychenko has been granted asylum by, and is currently living in, the United States.

As time passed, the Gongadze murder mystery festered and numerous other scandals came to light, some including assassinations of bankers, politicians, and others that only reinforced the detrimental effect of the Gongadze case on Ukrainian politics. Parliamentary elections in the spring of 2002 resulted in yet another Rada defined by deep divisions. The electorate's choices reflected a clear societal split between pro-Russian and pro-European Ukrainians, divided once again by geographical region.

Additionally, and hardly surprising, international observers cited massive electoral cheating by the new pro-Kuchma political party called For United Ukraine. However, as stated by a *Baltimore Sun* newspaper editorial on April 11, 2002, in Ukraine, "history is improvisational." The clever editorial comment was referring to the fact that even with the vote-rigging, the For United Ukraine Party managed to garner only about 12 percent of the popular vote in the party list balloting, putting them third behind former Prime Minister Yushchenko's pro-reform Our Ukraine Party and the Communist Party.

The next presidential election is scheduled for 2004, provided President Kuchma is allowed to remain in office until then.

On February 14, 2001, the Carnegie Endowment Russian and Eurasian Program convened a panel of experts to discuss the political crisis in Ukraine. In regard to "Kuchmagate," as the Carnegie Endowment labeled the Gongadze murder scandal, panelist Anders Aslund managed to find a positive sign in the very fact that the scandal had attracted the attention it did. To quote from the summary: "As Aslund pointed out, scandals only happen in open societies, and thus they are good indicators of transparency and openness." This may well be so, but just how much comfort Ukrainians can take in Aslund's conclusion is questionable. Murder, graft, bribery, vote-rigging, and media manipulation—all linked to elected officials—do not bode well for any society, even if such activities are the subject of media reports and political debates.

If the past is prologue, Ukraine's second decade of sovereignty in over 300 years arrives with heavily laden and tattered baggage. Foreign aid and investment have not completely dried up and are

unlikely to do so. The United States' search for reliable coalition partners in its global war on terrorism has not yet reached Ukraine specifically, but has extended into Ukraine's neighbor to the south, Georgia, and involves NATO and European Union related institutions as well. Russo-American bilateral relations will continue to partly define Ukraine's position in the world.

What will become of Leonid Kuchma? Given the history, the author will allow the reader to reach his or her own conclusions on this matter. What will become of the people of Ukraine? Amazingly, *in spite of* the history related in this essay, Ukraine is arguably in better shape than certain other former republics of the Soviet Union. Given that the Ukrainian people have chosen for the most part to peacefully voice both consent and dissent in regard to their political system, we may conclude that the nation will continue to muddle through. The future of Ukraine, while not immune to strong outside influences, is for the people of Ukraine to decide.

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Gregory P. Granger

WAR CORRESPONDENTS TODAY

THE CONFLICT

Since 1812 more than 1,400 journalists around the world have died on the job. Like soldiers, journalists often work in hostile environments and accept a certain risk, but they do not carry weapons, have no training in warfare, no one watches their backs, and they often work against the wishes of governments, even their own. Being a war correspondent demands courage in the face of danger, physical endurance in tough climates, and a determination to balance the public's right to know with the military's need for secrecy.

Political

- War correspondents throughout history have often faced government and military censorship. There must be a fine balance to their coverage: they cannot report news that will endanger the lives of the soldiers by alerting the enemy; on the other hand, they have a duty to portray the truth, whether it is the version the government wants publicized or not.
- In the early twenty-first century, anti-American sentiments are so pervasive that the dangers for U.S. war correspondents seem to be on the rise. In 2001 the leading cause of death among the 51 correspondents who died on the job was murder; it had traditionally been accidents that caused the deaths of journalists.

Social

- Reporting on death and atrocity can desensitize or dehumanize some reporters.

For one month, the fate of Daniel Pearl was a mystery. The *Wall Street Journal* reporter was abducted on January 23, 2002, while investigating Islamic militants in Pakistan, by a group calling itself the National Movement for the Restoration of Pakistani Sovereignty. After the kidnapping the U.S. government pressed Pakistani investigators for answers. Clues trickled in. First, Pearl's kidnappers sent an e-mail message to news organizations, making demands about releasing Pakistani prisoners and claiming the reporter was an agent of the U.S. Central Intelligence Agency (CIA). The message included photographs of Pearl sitting on the ground with a gun to his head, but nobody could tell where he was or the identity of those who held him. A second e-mail message claimed that Pearl was linked to Israeli intelligence. There were rumors that Pearl was buried in a local cemetery, but the body was not found. The Pakistani government apprehended an Islamic militant who claimed to be involved and who believed Pearl had been killed, but he could not lead authorities to the body. Meanwhile, Pearl's pregnant wife Mariane, also a reporter, pleaded with her husband's captors, whoever they were, to let him go.

Then, on February 21, 2002, Mariane, along with the rest of the world, learned of Pearl's tragic fate. A man claiming to be a journalist delivered a videotape to police in Sindh province in Pakistan. The tape had no date, no audio, and no faces other than Pearl's. U.S. and Pakistani officials agreed, however, that the tape was authentic and made one thing clear: Daniel Pearl was dead. The video showed Pearl speaking with someone when suddenly an unseen person slit his throat with a knife. The footage was so grisly that it was not released to the media.

CHRONOLOGY

1854–56 William Howard Russell, a journalist for the *London Times*, becomes the first civilian reporter to accompany an army into battle in the Crimean War.

1898 Publisher William Randolph Hearst, knowing that war sells newspapers, whips up public frenzy for a U.S. declaration of war against Spain. He sends artist Frederick Remington to Cuba to draw scenes from the conflict.

1898 Anna Benjamin becomes the first female photo-journalist covering the War of 1898 for *Leslie's Illustrated Newspaper*.

1914–18 During World War I, the U.S. Committee on Public Information creates its own propaganda about the fighting, and keeps a close eye on journalists, combing over what they write and imposing huge fines if they break its strict rules.

1916 Journalist Henrietta Eleanor Hull (“Peggy”) goes to El Paso to report on the skirmishes at the Texas-Mexico border between General John J. Pershing’s troops and the Mexican revolutionary Francisco “Pancho” Villa. She becomes the first accredited female war correspondent.

June 1944 Radio and print reporters accompany Allied troops to the D-Day invasion of Normandy in World War II.

1965–73 The United States enters the conflict in Vietnam, and it becomes the first U.S. war to be televised. TV viewers see the grisly and violent aspects of war almost as it is happening.

1970s Censorship over the press is tightened after the Vietnam War.

1983 The United States sends troops to Grenada without informing the media, and then bars the media from the island.

1989 In the military conflict in Panama, the United States imposes censorship on the media.

1990s As the media consolidates into fewer, larger conglomerates, the trend is to cut back costs by clos-

ing foreign bureaus. Few television correspondents are permanently stationed abroad. U.S. news coverage of international events becomes limited.

1991 During the Gulf War, the U.S. government resorts to systematic censorship. With 1,600 U.S. reporters in the war zone, the Joint Information Bureau organizes the press into “pools” of journalists guided by military officials, which are assigned different engagements and denied access to some areas of the war zone.

1991 CNN, a relatively new round-the-clock TV news channel, makes its reputation during the Gulf War by sending correspondents to the most dangerous locations. Since the channel is always broadcasting, it can cut to its reporters live whenever bombs start falling.

1991–92 In the Yugoslavian civil war, forty journalists lose their lives.

1996 The Newseum, in collaboration with the Committee to Protect Journalists and other international media groups, establishes a memorial to journalists worldwide who were killed while doing their job. The memorial stands atop Freedom Park in Arlington, Virginia.

2001 Fifty-one journalists die on assignment in this year.

2001 After the terrorist attacks of September 11, 2001, the U.S. government imposes strict rules on what the media can and cannot cover.

October 2001 The war against terrorism in Afghanistan becomes the first “videophone war.” Reporters are equipped with videophones, cameras plugged into satellite phones, that need only a few suitcases of equipment and a car battery for power, allowing television crews to trek up treacherous mountains and get footage in remote danger zones.

February 21, 2002 A month after the kidnapping of Daniel Pearl, the world learns that he has been murdered by his captors.

The killing of Pearl shocked Americans. In a rare comment on a war correspondent by a U.S. president, George W. Bush (2001–) declared (as quoted in the February 22, 2002, *Washington Post*

article “Kidnapped Reporter Is Dead,” by Peter Baker and Kamran Kahn) that the news of Pearl’s assassination made “all Americans . . . sad and angry.” The death of Pearl was particularly shocking



CNN CORRESPONDENT CHRISTIANE AMANPOUR IS FITTED WITH A GAS MASK BAG IN A HOTEL IN SAUDI ARABIA DURING THE 1991 GULF WAR. AMANPOUR IS ONE OF THE MOST WELL-KNOWN CORRESPONDENTS IN THE WORLD. (Photograph by Bob Daugherty. AP/Wide World Photos. Reproduced by permission.)

to Americans for two reasons: one, he was the first U.S. reporter to fall victim to the war in Afghanistan, begun in response to the terrorist attacks of September 11, 2001; and two, he appeared to have been killed and captured not because of anything he had done but because of who he was—an American and a Jew.

Pearl was only the latest of nine foreign correspondents to be killed in the first six months of the war. Eight other Western reporters had already lost their lives in Afghanistan.

The deaths of journalists reporting dangerous events are as tragic as the deaths of anybody else, of course. Many people, however, have come to view a war correspondent's death much like they expect a soldier's death—as an occupational hazard, a risk that comes with the job. In 2001, 51 journalists died on assignment, the highest number since 1995, when 69 died. Since 1812 more than 1,400 journalists around the world have lost their lives on the job. About half of those were covering wars or other violent conflicts. Like soldiers, journalists often work in hostile environments and accept a certain level of risk. Unlike soldiers, however, journalists do not carry weapons, have no training in warfare, no one watches their backs, and they often work against the wishes of governments, even their own. Being a war correspondent, therefore, has always demanded courage in the face of danger, physical endurance in tough climates, and a determination to balance the public's right to know with the government's or military's need for secrecy.

All these characteristics speak to the overall problem for correspondents—being both an observer and a participant in war. War, more than any other event, tends to ignore the rights of nonbelligerents. And so here is the dilemma: to get a good story, a reporter must go as deep as possible into the thick of things—to see the bullets fly firsthand, to check rumors against facts on the ground, to interview combatants on all sides. Yet the ideal reporter is *only* a witness to events. He or she must not interfere, let his or her presence be a factor in a conflict's outcome, or become a victim of that conflict.

In the case of Daniel Pearl, *he* became the story in a way that no journalist wants to be. It is said that the first casualty of war is truth; war correspondents struggle every day against that saying. The result is sometimes that they themselves become a casualty—of truth.

HISTORICAL BACKGROUND

The First Modern War Correspondents

The mid-nineteenth century witnessed the birth of modern journalism and modern war, so, naturally enough, the first modern war correspondents followed. People had long written about war, but these writers were almost always soldiers. Now, however, readers could get independent, civilian “news” from the front not long after events unfolded.

Two technological breakthroughs made this possible. First, the steam engine drove big new

presses to print newspapers cheaply and locomotives to carry them to readers quickly. With readership skyrocketing, publishers competed against one another with sensational coverage of nineteenth-century warfare. Publishers also realized their ability to influence wars themselves. In 1898, as Cubans rebelled against Spanish colonizers and many Americans thought the United States should intervene, publisher William Randolph Hearst knew that war sold newspapers. He whipped up public frenzy for a U.S. declaration of war against Spain. He was developing “yellow press” journalism, named for the rapidly yellowing cheap paper on which it was printed. Philip Knightley relates in his 2002 book *The First Casualty* that in 1898, artist Frederick Remington, whom Hearst sent to Cuba to draw scenes from the conflict, told Hearst that he wanted to return because “everything is quiet . . . There will be no war.” Hearst replied, “Please remain. You furnish pictures. I will furnish war.”

This concise exchange between Hearst and Remington took place by telegraph, the second technological breakthrough that facilitated modern war reporting. Known as the “lightning,” the telegraph—along with its twin, the transatlantic wire—allowed correspondents to cable news immediately to publishers, who could for the first time tell readers in the evening what had happened that very morning hundreds, even thousands, of miles away. (Photography, invented in 1839, was a potential third breakthrough for war correspondents, but publishers in the mid-nineteenth century were not yet capable of reproducing the images in newsprint and magazines.)

The Crimean War (1854–56), in which England, France, and Turkey battled Russia, was the backdrop for the world’s first war correspondent. Many agree that William Howard Russell was the first civilian reporter to accompany an army into battle. Writing for the London *Times*, Russell made clear the advantages of having an independent observer in the field. In the Crimea, he reported, conditions were horrible: there were no hospitals, no medicine, and no doctors. “The sick appear to be tended by the sick, and the dying by the dying,” he wrote, as Alice Fleming notes in *Reporters at War* (1970). In addition, Russell revealed, the British army, led by nobles who knew nothing of modern war, badly maintained its supply lines and often made horrible tactical mistakes. “Am I to tell these things, or hold my tongue?” Russell wondered, according to Knightley in *The First Casualty*. He told, and his dispatches created a public outcry that led to the

shipping of extra supplies to the war front and the toppling of the leadership of the British government.

Russell was also known for first experiencing what would become a constant in war reporting—government censorship. British military commanders were less than delighted by having the *Times*’s man expose their planning snafus. They refused to recognize Russell or to help him, and they considered banning him from the front. Later, however, Russell philosophized that for him and his colleagues, such independence from the military might have been for the best. “Perhaps, after all,” he is quoted in *Reporters at War*, “the state of correspondents who were treated in this way was the more gracious; they were freer agents than they have become since under military censorship with tickets and badges.”

The U.S. Civil War (1861–65) was the first American conflict covered by reporters. It demonstrated, among other things, that war journalism could foster cutthroat competition. Some five hundred U.S. reporters wrote about the war in the North alone, with leading newspapers sending out dozens of correspondents. But there were only so many telegraph lines to go around. In the race to publish first, therefore, rivals would encourage friendly telegraph operators to transmit whole chapters of the Bible to keep the lines busy while they got ready to send their dispatch. Competition could also be counterproductive. In the first battle of Bull Run, for instance, reporters rushed to file their stories in the middle of the day, claiming a great victory for the Union army, but by sunset Confederate forces had triumphed, exposing the rush to judgment of the media. Overall, however, no one could deny the newfound power of the press. Even Confederate general Robert E. Lee confessed to reading Union newspapers to help him decide his next move.

The Two World Wars

World War I (1914–18) and World War II (1939–45) secured the reputation of war correspondents as serious professionals. Increasingly, hotspot reporters were trained journalists who prized factual exposition over literary flourish. Almost all became champions of free speech in crises that sought to limit speech. M. L. Stein in *Under Fire: The Story of American War Correspondents* (1995) notes that, as Richard Harding Davis (see sidebar) said during the Great War—as World War I was known before World War II—“This is a world war, and my contention is that the world has the right to know.”

NOTABLE CORRESPONDENTS

Richard Harding Davis, known as America's first foreign war correspondent, did much to romanticize the profession. Handsome and refined, affecting a derby hat, a walking cane, and kid gloves, Davis enraged his editors but charmed society ladies and made himself seem important, a man to be listened to—and read. During the War of 1898 in Cuba, he joined Theodore Roosevelt's Rough Riders before they stormed San Juan Hill. He and the future president were a perfect fit: Davis put Roosevelt on the front page and Roosevelt put Davis on the front lines. Davis ignored his role as an impartial observer. During a climatic battle, he warned the Rough Riders about advancing Spanish troops and dragged a wounded American to cover. Then he grabbed a carbine and took command of a group whose captain had been killed, shooting as he went. Davis would never again be dismissed as a dandy. One veteran cited in John Jakes's 1967 book *Great War Correspondents* said of him, "I thought that Davis was a parader until I bunked, faced fire, and ate beans out of the same can with him in Cuba. Now I want to hear nothing against him in my presence."

Ernie Pyle was a soldier's reporter during World War II. In contrast to Edward R. Murrow, Pyle did not stand on rooftops to do his broadcasts. Instead, he lived on the ground, side-by-side with regulars. He dressed like a GI and faced all the same dangers. He trudged through the mud, rode in jeeps, ate in the mess, and slept in tents. GIs loved him for telling the war as they saw it, in plain, realistic language, and for portraying them as ordinary people. His work appeared regularly in three hundred dailies and ten thousand weeklies. His first book, *Here Is Your War*, was 1943's top seller, and

that same year he won the Pulitzer Prize. Soon afterwards, he went back to the United States, convinced he would not return to the war. Lured back one last time to the front lines just months before the end of the Pacific War, Pyle was killed by a shot in the temple, right under the rim of his helmet, by Japanese troops. President Harry Truman praised him for telling "the story of the American fighting man as the American fighting man wanted it told." Pyle was buried along with regular soldiers. A simple memorial was eventually erected at the site, engraved with the following words: "AT THIS SPOT, THE 77TH INFANTRY DIVISION LOST A BUDDY, ERNIE PYLE, 18 APRIL 1945."

Christiane Amanpour is perhaps the most well-known correspondent in the world today—male or female. Amanpour is not only CNN's senior international correspondent but a regular on CBS's *60 Minutes*. She described for *Life* magazine in the February 1999 article "A Day in the Life: War Reporter" the "best thing" about her job: "being there and bearing witness. Making a difference . . . kicking butt." Indeed, Amanpour is known for digging up facts in the most dangerous places of the 1990s. During the war in the former Yugoslavia, for instance, when the first NATO bombs fell, Bosnian warlords were enraged by Amanpour's reporting on atrocities committed by their men. Armed thugs roamed the city of Belgrade looking for her. She was not at her hotel, where they ransacked her room. They showed up at the bureau of the Reuters wire service, pointed guns at the staff, and demanded they tell them where Amanpour was. The fearless reporter escaped the country, but did not go home. She merely crossed over to Albania, where she reported on ethnic cleansing there instead.

Often, the military disagreed. In the twentieth century, the U.S. government, like other governments, created institutions primarily to censor reporting. During World War I, the U.S. Committee on Public Information created its own propaganda, and it found little need for independent observers to report on events of unprecedented violence that reflected poorly on the military. The War Department kept a close eye on journalists, combing over what they wrote and imposing huge fines if they broke its strict rules. Allied censors even suggested that correspondents' private letters be tested for invisible ink.

During World War II government control operated through the Office of Censorship and the Office of War Information, forbidding journalists, for example, to show the faces of fallen U.S. soldiers so that audiences back home would not be demoralized. The government also indirectly weakened the press with rationing—it reserved supply ships to transport its own weapons instead of paper, forcing publishers to print smaller editions, and it requisitioned cellulose, a raw material in paper, to make explosives instead of newsprint.



TERRY ANDERSON, CENTER, A FORMER ASSOCIATED PRESS CORRESPONDENT, LISTENS TO A REPORTER'S QUESTION DURING A PRESS CONFERENCE. ANDERSON WAS HELD CAPTIVE IN BEIRUT, LEBANON, FOR NEARLY SEVEN YEARS BY ISLAMIC MILITANTS. (Photograph by Murad Sezer. AP/Wide World Photos. Reproduced by permission.)

World War II, however, was a very patriotic war, and journalists by and large went along with their governments. Sometimes they did so quite literally; radio and print reporters accompanied Allied troops to the D-Day invasion of Normandy in June 1944, and, by the end of the conflict, wounded U.S. correspondents were awarded the Purple Heart.

These global conflicts also ushered in new information technologies. World War I saw the spread of the newsreel—short films shown in movie theaters that were often produced by the government to sell war bonds or otherwise drum up support for the war effort. Far more important was the use of live radio broadcasts during World War II. Wireless technology had existed for decades, but now the ability to be heard live in the United States while broadcasting from Europe meant that the anything-can-happen atmosphere of war could be communicated to audiences in real time.

The U.S. pioneer in this field was Edward R. Murrow. Night after night, Murrow stood on the rooftop of the British Broadcasting System (BBC) headquarters in London as German planes bombarded the city. He began his dramatic broadcast with the words, “This is London.” Murrow cut a dashing figure: he was handsome, draped in a trenchcoat (literally, a coat invented for trench war-

fare), and confidently smoked cigarettes as bombs rained down all around him. He became a symbol of Anglo-American resistance against the Nazis as well as a journalist respected for his courage and integrity.

Women Break In

The story of how women struggled to become war correspondents highlights the curious opportunities that the job offered. It has always required mental steadiness, physical toughness, and even a certain machismo. In other words, many assumed it was a man's job, and a *man's* man's job at that. Robert Desmond in *Tides of War* (1984) cites Archibald Forbes, the legendary late-nineteenth century correspondent for the London *Daily News*, as saying, “the war correspondent may as well stay home with his mother unless he has hardened his heart to take his full share of the risks of the battlefield.”

Defying the stereotype of the reporter as a tough guy, many women left home and took risks, but found no reason to harden their heart. Margaret Fuller, for instance, covered the Italian uprisings of 1848 for the *New York Tribune*. Anna Benjamin became the first female photojournalist by covering the War of 1898 for *Leslie's Illustrated Newspaper*. And Henrietta Eleanor Hull, a.k.a.

WAR CORRESPONDENTS IN LITERATURE

The Quiet American (1955, by Graham Greene). British author Graham Greene struck a prophetic note of criticism of the U.S. meddling in an Indochina at war with French colonists. The novel's title character, Alden Pyle, is a high-minded American who wants to encourage non communist Vietnamese political groups but ends up being connected to a bomb explosion in a local café. In contrast, the narrator, Thomas Fowler, a tough-minded, cynical, opium-smoking British war correspondent who loses his girlfriend to Pyle, arranges to have him killed. *The Quiet American* was made into a movie in 1958.

Scoop (1938, by Evelyn Waugh). This novel satirized the English newspaper business of the 1930s and especially its war correspondence. William Boot is a naïve nature columnist from the country who is mistakenly sent to the fictional African country of Ishmaelia, where a civil war erupts. Despite having no idea what he is doing there, Boot, through dumb luck, gets the scoop. With dry wit, Waugh makes the point that the news is only as good as the people who report it. Waugh himself stumbled into covering the Italian invasion of Abyssinia in the 1930s. "I didn't know the first thing about being a war correspondent," he remarked in *The First Casualty*.

"Peggy," became the first accredited U.S. woman to cover a war, and this before U.S. women could even vote. Hull turned discrimination against her in her favor. Because she was never allowed on the fields of battle or in training camps and hospitals, she focused instead on the daily lives of ordinary soldiers. In so doing, she became a pioneer in bringing a touch of humanity and sympathy for the fighting man that had been lacking in war reporting up to this point.

World War II opened doors much wider for women war reporters. American dailies, periodicals, and wire services (there were many more back then than there are today) sent about one hundred women abroad to cover the conflict. Getting treated fairly was not easy. Military generals discriminated against women, male reporters denigrated them, and press briefings excluded them until late in the war, when reporters like Helen Kirkpatrick and Martha Gellhorn gradually won acceptance on the front lines.

Among these women, photojournalist Margaret Bourke-White stood out for her adventure-some spirit. Accompanied by her husband, a reporter, Bourke-White packed six hundred pounds of cameras, lenses, flashbulbs, and portable developing tanks (along with other luggage) into a small plane. The two then fearlessly flew from Hong Kong to Moscow in small hops, taking one month to reach the Soviet capital. By a stroke of luck, Bourke-White got there shortly before Germany attacked Russia, thus "scooping" all others by sending back the first photos of the offensive seen in the West.

These days, challenges still face women in war situations, but they have fully earned their place as equals in the profession. They are no longer treated differently by official U.S. policies, and U.S. soldiers are increasingly polite (and also female). Cable News Network (CNN) reporter Christiane Amanpour, in fact, is arguably the most respected war correspondent working today (see sidebar). When women are threatened or excluded by foreign belligerents because of their gender, they sometimes still follow in Peggy Hull's footsteps and turn disadvantages in their favor. *New York Times* reporter Donatella Lorch, for instance, remembered in her *Ms.* magazine article "Reporter's Notebook" the experience of being harassed by mujahideen men in Afghanistan, "but because I was 'neither fish nor fowl'—neither an Afghan woman nor a Western man—I was allowed into their private worlds."

Korea and Vietnam

U.S. direct involvement in conflicts in Korea (1950–53) and Vietnam (1965–75) signaled the high water mark of freedom in the history of modern war reporting. Perhaps for this reason, paradoxically, these wars have seemed exceptionally physically grueling, psychologically traumatic, and politically divisive—especially Vietnam. The U.S. military, for better or worse, learned the power of the media after Vietnam and vowed to rein it in.

Censorship was less of an issue in Korea and Vietnam than it had been in the two world wars. During the Korean War, recalled Bill Hosokawa, former editor and reporter for the *Denver Post*, the U.S. army stopped its long-running policy of censoring war news. One of many speakers featured on the Newseum "War Stories" Web exhibit (Available on the World Wide Web at <http://www.newseum.org/warstories/>), Hosokawa explained that, although "there were briefings in which military officers tried to sell what might be called the company line . . . we were completely free to write



AMERICAN WRITER ERNEST HEMINGWAY COVERS THE SPANISH CIVIL WAR AS A WAR CORRESPONDENT IN 1937. HEMINGWAY FOLLOWED A LINE OF WRITERS WHO REPORTED FROM WARS AND OTHER CONFLICTS FROM THE FRONTLINES. (*AP/Wide World Photos. Reproduced with permission.*)

whatever we pleased." Censorship reappeared only after much of the fighting was over. Additionally, in Vietnam, while the military tried to paint its own rosy portrait of a war that was proceeding well, it also did not censor media reports. One correspondent called the military "extraordinarily open" during Vietnam.

Partly because of this access, Vietnam was the first U.S. war to be televised. To many viewers who saw young Americans, wounded or dead, loaded onto helicopters night after night on their newscast, it seemed that journalists were merely doing their job and reporting the reality of a grim, unwinnable quagmire. As Associated Press correspondent George Esper remembered as part of the "War Stories" talks, "we were just telling the public what we saw. . . . We were more honest with the American people than their own government was." The military, however, claimed that the press was focusing on defeats rather than victories and blamed it for undermining the war effort.

In Vietnam technology was, as always, changing but also challenging. Reporters used not only television, but also teletype machines, which could transmit messages through radio signals. Storms or other interference, however, made these transmissions unreliable, and television footage had to be flown to Japan for broadcast, adding days to a

story's freshness. Mostly, reporters used nothing more sophisticated than typewriters and telephones. They sent reports back to the United States not knowing if they would be published and unable to get feedback from editors or readers. In a sense, however, reporters echoed William Russell's comment that isolation on the field may have helped coverage be more objective. Said Associated Press reporter Richard Pyle, who covered the Vietnam conflict and spoke about it on the Newseum's website, "You couldn't write the story and worry about what it means back at [the White House]."

With greater access to the reality of war, however, came greater exposure to it and greater responsibility for it. Wallace Terry, the *Time's* Saigon bureau chief during the war, called the conflict "a constant atrocity." "I lost more than 60 friends in Vietnam," he remembered as a "War Stories" speaker. Vietnam reporters not only feared for their own lives and those of fellow journalists, but they also knew that they could betray U.S. military secrets with their reporting and thus endanger national security. Former CBS cameraman and producer Kurt Volkert recalled for the Newseum that, whether or not his stories got aired, "the risks remain the same, the risks meaning that you get men killed." Journalists, therefore, censored themselves, as when they refrained

from releasing the names of casualties until the next of kin was notified.

U.S. photographers and TV cameramen, finally, had arguably the greatest impact upon the war. Their images of U.S. servicemen burning peasant villages, of a South Vietnamese police officer shooting a Viet Cong suspect in the head, and of naked Vietnamese children running from U.S. napalm attacks, may have helped turn the tide of public opinion against the war.

The 1980s and 1990s

Vietnam made the media distrust the government, but trust is a two-way street, and by the late 1970s the government also felt betrayed by the media. That cloud of negativity hung over the remaining decades of the twentieth century. In addition, other trends were at work to make war reporting increasingly difficult. Among these trends were the slashing of budgets by media corporations and, as opinion polls showed, the public's increasing belief that the ethics of journalists were low—lower than those of even car salespeople or lawyers.

Censorship increased after Vietnam, as the U.S. military avoided having its actions scrutinized. The first taste of what was to come was in Grenada, a tiny island in the Caribbean where the United States sent troops in 1983. There, the media was not informed of plans to invade the island until well after the operation was under way, and correspondents were initially barred from the island. Then White House press secretary Larry Speaks even denied reports that Grenada was about to be invaded.

Similar censorship limited the coverage of the U.S. intervention in Panama in 1989. As a result, reporters had reason to criticize their government even when they agreed with its policy, and often-times found themselves in the position of having to defend their own patriotism. Soldiers on the ground liked to talk to them, correspondents argued, and besides, a good reporter always practiced self-censorship when he or she felt that lives were at stake. Regardless of reporters' arguments, it was clear that the trend toward greater openness, in effect since the end of World War II, was now in reverse.

The Gulf War (1991) was a wider, more serious conflict than Grenada or Panama, and it signaled the return of more systematic government censorship. At the height of the fighting, there were 1,600 U.S. reporters in the war zone, which included Iraq, Kuwait, and the country where most

U.S. troops were based, Saudi Arabia. The Joint Information Bureau organized the press into "pools," or groups of journalists guided by military officials. Pools were assigned different engagements and denied access to some areas of the war zone.

Some reporters insisted that they were being kept from key events. Patrick Sloyan, senior correspondent for *Newsday*, later found out that, of the 146 U.S. casualties in the Gulf War, over half were the result of self-inflicted wounds or friendly fire. The U.S. government's withholding of such information, Sloyan said, "was a total breach of the First Amendment." Veteran reporter Walter Cronkite came out of retirement to tell the U.S. Congress that the government had "trampled on the public's right to know." Thirteen organizations, mostly smaller publications such as the *Nation*, *Village Voice*, and *Mother Jones* sued the Pentagon, but by then the war was over and a U.S. District Court dismissed their lawsuit.

Censorship or no censorship, the war in the Gulf revolutionized war coverage. CNN, a relatively new round-the-clock TV news channel, made its reputation during the Gulf War. It surprised established networks such as NBC and CBS by using satellite technology to its fullest. CNN sent correspondents to the most dangerous locations, and since it was always on, it could cut to them live whenever bombs started falling from the sky. What disturbed veteran correspondent Morley Safer most about CNN's coverage was that it seemed to be a mouthpiece for the military—it presented all of the Pentagon's press briefings and footage unedited and without comment. This gave the military, said Safer, "total control of the news." Perhaps more disturbing to some, footage of bombs zeroing in on Iraqi targets made the war seem like a videogame; American TV viewers no longer had to deal with real human carnage like they did during Vietnam.

Nevertheless, the triumph of cable in the 1990s was clear. Even world leaders relied on war correspondents for information, especially in small wars in remote places such as Rwanda and Bosnia, where embassy staff had been cut back or evacuated altogether. When the U.S. government planned its invasion of Haiti in 1994, strategists gathered in a top-secret "Operation Room." There, they watched TV sets. During the 1992–94 U.S. intervention in Somalia, television was the beginning and the end of the event. Images of starving Somalis inspired the humanitarian mission in the first place, and then gruesome footage of a dead U.S. Army Ranger being dragged down a Mogadishu street prompted public outrage and the extraction of U.S. forces.

Reporters have called such power over government actions the “CNN effect.”

Improved technology, however, did not make hotspots any safer. Wars in Somalia and Kosovo may have been limited in scope, but they often involved abiding ethnic or religious hatreds between some of the world’s most desperate fighting forces. Under these conditions U.S. censorship paled in comparison to intimidation or attacks on war correspondents by soldiers in Bosnia or Rwanda. Not surprisingly, the death toll of correspondents climbed in the 1990s. From 1986 to 1999, more than five hundred journalists died on the job. In the Yugoslavian civil war of 1991–92 alone, forty journalists lost their lives.

Kidnappings also increased in the 1990s. In Columbia, more than three thousand people were kidnapped in 1999 alone by opposing guerrilla groups who made ransom negotiation a veritable industry. Although no U.S. journalists had been kidnapped or killed in Columbia by 2001, due to the high risk posed by kidnappings in this country, many U.S. journalists refused assignments there.

In response to the increasing violence toward journalists, starting in the 1990s most news organizations encouraged those headed abroad to first take part in combat training courses in what was called a “hostile-environment school” in England. There, for four days, military personnel recreated terrorist situations: “students” were pulled out of jeeps and had their faces pushed into the mud and burlap bags wrapped over their heads. The courses challenged them to remain calm in the face of increasingly common situations for journalists, including kidnappings, exploding grenades, and crashing helicopters.

In other ways, however, the job of the war correspondent remained the same. Men or women from all nations, newspaper or television reporters, all learned to function despite rundown hotel rooms, bad phone lines, diseases in the drinking water, and the stress brought on by living under challenging and dangerous situations. Some have described the life of a war correspondent as “long periods of boredom punctuated by terror.” After years of this life—sometimes after only a few months—many came back burned out.

Many war correspondents also claimed to have undergone dehumanization after being helpless witnesses to the sufferings of others. Some reporters felt they saw and knew too much for their own mental sanity and found it hard to make sense of war. In *Dispatches*, his classic account of reporting the Vietnam War, Michael Herr summed up

the dilemma of the war reporter: “You know how it is, you want to look and you don’t want to look.” Reporters found it emotionally draining to be heedless of the horrors before them.

A Salvadoran journalist noted how he approached a dead man’s body, lying bleeding in the street during a civil war in his country in the 1980s. Reporters and photographers gathered around the body, not touching it, not calling the police, just thinking about its newsworthiness and taking pictures. There was no place for sorrow. “You look at things with the view of the press,” he explained in Mark Pedelty’s 1995 book *War Stories*, “not that of a man. To see the dead, you look at the corpse from different angles and then do interviews of the survivors. ‘How did it happen? Who was killed?’ This is not normal.” Unlike magazine readers or TV viewers, reporters could not turn the page or click a remote control. Oftentimes, they just turned off their emotions.

RECENT HISTORY AND THE FUTURE

Correspondents and the War against Terrorism

In some ways, reporting the war against terrorism that began in 2001 seems familiar. In Afghanistan, Sherri Ricchiardi observes in the November 2002 *American Journalism Review* article “Assignment: Afghanistan” that journalists “face a tortured land of lizards, fleas and scorpions; forbidding mountains with stark lunar landscapes; blistering sandstorms and foul water supplies that have left some too sick to work.” Pakistan, the neighboring country that serves as a home base for many journalists, is little better. Reporters have to bribe their way into refugee camps, pay \$360 a night for small hotel rooms, and rent out tiny plots on hotel roofs at nearly \$6,000 a week to do their “stand-ups” for the public back home.

Reporting wars in this new millennium has become faster and more decentralized, and perhaps also more dangerous than ever. As always, technology has played a leading role in these changes. In the first days of the U.S. bombing of Afghanistan in October 2001, television audiences the world over watched grainy broadcasts from the most remote parts of Afghanistan. Reporters were now going into the field equipped not just with satellite phones but with videophones (cameras plugged in to satellite phones). Untethered to satellite uplinks that can weigh over one ton, videophones need only a few suitcases of equipment and

WAR CORRESPONDENTS IN MOVIES

The exciting, dangerous environments in which war correspondents work have long stimulated the imagination. The profession itself has attracted some of the United States' best novelists, including Jack London, Stephen Crane, and Ernest Hemingway. But fact has also spawned compelling fiction, or "fact-based" fiction, especially in movies and novels. Here are a few examples of films featuring the experiences of war correspondents:

Under Fire (1983, dir. Roger Spottiswoode). Nick Nolte, Gene Hackman, and Joanna Cassidy star as reporters in Nicaragua in 1979, during the uprising by the Sandinista guerrillas against the oppressive regime of Anastasio Somoza. An American journalist, Bill Stewart, was actually killed by soldiers during this struggle, and the film faithfully reproduces Central American landscapes and villages. Nolte and Cassidy's characters grow sympathetic to the Sandinistas' cause and face a classic conflict—between what they see and what they feel they should report for the sake of justice.

The Year of Living Dangerously (1983, dir. Peter Weir). Set in 1965 Djakarta, Indonesia, during an upheaval against President Achmed Sukarno, this film stars Mel Gibson as a young journalist from Australia who is "parachuted" into this mess. The audience, through the eyes of this journalist, is introduced to common awakenings among war correspondents—the fact that they are in as much danger as anybody else, for instance, and the contrast between the wealth of embassy receptions and the poverty of slums.

The Killing Fields (1984, dir. Roland Joffe). This movie blurred the line between fact and fiction more touchingly than most. One of its two main actors, Haing Ngor, actually lived much of what his character—an interpreter for a *New York Times* reporter played by Sam

Waterston—goes through. During 1975, after chasing away Americans as the war in neighboring Vietnam wound down, a hardened communist group known as the Khmer Rouge caused the deaths of close to two million Cambodians. Ngor, like his character, spent years in the "killing fields," the brutal Khmer work camps. Unlike most other depictions of war correspondents, this one makes a non-Westerner its hero, showing the tragedies facing those left behind after foreigners are evacuated from chaotic situations. Ngor's performance won him an Oscar for Best Supporting Actor.

Salvador (1986, dir. Oliver Stone). Based on a semi-autobiographical telling of photojournalist Richard Boyle's experiences in El Salvador, *Salvador* stars James Woods as a cynical, unemployed, but fearless photographer who witnesses much of the brutality and the suffering of the poor in this small country engulfed in civil war for much of the 1980s. Like many other movies about correspondents, this one is critical of the terror unleashed by a regime supported by the U.S. government—in this case the Salvadoran military.

Welcome to Sarajevo (1997, dir. Michael Winterbottom). Using as a backdrop the destruction of this beautiful Balkan city, Woody Harrelson and Stephen Dillane play, respectively, an American and a British journalist covering the war there in the early 1990s. Dillane's character illustrates the emotional attachment that many correspondents undergo when they are witness to a tragic crisis: unwilling to simply report massacre after massacre, he embarks on a crusade to save the orphaned children of Sarajevo and himself smuggles home a young Bosnian girl, whom he raises as his own. The film contains many documentary scenes that were deemed too graphic or uninteresting to make the news.

a car battery for power, allowing television crews to trek up treacherous mountains and venture deep into danger zones. Just as the Vietnam War was the first "television war," the war against terrorism is the first "videophone war."

Moreover, the spread of the Internet in the 1990s has allowed immediate, worldwide distribution of text, sound, and images, often without editing or censorship of any kind. In 2001 Freedom House reported on its Web site that press freedom worldwide was slowly improving. It also noted that

cyberspace presented a formidable challenge to closed societies such as China or some Middle Eastern countries because reporting on the Web has been more difficult to suppress than in the traditional news media. In 2000, 99 percent of countries were online, with an estimated total of 407 million users.

As in the past, new technology has made governments nervous for new reasons. The spread of the Internet came at a cost to the United States because all sides in today's conflicts have access to it.

This means that terrorists can maintain Web sites or use e-mail without revealing their identities. Daniel Pearl's killers, for example, set up a free account under the address kidnapperguy@hotmail.com. In another example of increased danger, if a reporter uses his or her satellite phone from a U.S. military base, enemy forces could track the location of that base by tapping into the satellite transmission. Despite it all, according to Associated Press reporter Richard Pyle on the Newseum's Web site in 2001, reporting still comes down to the same basic job: "Find out what's going on, get names, notes, background and such."

The new millennium highlights other trends as well. Since the end of the Cold War, U.S. reporters have complained about the lack of resources devoted to news abroad. Networks and even cable channels have turned their focus to domestic issues rather than to defense or world affairs. Additionally, the consolidation of the media into fewer, larger conglomerates in the 1990s reinforced the tendency to cut back costs by closing foreign news bureaus.

Nowadays, few television correspondents are permanently stationed abroad. Oftentimes the result is what reporters call "parachuting," or dropping uninformed, unprepared journalists into a hotspot and expecting them to immediately understand the local complexities. Parachuting has always been an issue, but, with reporters increasingly competing to speed up their updates and shorten them into mere sound clips, "parachuters" often do not know the history of the place or the conflict they're covering, cannot nurture relationships with reliable sources, and end up making snap judgments that distort reality. Immediately after the 2001 terrorist attacks in the United States, many Americans expressed shock that terrorist networks were spread so widely and organized so well, but many outside the United States had known this for a long time.

In the wake of the 2001 terrorist attacks, the perennial issue of military-press relations resurfaced. The George W. Bush administration requested that news organizations not air unedited footage of Osama bin Laden's taped speeches, fearing that they contained coded messages to his followers. The military also still keeps many of its movements and plans secret, and White House spokesman Ari Fleisher has cautioned the media to "be careful what you say." Loren Jenkins, National Public Radio's foreign editor, called this "the most severe information freeze I've seen in 35 years of reporting."

What the year 2001 made reporters realize the most, however, was the new danger to them in a



WALL STREET JOURNAL REPORTER DANIEL PEARL WAS TAKEN HOSTAGE AND LATER MURDERED IN PAKISTAN, DESPITE U.S. AND PAKISTANI EFFORTS TO FIND AND FREE HIM. JOURNALISTS FACE INCREASING RISKS AS THEY CARRY OUT THEIR JOBS IN CONFLICT AREAS. (AP/Wide World Photos. Reproduced by permission.)

world where lines are becoming increasingly blurred and impartiality in a conflict is ceasing to matter. War correspondents simply cannot help being targeted because of who they are and not just what they do. After Daniel Pearl's murder, for instance, it has become evident that his kidnapping was methodically planned for weeks. A suspect in the case said that Pearl was kidnapped because he was "anti-Islam and a Jew." It also appears that Pearl, in his last moments, was forced to say "I am a Jew. My mother is a Jew."

Several other foreign reporters in Afghanistan have been harassed, threatened, or attacked for being female, Jewish, American or Western, or white. Sherry Ricchiardi writes in the *American Journalism Review* that one constable warned a reporter half jokingly after she and a group of fifty journalists had been chased down Pakistani streets by a mob, "For you the situation was dangerous because any person with white skin we think is [President] Bush."

The U.S. government seems to recognize this new danger. The targeting of Americans during the war in Afghanistan prompted the Bush administration to alter its policy and to take any action to help free any U.S. citizens held hostage overseas, not just U.S. officials. The shift in policy affords a bit of extra security to American journalists as American citizens.

Journalists around the world, however, continue to be targeted simply for being journalists. In 2001 the leading cause of death among the 51 correspondents who died on the job that year was murder; in the past, the journalists' deaths on the job had traditionally been accidents. Belligerents the world over, it seems, are increasingly killing civilians, including journalists, for no apparent reason and with impunity. After the Panama intervention of 1989, *Newsweek* photographer Patrick Chauvel, in *Under Fire*, remembered his confusion at being shot in the back in a hotel lobby. "As soon as I fell," he said, "the shooting around me stopped, as if whoever was shooting had hit his target. . . . Why would a sniper shoot a press photographer?" A similar question must have been in the mind of Daniel Pearl and the other eight media crew members who also died in Afghanistan. They all knew the risks but still probably felt that their status as observers and not participants afforded them some measure of protection.

To commemorate these fallen reporters, the Newseum, in collaboration with the Committee to Protect Journalists and other international media groups, has been collecting the stories and photographs of journalists worldwide who were killed while doing their job. Since 1996 a memorial to these men and women has stood atop Freedom Park in Arlington, Virginia, adding to the half-dozen memorials in the United States already dedicated to fallen journalists.

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Alan McPherson

WATER WARS: MYTH OR REALITY?

“... *Wars of the next century will be about water.*”—
Ismail Serageldin, World Bank Vice President, 1995.

Sensational statements about water wars and water theft periodically crop up in the media, academic journals, and political speeches. Focusing attention on the multitude of river systems that run through more than one country, they warn of the inevitability of war over these precious resources. While the possibility of such inter-state “water wars” in the future cannot be dismissed completely, a more nuanced understanding of the possible linkages between water and conflict is necessary. The reality is that outright wars between needy states is far more rare than low-level conflict and tensions, both between and within countries. At the same time, cooperation between states over water is well-documented.

Nevertheless, the question of what kind of impact scarcities of freshwater will have in the future is worth asking. Problems of quantity and quality are becoming more pronounced, with repercussions for economic and social development in many countries. There is a real possibility that these problems might increasingly spill over into violence. When and how this might occur, and what might be done to prevent it, are therefore all important questions to investigate.

HISTORICAL BACKGROUND

Water Scarcity

Everyone knows that a significant portion of the earth is covered in water (70 percent in fact), so how can we talk of water scarcity? As a report of the Environmental Change and Security Project

THE CONFLICT

Freshwater scarcity is a growing problem in many parts of the world. Many assume that this will inevitably lead to “water wars” between needy states. A brief look at the historical record, however, shows that cooperation between states over water has been much more prevalent than outright war. At the same time, water scarcity has led to low-level conflict between, and within, states. This type of conflict is highly destabilizing and difficult to solve by traditional means. It will likely increase in the future if efforts are not made to better manage water resources.

Political

- Water does not recognize geographic boundaries. Two hundred fourteen river systems are shared between two or more countries. This can lead to conflict between upstream and downstream nations over water quantity and quality.

Territorial

- Freshwater sources are unevenly divided between countries and regions, leaving some with an overabundance and others with not enough to meet their needs.

CHRONOLOGY

- 2,500 BCE** An outright inter-state war over water, the last one in known history, occurs between two Mesopotamian city-states.
- 1960s** The World Health Organization starts collecting water and sanitation statistics.
- 1972** At the United Nations Conference on the Human Environment in Mar del Plata a new consciousness of water-related problems arises.
- 1980s** The World Health Organization names the 1980s the International Drinking Water and Sanitation Decade.
- 1992** The United Nations General Assembly declares that March 22 of every year shall be observed as a World Day for Water.
- 1994** Israel and Jordan sign a historic peace treaty to cooperate on the management and allocation of the waters of the Jordan River Basin, which they share with Syria and Lebanon.
- 1996** India and Bangladesh come to an agreement on the contentious issue of their shared watercourse, the Ganges Basin.
- 1997** United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses lays out a number of guidelines for the use of international watercourses, including principles of joint management, the obligation of states to cooperate with one another, and avenues of peaceful dispute resolution.
- March 2000** The second World Water Forum convenes in the Hague, Netherlands, drawing nearly 5,000 participants from all corners of the globe.
- March 2000** The World Commission on Water for the 21st Century warns that within 20 years the world will be unable to find enough water to grow the food it will need.
- 2001** It is estimated that over one billion people lack access to safe domestic water supplies, and 2.4 billion lack adequate sanitation.
- 2025** Based on United Nations population projections and assuming that current consumption patterns continue, the WRI estimates that by 2025 nearly half of the world's projected population will live in water-stressed river basins.

(ECSP) outlines, it is because only 2.5 percent of that figure is freshwater. Of this small percentage, 79 percent is inaccessible in ice caps and glaciers and 20 percent is found in groundwater. In other words, only one percent of freshwater can be easily accessed by humans, or 0.000008 percent of the earth's total water. Even that figure is somewhat misleading, however. It masks vast disparities that leave some countries or regions with an abundance of water, while others struggle for every drop.

In sum, according to ECSP, “[a]s a natural resource, water has unique characteristics. From a global perspective, it is renewable and abundant; in regional settings, however, it is often finite, poorly distributed, and subject to the control of one nation or group. It is difficult to redistribute economically and has no substitutes. River flows in particular are uneven over time and poorly matched to human needs.”

The quantity of water available to countries who need it for domestic, agricultural, and industrial purposes is therefore highly variable. For example, the World Resources Institute (WRI) states that only two percent of the world's runoff (“the amount of water that is available for human use after evaporation and infiltration takes place”) is received in arid and semi-arid regions. Yet these regions occupy 40 percent of the world. Those areas that need water the most often have the least supplied to them.

Outright depletion of water stocks is also occurring in many parts of the world. *The State of World Population 2001* explains that “[m]any countries use unsustainable means to meet their water needs. If more water is withdrawn than is replenished by natural processes, the excess is essentially ‘mined’ from reserves. These can be recent local aquifers or, in extreme cases, ancient sources of underground ‘paleo-water.’ The water tables under some cities in China, Latin America and South Asia are declining at over one metre per year.” According to Peter Gleick, in his volume *Water in Crisis*, climate change could further impact water availability—potentially affecting temperatures, snow and rainfall patterns, and ocean levels.

The quantity of available freshwater can also affect its quality. As a report of the Carnegie Commission on Preventing Deadly Conflict points out, when water becomes scarce, contaminants become more concentrated. While exact water quality data is hard to find, the WRI's *Freshwater Systems* analysis states that, “The total amount and the number of pollutants entering freshwater systems . . . has grown from a limited number of organic matter



CATTLE DRINK FROM A SMALL POND THAT WAS ONCE A LARGE LAKE THAT REACHED AS HIGH AS THE TEMPLE VISIBLE AT UPPER RIGHT. LACK OF MONSOON RAINS FOR THE PAST THREE YEARS HAS CREATED A VAST WATER SHORTAGE IN INDIA. (Photograph by Roger Lemoyne. Hilton/Archive. Reproduced by permission.)

from human and animal wastes and a few metals from mining to large quantities of human effluent and thousands of chemicals, such as pesticides and fertilizers.”

More polluted water means less water available for human use, and a decrease in overall ecosystem and human health. In recognition of this problem, and the millions of people without access to safe drinking water and sanitation services, the United Nations declared the 1980s the International Drinking Water and Sanitation Decade. However, as a report prepared by The Pacific Institute for Studies in Development, Environment and Secu-

rity in November 2001 details, the problem is by no means solved, even today.

Despite advances made during the 1980s, the World Health Organization (WHO) estimates that, at the end of the twentieth century, as many as 1.2 billion people did not have access to clean drinking water and 2.4 billion people did not have adequate sanitation services. While a lack of this basic human need is a fundamental problem in and of itself, it also has a profound impact on human health in the form of water-related diseases such as cholera, dengue fever, intestinal parasites, and malaria.



FARM MACHINES SIT ON LAND IN TEXAS THAT WAS ONCE A CENTER FOR IRRIGATED COTTON. WHAT WAS ONCE FARMLAND IN THE SURROUNDING AREA HAS REVERTED TO DESERT DUE TO A LOWERING WATER TABLE AND THE ENERGY CRISIS OF THE 1970s. (Photograph by Ted Spiegel. Corbis. Reproduced by permission.)

Increased demand for water is also a factor in water scarcity. As *The State of World Population 2001* outlines, over the last 70 years the global population has tripled, with an obvious impact on demand for water. Growing populations are not the only factor to consider, however. During the same time period, water consumption actually grew more than sixfold (twice the rate of population growth) because of increased industrial and agricultural demand. The good news is that the per capita (per person) use of water has now stabilized, so it is growing at about the same rate as population. The bad news is that “satisfying the water needs of 77 million additional people each year has been estimated as requiring an amount roughly equal to the flow of the Rhine River in Europe. But the amount of available fresh water has not changed.”

Based on United Nations population projections and assuming that current consumption patterns continue, the WRI estimates that by 2025, “at least 3.5 billion people—or 48 percent of the world’s projected population—will live in water-stressed river basins. Of these, 2.4 billion will live under high water stress conditions.” Water stress occurs when water availability per person per year is less than 1,700 cubic meters. Less than one thousand cubic meters brings about high water stress, with possible consequences that can include problems with food production and economic development.

Clearly water scarcity is a serious problem that is affecting an increasing number of people, with social, economic, and developmental repercussions. But, will countries go to war over it?

Water Wars?

The idea that nations would go to war to secure scarce water supplies seems rather straightforward. Water is a vital resource, essential for human life, industrial development, and agriculture—it is easy to imagine that history should be filled with such wars. Interestingly, this is not at all the case. Most analysts agree that the last time there was an outright inter-state war over water was in about 2,500 BCE, between two Mesopotamian city-states. When Aaron Wolf and researchers at Oregon State University put together a Transboundary Freshwater Dispute Database to specifically look at cases of armed conflict over water resources they found that “the actual history of armed water conflict is somewhat less dramatic than the water wars literature would lead one to believe: a total of seven incidents, in three of which no shots were fired. As near as we can find, there has never been a single war fought over water [since 2,500 BCE]. This is not to say there is no history of water-related violence, quite the opposite is true, only that these incidents are at the subnational level, generally between tribe, water-use sector, or state.”

These findings illustrate the subtle distinction that needs to be made between water wars and water conflicts. The latter category can include everything from diplomatic tensions, military maneuvers, or internal violence and civil strife. It is this wider definition that Peter Gleick, a water security expert from the Pacific Institute for Studies in Development, Environment, and Security, uses in his *Water Conflict Chronology*. He argues that “[w]ater resources have rarely, if ever, been the sole source of violent conflict or war. But this fact has led some international security ‘experts’ to ignore or belittle the complex and real relationships between water and security.”

In his chronology, Gleick lists 63 incidents that occurred between 1503 and 2000, involving (either singly or in combination) conflict over control of water resources; water as a military or political tool; water as a target or tool of terrorism; water as a military target; and disputes due to inequitable distribution or use of water. Many of these events never escalated beyond threats into violence, but they serve to illustrate the varying levels of conflict that can occur over water. Together, Gleick’s chronology and Wolf’s dataset shed light on the history of conflict over scarce water resources: a surprising absence of outright war but a frequency of other types of conflict.

The amount of cooperation that has taken place over shared water resources stands in marked contrast to fears of water wars. In fact, despite the political and environmental issues raising tensions between many countries in the Middle East, North Africa, and around the world, instances of cooperation over water resources far outstrip instances of war. In particular, legal solutions to water conflict have been extremely popular. Leif Ohlsson, a specialist in scarcities of water resources, discusses a systematic index prepared by the Food and Agriculture Organization (FAO), which lists more than two thousand instruments relating to international waterways. Most of these are bilateral agreements (between two countries) referring to specific rivers and lakes. A growing number of multilateral agreements also address particular watercourses or drainage basins.

More specifically, according to Gleick in *The World’s Water*, since 1814 “approximately three hundred water-related treaties have been negotiated dealing with management, water allocation, or flood control and hydropower.” Some of these have been highly effective methods of conflict resolution. For example, in 1994, Israel and Jordan signed a historic peace treaty to cooperate on the management and allocation of the waters of the Jordan

A CHRONOLOGY OF WATER CONFLICT

Water security expert Peter Gleick, of the Pacific Institute for Studies in Development, Environment, and Security, has compiled a chronology of water conflict beginning with 1503, when Florence attempted to divert the Arno River away from Pisa during a dispute. Used in this and many other instances as a military tool, water has also been used for political purposes, in addition to its integral value as an environmental resource.

Union military general Ulysses S. Grant used water as a tool of war during his campaign at Vicksburg in 1863 during the American Civil War (1861–65), cutting levees and thus restricting the Confederate army’s access to water. Fifty years later, in 1924, citizens battled over water resources as they bombed the Los Angeles Valley aqueduct and pipeline to prevent water from being diverted from Owens Valley to Los Angeles, California. Dams were routinely bombed, and water used as a military tool, during World War II (1939–45).

Disputes over water are not restricted geographically. China, Pakistan, India, Egypt, Sudan, and other nations around the world have also been involved in clashes over water. Pakistan and India were embroiled in a twelve-year disagreement, from 1947 to 1960, over control of the Indus Basin before an agreement was reached. Egypt sent a military expedition into disputed territory Sudan in 1958 while awaiting negotiations over the Nile River waters. Additionally, border skirmishes between Somalia and Ethiopia between 1963 and 1964 concerned the location of crucial water resources near the Ogaden Desert.

For further details, see Gleick’s “Water Conflict Chronology” on the World Wide Web at <http://www.worldwater.org/conflict.htm> [cited July 23, 2002].

River Basin, which they share with Syria and Lebanon. Similarly, in 1996, India and Bangladesh came to an agreement on the contentious issue of their shared watercourse, the Ganges Basin.

RECENT HISTORY AND FUTURE

Interstate Conflict

In 1993 Stephen McCaffrey wrote, “Some observers predict that ‘the political tension between certain neighboring countries over the use of international rivers, lakes and aquifers may escalate

**POPULATION WITH ACCESS TO
SAFE WATER, SELECT COUNTRIES
BY PERCENT, 1990-97**

<i>Country</i>	<i>Rural</i>	<i>Percent of Urban Population</i>	<i>Total Population</i>
Developing Countries	62	89	71
Afghanistan	5	39	12
China	56	97	67
Congo	7	53	34
Egypt	79	97	87
Haiti	28	50	37
India	79	85	81
South Africa	70	99	87

Source: World Resources Institute (WRI) in collaboration with the United Nations Environment Program, the United Nations Development Program, and the World Bank. World Resources 2000-2001. Table HD. 3. New York: Oxford University Press, 2000.

to the point of war, even before we move into the twenty-first century.’” With the benefit of hindsight, it is clear that these observers were overstating the problem. This does not mean that it is non-existent, however. As has been seen, water scarcity is increasing in the most fragile regions of the world. Though the past holds promise, what might the future of water wars and water conflict look like?

Some facts are clear. As an article by the European Centre for Conflict Prevention (ECCP) states, “an estimated 40 percent of the world’s population depends, for drinking water, irrigation, or hydropower, on the 214 major river systems shared by two or more countries; twelve of these waterways are shared by five or more countries.” It is this abundance of shared water resources—forcing some nations to depend on others for the quantity and quality of their water—that provides the basis for most of the fears of water wars. In *Water in Crisis*, Gleick explains that “this geographic fact has led to the geopolitical reality of disputes over shared international rivers, including the Nile, Jordan, and Euphrates in the Middle East, the Indus, Ganges, and Brahmaputra in southern Asia, and the Colorado, Rio Grande, and Parana in the Americas. As growing populations demand more water for agriculture and economic development, strains on

limited water resources will grow, and international disputes in water-short regions will worsen.”

Nonetheless, most commentators would argue that the existence of a shared waterway is not enough to cause states to go to war. Many stress the importance of a downstream nation that is more powerful than the upstream one. This is because it is the upstream nation that controls the water flow and can, by its actions, restrict it. Only a stronger downstream nation is in a position to do anything militarily about such restrictions. This situation is made even more complex when a number of nations share a single waterway (as is often the case) because there are more upstream and downstream nations to contend with.

In an article for Toronto’s *Globe and Mail*, Thomas Homer-Dixon lists the narrow set of circumstances under which states might go to war over water. In addition to a power imbalance in favor of the downstream nation, he also includes a high dependence on water by the downstream country, the ability of the upstream country to limit the flow of water, and a history of antagonism between the countries.

Only a few waterways fit these parameters—the Nile is one of the most obvious. Egypt is a powerful downstream country, dependent on the Nile’s waters, with history of antagonism with its upstream neighbours, Sudan and Ethiopia. Ethiopia has a growing population and a growing economy, both will require an increasing amount of water in the future. Yet, Egypt has made it very clear that it will not tolerate any lessening of its Nile water supply.

Sandra Postel and Aaron Wolf, in their article “Dehydrating Conflict,” focus on slightly different bases for potential conflict. They begin by arguing that worsening water scarcity is itself not necessarily an indicator of water wars. Instead, they focus on the effects of state actions in response to scarcity. They maintain that a combination of two factors increase the likelihood of conflict: first, a “large or rapid change occurs in the basin’s physical setting (typically the construction of a dam, river diversion, or irrigation scheme) or in its political setting, especially the breakup of a nation that results in new international rivers. Secondly, existing institutions are unable to absorb and effectively manage that change” (in other words, there are no treaties or working relationship between the countries).

According to Postel and Wolf’s analysis, a number of potential future areas of contention ex-

ist, including the Salween River in Asia. The Salween begins in Tibet, flows into southern China, then into northern Myanmar (Burma), then Thailand, then back into Myanmar. All three governments have incompatible plans for the river, the status of Tibet is a matter of some tension, drug lords have control in northern Myanmar, and the urban population of Bangkok, Thailand, is growing quickly. This is clearly an unstable situation.

Yet, war is by no means guaranteed, even with these factors in place. It's safe to say that it is highly unlikely that Myanmar will attack the much more powerful China over access to water resources. However, conflict within Myanmar or Thailand could increase as growing populations compete for scarce resources. As the ECCP article explains, while a less powerful downstream nation is unlikely to go to war with its upstream neighbour, there is a strong possibility that it will experience economic and political insecurity, which could lead to political instability. An example is Bangladesh, "which is last in line to receive water from the Ganges and many other rivers but which almost certainly will not choose to go to war with its mighty neighbor India. But Bangladesh's failure to meet its needs for freshwater is having a destabilizing effect in the region."

Internal Conflict

As in the case of Bangladesh, water scarcity brought about by the actions of a more powerful upstream neighbor is one way that instability, and potentially conflict, can be created within a state. Internal conflict can also occur between cities and farmers over water allocation, and between upstream and downstream regions. The construction of dams and other large-scale projects, an important cause of inter-state tension, can also have a negative impact on local communities, who are rarely the beneficiaries of the development plans. According to the article by ECCP, these schemes "often lead to the displacement of large local populations, adverse impacts on downstream water users, changes in control over local resources, and economic dislocations. These impacts, may, in turn, lead to disputes among ethnic or economic groups, between urban and rural populations, and across borders."

Water scarcity can also lead to conflict through a more complex series of events. Homer-Dixon has conducted extensive research on the linkages between environmental scarcity and conflict. In his analysis, water scarcity (in conjunction with other interlinked environmental problems and social,

WATER FACTS

- Amount of water (per person, per day) needed to survive in a moderate climate at an average activity level: 5 liters.
- Amount of water needed (per person, per day) for drinking, cooking, bathing, and sanitation: 50 liters.
- Amount of water used per day by an average person in the United States for drinking, cooking, bathing, and watering their yard: between 250 to 300 liters.
- Amount of water used per day by an average person in Somalia: 8.9 liters.
- Number of people who die each year because of polluted drinking water, poor sanitation, and domestic hygiene: 5 million.
- Amount spent on bottled water worldwide in 1997: \$42 billion.
- Percentage of urban sewage in the developing world that is discharged into rivers, lakes, and coastal waters without any treatment: 90 percent.
- Typical cost to desalinize seawater: \$1.00-\$1.50 per cubic meter.

Sources: Facts 1–4: "Water: Facts, Trends, Threats, and Solutions." Pacific Institute for Studies in Development, Environment, and Security, 22 March 2002. [Cited March 30, 2002.] Available from the World Wide Web at <http://pacinst.org>. Facts 5–8: World Resources Institute (WRI) in collaboration with the United Nations Environment Program, the United Nations Development Program, and the World Bank. *World Resources 2000–2001*. Box 1.3. New York: Oxford University Press, 2000.

economic and political factors) can negatively affect agricultural and economic production. Much of this effect will be felt by the least advantaged members of society, particularly when they are dependent on these resources for their daily livelihood. This can then have further negative repercussions. As Homer-Dixon notes, water scarcity and the availability of resources can make the poor poorer and the rich more powerful. People may need to move to a better location, but one where they may not be welcome. Additionally, state institutions may be weakened and a population's grievances grown stronger by the challenges of

environmental scarcity. “This conjunction of grievance and opportunity in turn raises the probability of major civil violence, such as insurgency, ethnic clashes, and coups d’état. Research shows that this violence tends to be subnational, diffuse, and persistent—exactly the kind of violence that conventional military institutions have great difficulty controlling.”

Clearly, water scarcity could have an increasingly negative impact on internal and, to a lesser extent, inter-state, relations. Measures to solve current problems, and prevent future ones, do exist, however. They can roughly be subdivided into three categories: increase the supply of water, decrease the demand for it, and improve cooperation over shared water resources.

Increase Supply

The supply of water available to a country can be increased using a variety of different approaches, some more feasible than others. Arnon Soffer, professor of geography at Haifa University in Israel, outlines a number that are being considered in the Middle East, a region facing water shortages, and potentially conflict, if present policies continue.

Importing water: Water can be transported from a country with a surplus to one where it is lacking. This can be undertaken by pipeline or by sea, in vast containers. A number of problems with this type of plan are immediately evident, especially in the Middle East. While cost is certainly one of them, geopolitical realities are an even bigger obstacle. As Soffer makes clear, the importing country would become dependent on the exporter for its water supplies. This is unlikely to be the preferred choice in an area already fraught with political tensions.

Cloud seeding: This is a rather controversial method to bring about rainfall in arid regions using chemical substances such as silver iodide. The benefits of this approach have not been accurately measured, nor have the potential negative repercussions.

Desalination: Removing the salinity from brackish water and seawater to make it useable for drinking and agriculture seems, at first glance, to be an ideal way to significantly increase the amount of water available. It is already being used to a certain extent in the Middle East and Arabian Gulf. However, the process is expensive and prone to environmental side effects of its own (such as pollution caused by the desalination plants). Soffer nonetheless argues that the time is coming when all other options will have been ex-

hausted and desalination will become increasingly important.

Recycling water: Gleick in “Safeguarding Our Water” asks a question that countries are gradually starting to ask themselves: “Why should communities raise all water to drinkable standards and then use that expensive resource for flushing toilets or watering lawns? Most water ends up flowing down the drain after a single use, and developed countries spend billions of dollars to collect and treat this wastewater before dumping it into a river or the ocean.” What if instead the water was treated and then reused? Treated wastewater is already being used in Namibia to supplement drinking water, in Israel for nonfood crops, and in California for “irrigating landscapes, golf courses and crops, . . . supplying industrial processes and even flushing toilets.” Recycling water is a very real option for increasing water supply by using already available water, and will likely be an increasingly popular choice. As Soffer notes though, before it is widely accepted for food crops and drinking water, countries must overcome lingering social, religious, and psychological barriers to the idea of reusing wastewater.

Decrease Demand

While technological fixes sound impressive, they are not necessarily the best answer to long term water needs. In “Safeguarding Our Water,” Gleick argues that “rather than trying endlessly to find enough water to meet hazy projections of future desires, it is time to find a way to meet our present and future needs with the water that is already available, while preserving the ecological cycles that are so integral to human well-being.” As much as increasing the supply of water resources, countries need to find ways to better manage the water they already have. This is especially important when it come to irrigation, since agriculture accounts for the majority of water use worldwide, and it is often undertaken in a highly inefficient manner. Better agricultural practices such as drip irrigation (a much more efficient water delivery system for crops), shifting cropping patterns, different growing techniques, and growing less water intensive foods, can therefore have a profound impact on water availability.

Better water management is essential. As Postel and Wolf note, “stronger policies are needed in most countries to regulate groundwater use, to price irrigation and urban water in ways that encourage thriftiness instead of waste, and to protect rivers and lakes from degradation.” This is easier said than done. Many of the countries in the developing world that most need better water management

to mitigate water scarcity are the least able to implement the necessary innovations because of on-going unrest, social tensions, and institutional failure.

Properly pricing water resources to discourage their wasteful use is an idea that has taken hold among economists and some environmentalists. The argument is that such an approach would decrease overuse by making consumers pay the real cost of water. While acknowledging the true value of water, instead of simply treating it as an endlessly renewable resource, has its merits, there are potential negative repercussions to this approach. Privatization can leave limited water resources in the hands of multinationals more concerned with profit than improving water conservation. Postel and Wolf describe how in Cochabamba, Bolivia, privatization led to water bills equal to a quarter or more of the income of some residents. Months of civil unrest ensued, culminating in several days of violence. The situation only calmed when the water system was returned to public control.

Improve Cooperation

The 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses is a relatively new tool in the arsenal of conflict prevention. This Convention lays out a number of guidelines for the use of international watercourses, including principles of joint management, the obligation of states to cooperate with one another, and avenues of peaceful dispute resolution. Two key (and, some would say, contradictory) elements of the Convention are its emphasis on “equitable use” of shared waterways on the one hand and “no significant harm” to other states on the other. As Wolf explains, “equitable use” emphasizes the rights of upstream nations to develop the waterway to catch up to past development by downstream nations. On the other hand, “no significant harm” favors the pre-existing user (generally the downstream nation), and protects it from a diminishment in water availability caused by development of the waterway by the upstream nation.

For example, Iraq and Syria are downstream nations on the Tigris and Euphrates, respectively. Both are heavily dependent on the waters of these rivers, which originate in Turkey. In the past, Turkey has not needed to make very much use of their waters. Now, it is asserting its right to build huge dams on both rivers, for electricity and irrigation. Equitable use of the waters implies that Turkey should be able to “catch up” to Syria and Iraq and use as much water as those two states have



WATER CONSERVATION METHODS EMPLOYED IN OREGON HAVE RESULTED IN INCREASED IRRIGATION SUPPLIES IN THE DROUGHT-PARCHED KLAMATH BASIN OUTSIDE OF KLAMATH FALLS. (Photograph by Jeff Barnard. AP/Wide World Photos. Reproduced by permission.)

been using. However, this use by Turkey has the potential to do significant harm by limiting water availability to the downstream states. While such contradictions add complications to the inter-state negotiating process, the 1997 Convention nonetheless provides guidelines for increased cooperation between states.

Another factor to consider is that proposed by the authors of “Shared Rivers and Interstate Conflict” in *Political Geography*: “the incentives for cooperation may depend on the nature of the water dispute . . . in rivers where there is a *quality* problem, such as in the Rhine or the Colorado River, there is a strong incentive for cooperation. . . . In the Nile and Ganges, characterized by a *quantity* problem, the incentives for cooperation are less obvious.” It seems that the issues at stake—and whether states feel that they have a vested interest in cooperating or not—is an important aspect of the conflict resolution process.

As has been seen, water-related bilateral and multilateral treaties have also shown themselves to be an effective, and popular, way of dealing with a variety of water disputes. Nonetheless, legal instruments should not be considered the solution to all water scarcity problems. Though the number of

treaties signed is impressive, as Wolf explains at a Worldwatch discussion on water and security, almost half of them “don’t have any monitoring mechanism. More than half don’t have conflict resolution mechanisms. Eighty percent don’t have an enforcement mechanism, and more than half don’t deal with the most intricate issue of all, which is water allocations.” Furthermore, in terms of potential future problems, Gleick points out in *The World’s Water* that it is “possible that international water law may simply be an inappropriate mechanism for addressing some of these problems, such as subnational and local disputes.”

In order to deal with conflicts within countries, different approaches are required such as, for example, involving local populations more directly in the conservation of water and the resolution of water conflicts. Bottom-up approaches that allow resource users to help determine local policies are oftentimes far superior to top-down approaches that impose solutions on them. Yet, traditional approaches to conflict resolution and to water management are often, unfortunately, overlooked. As the Water and Conflict session of the 2000 World Water Forum concluded, “more cooperation is needed between all parties involved. Local organizations, academic institutions, the corporate sector, and governmental and private organizations can have an important impact on the resolution of fresh water conflicts, a fact which has been largely ignored until now.”

Water and Conflict

As Wolf succinctly points out, “war over water is neither strategically rational, hydrographically effective, nor economically viable.” Water wars, while not an impossibility, are unlikely in the absence of highly specific parameters. These can include power imbalances between upstream and downstream countries and large-scale water development projects undertaken in the absence of cooperative agreements. A more pressing danger is internal conflicts, which can be brought about by declining water supplies, falling agricultural production, and destabilizing migration patterns. If we are serious about preventing future crises, more attention will have to be directed toward better managing our use of water resources.

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Jessica Blitt

WOMEN, PEACE, AND SECURITY: UNITED NATIONS RESOLUTION 1325

THE CONFLICT

Although women worldwide have historically been victimized by armed conflict and have been active in their promotion of peace, they have not been included in peace negotiations at the end of conflict. Not only do some of their needs go unaddressed, but the peace that is built is lacking the imprint of more than half the population. In 2001 the United Nations Security Council unanimously adopted Resolution 1325, its first resolution on women and peace and security. Among the items it called for were the prosecution of crimes against women and the appointment of more women to UN peacekeeping operations. It also called on the United Nations to study the impact of armed conflict on women and girls, the role of women in peace-building, and the gender dimensions of peace processes and conflict resolution.

Political

- Peace negotiations must widen their perspective to include all the people effected by war. In the 1990s civilians accounted for up to 90 percent of those killed in armed conflicts, and more than 75 percent of the millions of people worldwide who have been forced by conflict and human rights violations to leave their homes in search of safety are women and their dependent children.
- In a post-conflict situation, where many households are headed by women, the lack of legal rights for women in some nations means that women can be removed from their family homes, unable to vote, unable to maintain custody of their children, and unable to focus on rebuilding and strengthening the emerging society.

On the morning of Tuesday, October 24, 2001, the lights in the United Nations Security Council Chamber dimmed. The eyes of the Government delegates were drawn to a giant screen—then the images began. Through voices and visuals, government delegates learned of war crimes committed against women and girls in every corner of the globe. They heard about the thousands of babies being born from rapes and forced pregnancy, of young girls abducted by troops, forced into sexual slavery and infected with the HIV/AIDS virus. They also saw how, in the most dangerous of circumstances, women have shown leadership as peacemakers, reaching across great divides to seek resolution and common ground.

When the video ended, there was silence, then the rare sound of applause echoed around the chamber. This was the first time that the issue of women and armed conflict had ever been addressed by the UN Security Council. It was clear that the time had come. The special session was extended by an extra day as government after government urged the council to investigate women's human rights violations during war, as well as their contributions to peace negotiations and lasting security.

After three days the UN Security Council unanimously adopted Resolution 1325, its first resolution on women and peace and security. The 18-point resolution calls for the prosecution of crimes against women, increased protection of women and girls during war, appointing more women to UN peacekeeping operations and field missions, and ensuring that more women participate in decision-making processes at the national, regional, and international level. Resolution 1325 also calls for the United Nations to carry out a global study on the impact of armed conflict on

CHRONOLOGY

December 1990 A group of women in Sri Lanka known as Mothers and Daughters of Lanka assemble in a park to pray for peace. This is the first group in the nation to have taken such a public stand against the war.

1991 After two decades of war in Cambodia, women successfully lobby for a place at the peace table when the new constitution is being drafted. The results are a constitutional guarantee of equal rights, including the right to vote, the right to participate in politics, and the right to choose their professions.

1992 The Somaliland Women Development Association (SOWDA) in northwest Somalia collects funding to create a police force to ensure a peaceful and secure environment for the public. In the same year, the women also demonstrate for an intervention in the civil war between two clans.

January 1994 The Liberian Women's Initiative is formed to speak out against the ongoing war in their country and to collect small arms.

April–May 1994 For six weeks in Rwanda, genocide erupts. Somewhere between 500,000 and one million ethnic Tutsi were massacred by their Hutu neighbors.

1995 The Dayton Peace Agreement ends the Bosnian War. No women are present at the peace negotiations.

1996 As the Guatemalan war ends, women demand to be part of the peace making process. As a result, the Guatemalan peace agreements provide for new opportunities for women for social and political participation.

2000 The peace process in Burundi is started without women present at negotiations. UNIFEM gets all negotiating parties to accept women's involvement in the peace process, leading to the first All Party Burundi Women's Peace Conference, in which women from across ethnic and political lines work to develop a list of recommendations to be included in any future framework for the country.

2001 UNIFEM and International Alert establish the Millennium Peace Prize, an award recognizing the critical contributions that women make to building peace, protecting women's human rights, and sustaining communities during war.

October 27, 2001 The United Nations Security Council adopts Resolution 1325.

women and girls, the role of women in peace-building, and the gender dimensions of peace processes and conflict resolution.

Noeleen Heyzer, Executive Director of the United Nations Development Fund for Women (UNIFEM), applauded the Council's decision. "The intertwining forces of gender inequality and conflict threaten international peace and security. Today, members of the Security Council established a new precedent for the twenty-first century," she was quoted in an October 2000 UNIFEM press release. Without international action, women caught in conflicts have no security of any kind. Without women's full participation, the peace process itself suffers. Women's exclusion from peace negotiations cripples women's and girls' chances of gaining equal rights in post-conflict societies and hinders the economic and political progress that are so important to stabilizing post-conflict nations. It is noteworthy that during peace negotiations throughout history significant efforts

have been made to bring all the fighting parties to the table, but rarely has attention been paid to the systematic exclusion of more than 50 percent of the population—the population of women—many of whom have been promoting peace. The United Nations Resolution 1325 set out to remedy this exclusion.

HISTORICAL BACKGROUND

Impact of Armed Conflict on Women and Girls

When someone mentions war, traditionally one thinks of armies made up mostly, if not entirely, of men in uniform. Casualties usually mean wounded soldiers. Wars have changed. Conflicts between countries have largely been replaced by internal ethnic conflict. Militias have multiplied and small arms have proliferated. In World War I (1914–18), only 5 percent of all casualties were civilian; in World War II (1939–45) that number



AFGHAN REFUGEE WOMEN GATHER TO DISCUSS PROSPECTS FOR PEACE IN AFGHANISTAN, AS WELL AS REFUGEE REPATRIATION AND THE ROLE OF WOMEN IN AFGHANISTAN IN DECEMBER 2001. (Photograph by Charles Dharapak. AP/Wide World Photos. Reproduced by permission.)

was 50 percent; and in conflicts in the 1990s, civilians accounted for up to 90 percent of those killed, according to Bruce D. Jones and Charles K. Cater in *Civilians in War: 100 Years After the Hague Peace Conference*. The large majority of these people are women and children.

In the midst of war, the media and warring parties often focus on military operations and strategic victories. Yet no matter which side comes out the victor, people suffer in diverse ways. While both men and women are affected by sexual violence during armed conflict, women and girls are particularly vulnerable to gender-based violence and sexual exploitation. Parties to conflict often rape women and girls free from punishment; systematic rape is sometimes used to terrorize a population. During the 1994 Rwandan genocide it has been estimated that every woman and girl over 12 years old who survived the killings was raped, according to an 2000 Organization for African Unity (OAU) report. When a woman survives a rape, she will then have to contend with the risk of an unwanted pregnancy, sexually transmitted diseases such as HIV/AIDS, social rejection, and psychological and physical trauma. In addition to rape, other forms of gender-based violence include sexual mutilation, sexual slavery, and forced prostitution. Many of these risks and consequences are

present not only in the midst of the fighting but also in places like refugee camps where people have fled for safety.

Women are also more likely to be displaced by conflict. More than 75 percent of the millions of people worldwide who have been forced by conflict and human rights violations to leave their homes in search of safety are women and their dependent children, noted Graça Machel in her 2000 report *Impact of Armed Conflict on Children*. Displacement, whether it is within a country or across borders is dangerous. It deprives people of the security of their community and exposes them to hunger and disease and deprives them adequate health care and shelter.

Conflict not only threatens people physically but economically as well. The scarcity of vital resources such as food and water present real dangers for everyone. Women, though, often do not enjoy the same social and economic status as men, and may be particularly vulnerable to extreme poverty. The women of Afghanistan provide one stark example. As of June 2001 there were, in the capital city of Kabul alone, an estimated 40,000 women who had become widows as a result of the war. Because the Taliban prohibited women from working, many were forced to beg in the streets for survival. In some 80 countries worldwide, conflicts

have sown economic disaster in the ground with landmines that lie hidden along paths and in fields. As a result entire communities are impoverished because they cannot access the land to grow food. Long after violent conflict has ended, agricultural workers and people who collect water for their family (the latter usually women), are vulnerable to becoming maimed or killed.

In times of armed conflict entire communities are devastated. Different people are, however, targeted and harmed in different ways. It is important to understand people's unique experiences so that when the country is being rebuilt everyone's needs are taken into account.

Women Promoting Peace in Times of Conflict

Women are not only the victims of conflict; they have also played a powerful role in preventing war and building peace. Thousands of women's peace-building organizations exist worldwide, and there are many powerful examples of how women have played a prominent role in peace movements. The following are just a few examples.

Colombia: Colombia has been embroiled in internal conflict since 1964. It is estimated that the death toll has reached as many as 40,000 people since 1986 alone, according to a Ploughshares report in 2001. Civilians caught between the government, rebels, and paramilitary forces have been targeted for kidnappings, executions, and massacres. Yet civilians have not been passive. Women have marched by the hundreds and sometimes thousands into the most dangerous parts of the country, mobilizing public support for peace and symbolically promoting the idea that violence is not the only option to resolve social and political conflict.

Liberia: The conflict in Liberia erupted in December 1989. For the next seven years the country was consumed by civil strife. From the beginning women were involved in providing humanitarian relief. However, after the conflict had continued for five years some women began to take a more political role in promoting peace. It was at this time that the Liberian Women's Initiative was formed. This group brought together women from across ethnic, social, and political lines to work together for peace. Their key initiative was to call for the disarmament of fighters before elections. This was important because it could prevent a situation in which after elections the losing party could pick up arms again and resume fighting. The Liberian Women's Initiative worked with all parties in the peace talks and initiated a program to physically assist in the collection of small arms. In 1996 free



A WOMAN WEEPS UPON FINDING HER HOME IN RUINS IN GROZNY, CHECHNYA, IN 1996 DURING THE RUSSIA-CHECHNYA WAR. WOMEN ARE HISTORICALLY VICTIMS OF CONFLICT, BUT ARE OFTEN LEFT OUT OF THE PEACE PROCESS ONCE THE FIGHTING IS FINISHED. (Photograph by Mindaugas Kulbis. AP/Wide World Photos. Reproduced by permission.)

and open presidential and legislative elections were held and the country began the slow process of rebuilding.

Somalia: The war in Somalia began in earnest in May 1988 when the Somali National Movement (SNM) began fighting the government in north-western Somalia. Other armed opposition groups, mainly clan-based, appeared over the next few years. Altogether some 350,000 Somali lives, many of them civilian, have been lost due to violent conflict and famine, as reported by Ploughshares in 2001. Women in Somalia have been making efforts to promote peace in the country by taking part in inter-clan dialogue programs that aim to promote reconciliation.

Sri Lanka: Sri Lanka has been in conflict since the late 1970s when the Tamil community first took up arms in its struggle for an independent state of Tamil Eelam. The conflict has had a devastating effect on all people of Sri Lanka, including military and civilian casualties, "disappearances," rape, and various other human rights violations. In December 1990, working within a social and political atmosphere of repression and distrust, women from multiple religious and ethnic groups defied the law

against public gatherings and assembled in a park in order to participate in a prayer for peace. This group of women, known as Mothers and Daughters of Lanka, was the first group, before political parties, unions, and others, to have taken such a public stand against the war in Sri Lanka, Sunila Abeyesekera reports in her 1995 article "Organizing for Peace in the Midst of War: Experiences of Women in Sri Lanka." This group has continued a public campaign against the war despite the personal risk that such activity entails.

Women around the world have not been simply victimized by war. Instead, they have often been among the first to reach out to the other side in an effort to promote peace. Through the work of nongovernmental organizations (NGOs), international organizations, governments, and others, the powerful role that women have played as peace-builders and peace-brokers has begun to become more recognized. In 2001 UNIFEM and International Alert began the Millennium Peace Prize. This award aimed to recognize the critical contributions that women make to building peace, protecting women's human rights, and sustaining communities during war. (See sidebar for biographies of the six individuals and groups honored in 2001.) Despite women's consistent presence at local, community, national, and international levels, women have rarely been at the peace table when the time has come for the official peace negotiations to take place.

Bringing Women to the Peace Table

Despite the heavy toll of conflict on women and notwithstanding their many efforts towards peace building, issues affecting women are often overlooked during peace negotiations. Until very recently women have neither been consulted nor invited to participate in processes for negotiating political settlements to conflicts, and they have had little means to influence the decisions that are made during this critical process. At the Dayton Peace Accords ending the Bosnian conflict, there were no women in the delegations; in Tajikistan, although the war had left some 25,000 widows to cope with the upbringing of families and the reconstruction of communities, there was only one woman present in the National Reconciliation Commission, Sanam Naraghi Anderlini observed in *Women at the Peace Table: Making a Difference*.

Wars take lives, destroy infrastructure, shatter communities, and deplete the environment. Peace agreements set out the blueprint for how a society will be rebuilt. They offer a unique window of opportunity to make sure that the concerns, rights,

and needs of *all* members of society will be respected and addressed in the society that emerges from war.

What issues do women want addressed in peace negotiations? While each conflict will have its specific characteristics, there are a number of specific areas unique to women that need to be addressed in peace accords.

a) Gender-based violence. The extreme prevalence of gender-based violence in situations of armed conflict suggests that when people are striving to rebuild a healthy society after a war, they will need to provide assistance to survivors of violence. This may include psycho-social support, as well as physical healthcare for those who have witnessed and experienced atrocities. In addition to providing direct services to those people who have been victimized by the war, it is also important to hold the perpetrators of the violence accountable.

b) Disarmament, Demobilization and Reintegration. Even after the fighting has stopped there is still a lot of work that must be done in order to ensure that there will truly be peace. The combatants need to be disarmed, the weapons need to be collected and disposed of, and landmines need to be removed. It will also be necessary to demobilize the military structures. Usually this is done by registering the former combatants, and providing them with some assistance to meet their basic needs and transport them home. Finally there is reintegration, the process that allows ex-combatants and their families to adapt economically and socially into civilian life. Generally, there will a package of cash or job training type projects (UN Security Council, February 2000).

Women have participated as combatants in conflicts. Women and particularly adolescent girls have sometimes been targeted for abduction and forced recruitment into armed forces and armed groups. Nearly all women abducted into armed groups are subjected to physical and emotional violence. The roles that women combatants hold vary from fighter to cook, sexual slave to wife, and spy to porter. Failure to consider women's participation in conflict means that they will not be included in the disarmament, demobilization, and reintegration programs. For example, disarmament programs that require the surrender of weapons for eligibility may then disqualify girl-child soldiers who were forced to participate in the conflict, but who did not possess a weapon. United Nations Secretary-General Kofi Annan has also stressed the importance of providing training or services to meet the special needs of female ex-combatants and their

THE MILLENNIUM PRIZE WINNERS, 2001

Millennium Peace Prize for Women is the first award of its kind to specifically recognize women's integral role in peace negotiations and their commitment to sustaining families and communities during war. While the Nobel Peace Prize has been awarded since 1901, only 10 of the approximately 106 winners have been women or women's organizations. The new Millennium Prize, developed as a joint initiative by UNIFEM and the London-based organization International Alert, acknowledges women's vital participation in rebuilding regional and national economies, and their efforts in strengthening democratic principles of equality between the sexes, various ethnic groups, tribes and religions.

Dr. Flora Brovina. Dr. Brovina is president of the Albanian Women's League of Kosovo. When the war between Serbia and Kosovo started in March 1998, Flora established the Center for the Rehabilitation of Women and Children, which provided assistance, shelter, and medical services to women and children who had fled from the war-affected areas in Kosovo. Flora was also one of the organizers of several peaceful demonstrations against the violence in Kosovo.

Asma Jahangir and Hina Jilani. Sisters Asma Jahangir and Hina Jilani have been at the forefront of the movements for women's rights, human rights, and peace in Pakistan. Together they established the first all-women's law firm in Pakistan. They have fiercely defended, and provided legal representation for, those whose human rights have been violated, including victims of domestic, fundamentalist, and feudalistic violence, and the victims of so-called "honor killings"—in which women who have left their husbands are killed by their own families for bringing dishonor on them.

The Leitana Nehan Women's Development Agency. Since the mid-1990s the Leitana Nehan Women's Development Agency has been a keystone in the process of peace negotiations and reconstruction on the island of Bougainville, Papua New Guinea, where a secessionist revolt had claimed an estimated 20,000 lives. In 1992, under the slogan "Women Weaving Bougainville Together," Leitana Nehan began rebuilding the trust that had eroded between neighbors and within communities. By consciously building relationships between young people from different communities within Bougainville, Leitana Nehan's workshops have helped

heal the deep rifts caused by the war. With a strong volunteer network, the organization started anti-violence workshops in all districts, focusing on reducing domestic violence and on helping boys and young men to understand that the guns and violence of their childhood are not a necessary part of their futures.

Ruta Pacifica de las Mujeres. Ruta Pacifica de las Mujeres is a coalition of women's organizations working towards conflict-resolution in war-torn Colombia. Ruta Pacifica was formed in response to the extreme violence in Colombia with the intention of establishing peaceful coexistence within the country. It is best known for its ability to quickly organize public marches condemning the violence that pervades the country. The marches are primarily attended by hundreds—and sometimes thousands—of rural women. They march to the most violent regions of the country to mobilize public support for peace, and promote the idea, by means of their presence, that violence is not the only option for resolving social and political conflict.

Veneranda Nzambazamariya. Veneranda Nzambazamariya died at the age of 43 in a Kenyan Airways plane crash off Côte d'Ivoire on January 30, 2000. She was an outstanding leader in Rwanda's women's movement. Immediately after the genocide of 1994, Veneranda was among a handful of women who, with courage and vision, urged Rwandan women to rise above ethnicity, overcome their differences, and come together to rebuild the country and their lives.

Women in Black. Women in Black is a worldwide network of women against war, violence, and militarism. Women in Black was started in Israel in 1988 by Israeli, Palestinian, and American women protesting against Israel's occupation of the West Bank and Gaza. The movement soon spread to Italy, the United States, Britain, Germany, Spain, Belgium, Azerbaijan, Colombia, India, Mexico, and Serbia amongst other countries. Working with all ethnic groups, Women in Black in Belgrade has sought justice for victims of human rights abuses, supported the campaigns of conscientious objectors, and provided support and assistance to refugees of the conflict in the region. The group currently runs women's peace workshops in Serbia and Montenegro to educate women about their rights and to create cross-cultural women's networks and coalitions for peace.



ASMA JAHANGIR, WHO ESTABLISHED AN ALL-WOMAN LAW FIRM WITH HER SISTER IN PAKISTAN, ACCEPTS THE UN MILLENNIUM PEACE PRIZE AT THE AWARDS CEREMONY IN MARCH 2001. (*AP Photo/Stephen Chernin. Reproduced by permission.*)

children (UNSC, Feb 2000). These women may be at particular risk of rejection by their communities and it is important to think of setting up programs for community sensitization.

c) Legal issues. In many countries women do not have the right to own or inherit property. They may not have the right to vote or hold certain jobs. They may not be able to legally retain custody of their children. In a post-conflict situation, where many households are headed by women, this lack of legal rights means that women are vulnerable to being removed from their family home. It may also mean that they may not be able to provide the basic necessities for their families, and that they will not be able to vote for someone who will ensure that their interests are represented in the government. Rather than focusing on rebuilding and strengthening the emerging society, women and their families can be caught in a situation where they are trying to survive. The new generation will be raised in an environment of struggle and frustration.

These are just some examples of the various issues that women are insisting be addressed when the peace agreements are being drafted. In the words of Luz Mendez, National Union of Guatemalan Woman (as reported on the UNIFEM

2001 Web site), “the direct participation of women at the peace table is the only way to ensure that woman’s demands are incorporated into the agreements.”

Women Negotiating Peace

While it has not yet become common practice, there have been a few instances where women have successfully secured their place at the peace table and contributed to rebuilding their society. The following are a few examples.

Guatemala: For over three decades Guatemala was embroiled in an internal war that ultimately led to the death of more than 100,000 people and forced approximately one million more to become refugees. The peace treaty ending the 36-year conflict in Guatemala between government and the various factions was signed in 1996. Women had been involved in all aspects of the civil war and when the peace process finally began the women’s movement demanded to take part in the peace process. As a result of their efforts, the Guatemalan peace agreements include specific commitments aimed at giving women new opportunities for their social and political participation, and access to their rights.

Cambodia: The 1991 Paris Peace Accords marked the beginning of the peace process in Cambodia, bringing an end to nearly two decades of war. Cambodian women were able to successfully lobby for a place at the table when the new constitution was being drafted. Through their participation, they won constitutional guarantees of equal rights, including the right to vote, the right to participate in politics, and the right to choose their professions.

Burundi: Between 1993 and 2000 widespread, often intense ethnic violence between Hutu and Tutsi factions in Burundi created hundreds of thousands of refugees and left tens of thousands dead. Initially the peace process excluded women. In July 2000 however, UNIFEM succeeded in getting the 19 different negotiating parties in Burundi to accept the need for women’s involvement in the peace process. This led to the first All Party Burundi Women’s Peace Conference. Together women from across ethnic and political lines worked to develop a list of recommendations to be included in any future framework for the country and presented them to the facilitator, former South African President Nelson Mandela. Twenty-three of the Burundi women’s recommendations were included in the final peace accord, ensuring that tomorrow’s Burundi was shaped by both men and women.

In each of these instances women had to fight in order to make their voices heard and in each case they have helped make sure that the society that emerges from the conflict is one that is more responsive to the entire population's needs.

RECENT HISTORY AND FUTURE

When the United Nations adopted Resolution 1325 it marked a significant change in how the international community looked at the role of women in peace and conflict. Forty-three countries, from Canada to China, and the Ukraine to the United States, unanimously expressed their support for not only protecting women in armed conflict, but also supporting their role as peace-builders and promoting their participation in peace negotiations.

Within a year of the resolution's adoption, there have been a number of areas of progress. In fulfillment of one of the resolutions, UNIFEM has appointed two independent experts to carry out a global assessment of the impact of armed conflict on women and women's role in peace-building. The purpose of this report is to challenge the world's silence about the situation of women in war. In addition to sparking this research, resolution 1325 has played a role in the peace process underway in the Democratic Republic of Congo (DRC). Previous to the resolution, the concerns of women had been absent from the peace process. However, the resolution presented the facilitator of the Inter-Congolese Dialogue with an opportunity. Recognizing the importance of women's participation in helping to build peace after so many years of political and military turmoil, he was able to approach UNIFEM and seek their assistance in providing support to women's initiatives. That the facilitator of this important peace process noticed that women's voices were missing and worked to fix the gap reveals that people are now recognizing that women have a vital role to play in peace processes.

International recognition of the importance of women's involvement in building peace has been particularly prominent within the context of Afghanistan. On November 19, 2001, in a speech at the Eisenhower Executive Office Building in Washington, DC, Secretary of State Colin Powell underlined the United States' administration's commitment to ensuring that the women of Afghanistan would play a key role in the reconstruction of Afghanistan. "The new government of Afghanistan must be broad-based and representational, and that means it must include women. It must respect the rights of Afghan women to choose

NOTABLE STATISTICS

- Today a total of 40 million people are displaced by conflict or human rights violations. (Graça Machel, *Impact of Armed Conflict on Children: A Critical Review of Progress Made and Obstacles Encountered in Increasing Protection for War-Affected Children*, September 17, 2000).
- It is estimated that more than 75 percent of displaced people are women and their dependent children. (UNHCR, www.unhcr.ch/issues/women/women.htm).
- The International Panel to Investigate the 1994 Genocide in Rwanda has concluded that practically every female over the age of 12 who survived the genocide in Rwanda was raped.
- During the conflict in former Yugoslavia there were an estimated 20,000 victims of sexual attack. (Graça Machel, *The Impact of Armed Conflict on Children*, September 17, 2000).
- The most pressing problems for internally displaced populations include HIV/AIDS, sexual violence, inadequate shelter, the lack of basic nutrition, health, and sanitation, and death and injury due to landmines. "Unless there is a serious and renewed effort by all governments, . . . the displaced millions will produce new generations with no place to call home," ("Displaced persons: UN Renews Focus On Global Problem," February 22, 2001, www.unfoundation.org/unwire).

how they will participate in their society." The following month, the Afghan Women's Summit was held in Brussels. This conference brought together 50 Afghan women leaders, broadly representative of women in Afghanistan, along with international organizations and NGOs. In keeping with the goals of Resolution 1325, participants worked to ensure that Afghan women play an active role in the rebuilding of Afghanistan.

International support for ensuring that women have an equal voice is an important step forward. There will clearly be challenges. Women are not always afforded the same opportunities as men for education or employment. Legal obstacles preventing ownership of land or other assets will mean that some women who would otherwise engage in political activism are instead focused on survival. Religious and cultural resistance to the idea of women being politically active will also mean resistance to



TURKISH CYPRIOT WOMEN RELEASE A DOVE DURING A PEACE DEMONSTRATION AND HOLD A POSTER THAT READS, "WE WANT PEACE," IN TURKISH AND GREEK. UN RESOLUTION 1325 IS THE FIRST RESOLUTION ON WOMEN, PEACE, AND SECURITY; IT SERIOUSLY CONSIDERS THE ROLES AND CONTRIBUTIONS OF WOMEN IN CONFLICT AND PEACEMAKING. (Photograph by Harun Ucar. AP/Wide World Photos. Reproduced by permission.)

the participation of women in some circles. Even when women achieve positions of leadership it is critical that these positions are not just symbolic attempts to make it look like women are involved. Each of these issues presents a real obstacle, but they are not insurmountable. Through creativity, intelligence, and dedicated persistence, the words of 1325 can become reality.

In the past, when women have become involved in the formal peace process it has been seen as rather unusual. Their involvement must now become a matter of course. Women in conflict situations have special needs; they also have important contributions to make to peace and security.

Women comprise over 50 percent of the population. With 50 percent of the population absent from negotiations, 50 percent of the skills, talents, experience, knowledge, and understanding needed to build sustainable peace is missing. Violent conflict crushes economic growth and development, it deliberately attacks the social fabric of society. Deadly conflicts are one of the most significant obstacles to alleviating the dehumanizing poverty suffered by millions worldwide. The efforts of *every* person are needed if the world is to become a place where all may live in safety and with dignity—United Nations Resolution 1325 is an important step forward toward that goal.

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Colleen Hoey

THE WORLD BANK AND THE IMF IN DEVELOPING COUNTRIES: GLOBALIZATION AND THE CRISIS OF LEGITIMACY

THE CONFLICT

Some of the poorest nations in the world are currently spending inordinate proportions of their revenues repaying debts to the IMF, World Bank, and other international lenders. The amount these nations owe is well beyond what they can pay, and their social systems, such as health and education, have suffered from cutbacks due to servicing debts. The IMF and the World Bank have loaned money to the developing nations to help them service their debts, but they require the nations to follow prescribed economic strategies. These strategies, according to critics, have been highly unsuccessful. Many developing nations are in a debt treadmill, forced to take new loans to service old ones or risk default and economic collapse.

Political

- In the 1990s the IMF and World Bank acknowledged the need for greater political and cultural awareness in carrying out their lending. The institutions have attempted to work with other international actors and to set long-term development goals more attentive to state-building and good governance. Critics note, however, that there is no strategy in place for creating a more equitable economy or decreasing the gap between the wealthy and the developing nations.

Economic

- In the structural adjustment programs (SAPs) that the World Bank and IMF created to assist nations that could not pay their foreign debts, help was tied to strict conditions on the domestic economic policies of developing countries. The goal was to bring a developing country from crisis to economic recovery and growth in the belief that economic growth, driven by foreign investment, is the key to development. Critics, however, argue that SAPs are designed by the IMF according to strict economic principles and not the human and social needs of the recipient country. Worse, by many accounts the programs have not worked and in some cases have done economic, social, and environmental damage.

On April 16, 2000, some 30,000 protestors descended on the annual meeting of the World Bank and the International Monetary Fund (IMF) in Washington, D.C. At the Washington home of World Bank president James Wolfensohn, a small group of demonstrators from ten countries presented Wolfensohn with a letter that had been signed by 450 people from 35 countries. The letter criticized the Bank's lending programs, saying they increased indebtedness and poverty in developing countries. It also claimed that the Bank's programs promote dismal labor conditions and environmental destruction.

For hundreds of millions of viewers across the world the international media coverage on this protest in Washington and several others before and after it served as an introduction to the controversial policies of the World Bank and the IMF. It had only been a few months since an estimated 50,000 people protested during the World Trade Organization (WTO) annual meeting in Seattle, Washington, between November 30 and December 1, 1999. The protestors there claimed that the world's global economic institutions have become too directly involved in the domestic economic decision-making of developing countries, forcing them to make major structural and institutional reforms to their economies.

These forced changes can be devastating to a developing nation, resulting in unemployment, rising prices for basic goods, deep cuts in social programs such as health and education, and a widening gap between the richest and poorest citizens. A wide range of nongovernmental organizations (NGOs), activists, think tanks, community organizations, and various protest groups have become extremely vocal in their criticism of

CHRONOLOGY

July 1944 The International Monetary and Financial Conference of the United and Associated Nations convenes at Bretton Woods, New Hampshire, with representatives from 45 nations discussing the rebuilding of the shattered postwar economy and promoting international economic cooperation.

December 27, 1945 The International Monetary Fund (IMF) is created with the signing of the Articles of Agreement.

1947 The World Bank is incorporated into the United Nations system.

1947 The World Bank makes its first loan, providing \$250 million to France for post-war reconstruction.

March 1, 1947 The IMF commences financial operations.

1960 The International Development Association (IDA) is created as part of the World Bank Group to assist countries that are too poor to pay commercial interest rates, providing interest-free loans along with advice and technical assistance.

1970s The prices of oil and energy soar. Many developing nations take loans from the IMF to cover the

costs of soaring energy prices and improve infrastructure such as roads, schools, and factories.

1971 The Nixon administration formally abandons the gold standard.

1980s A debt crisis arises in which many countries are on the brink of default on their foreign loans. The IMF sets up systems of debt repayment, demanding at the same time that the nations follow the IMF's guidelines in economic policy.

November 30–December 1, 1999 An estimated 50,000 people protested during the World Trade Organization (WTO) annual meeting in Seattle, Washington.

April 16, 2000 Some 30,000 protestors descend on the annual meeting of the World Bank and the International Monetary Fund (IMF) in Washington, D.C.

March 22, 2002 The United Nations International Conference on Financing for Development in Monterrey, Mexico, ends with renewed commitment to achieving poverty alleviation, sustainable development, and a more equitable world.

these institutions, and in their demands for reform.

Immediately following the April 2000 World Bank and IMF annual meetings, Wolfensohn spoke to the *New York Times* of his dismay that the Bank was being accused of causing poverty when it was devoted to alleviating it. He was quoted in an April 18, 2000, World Bank press release claiming that he and his staff “had been listening” to what protestors were trying to say, and they believed that the growing antagonism toward the Bank and the IMF “reflects uncertainty about globalization, a lack of belief in institutions generally, and a feeling of exclusion.”

Policymakers at the two institutions acknowledged that their deliberations at the 2000 annual meetings had “taken place against the background of a growing debate about the directions in which the . . . international financial system should evolve to adapt to a rapidly changing environment.” They therefore promised to continue to work toward

making the Bank and the IMF “more effective, transparent and accountable.” But the questions had been raised for the public. How powerful are these international financial institutions? Where do they get their money? Where do the directors of the World Bank and the IMF get the authority to make momentous decisions about how other nations must act? Who do they answer to? How can there be reform within them?

HISTORICAL BACKGROUND

History of the World Bank and the IMF

Although the current stated mission of the World Bank and the IMF is to relieve poverty in developing nations, the institutions were not created with this intention. They came into being as a result of the economic chaos of the Great Depression (1929–39) and the ensuing political conflicts that led to World War II (1939–45). Near the end of the war, in July 1944, the International Monetary and Financial Conference of the United



LEADERS OF AFRICAN NATIONS WHO ARE PARTICIPATING IN A MEETING WITH THE IMF AND THE WORLD BANK POSE FOR PHOTOS. AFRICA HAS BEEN BURDENED WITH A \$300 BILLION DEBT SINCE 1992. (*Photograph by Rodrigue Ngowi. AP/Wide World Photos. Reproduced by permission.*)

and Associated Nations was held at Bretton Woods, New Hampshire. There, representatives from 45 nations met to discuss rebuilding the shattered postwar world economy and promoting international economic cooperation. The United States and Britain were the main proponents of a new international economic system.

U.S. Treasury Secretary Henry Morgenthau had set the task of analyzing postwar economic strategies before his chief economic advisor Harry Dexter White back in 1941, and White had developed an ambitious package. At the same time, the highly acclaimed British economist John Maynard Keynes (1883–1946) had come up with his own plan, which in many ways coincided with White's, although there were some significant differences that caused tension and debate throughout the conference. White and Keynes presented their international economic strategy at Bretton Woods, outlining plans for the International Bank for Reconstruction and Development (IBRD; also known as the World Bank) and the International Money Fund as well as an International Trade Organization, which did not come to fruition until the World Trade Organization of the 1990s.

Most people believed that the Great Depression in the 1930s had set the stage for the devastation that came afterwards with world war. To

facilitate a more stable postwar international monetary system after World War II, White and Keynes argued that there could be no lopsided reparations demands, as there were after World War I. The international economy instead should be based on cooperative competition among nations.

Further, economic growth must be fostered as much as stabilization. They believed that the international flow of capital, without some kind of supervision, could easily become an independent force that could become counterproductive and disruptive to international cooperation. Independent nations resorted to protectionism to defend their economic interests at the expense of the global economy, but in the long run the fall of the global economy hurt everyone. Keynes and White recommended that a multilateral official agency be established, which was to be the International Monetary Fund, with a mission to ensure cooperative international economic systems. To complement the work of the IMF, the International Bank of Reconstruction and Development (IBRD) was formed to provide funds for rebuilding after the war.

The IBRD, or World Bank, was created to make loans for post-World War II reconstruction, but within a couple of years, Harry S. Truman's Marshall Plan was providing economic assistance

to European countries in the U.S. Cold War pursuit of containing communism. In 1944, when the charter was made for the institution, finance for the developing world was not a major concern for the Bank, considering most countries of the Southern Hemisphere still formally remained under European colonial rule, and given the disastrous state of affairs in post-war Europe.

It was not until the breakup of colonial regimes and the advent of independence for many countries in the Southern Hemisphere in the late 1950s and early 1960s, and after Europe's reconstruction had a firm foundation, that the World Bank became more concerned with the developing world. In large part, this was because the Bank had an influx of new member states primarily interested in the issue of development, and particularly eager to assert independence over their economic affairs in an effort to avoid dependence on former colonial powers.

The World Bank

According to Article 1 of the 1944 Bretton Woods Agreement (available on the World Wide Web at <http://www.yale.edu/lawweb/avalon/decade/decad047.htm#1>), the purposes of the World Bank are:

- (i) To assist in the reconstruction and development of economies destroyed or disrupted by war.
- (ii) To promote private foreign investment, and provide loans for financing for productive purposes.
- (iii) To promote the growth of international trade.
- (iv) To arrange the loans to deal with more useful and urgent projects.
- (v) To conduct its operations with due regard to the effect of international investment, and assist in the transition from a wartime to a peacetime economy.

The World Bank is a specialized agency of the United Nations headquartered in Washington, DC. It is set up to serve its member nations; there were 183 members as of 2002. The World Bank has a staff of about 9,500 people who service five regions: Asia; Latin America and the Caribbean; East Africa; West Africa; and Europe, the Middle East, and North Africa. The World Bank is controlled by a board of governors: one from each member nation. Votes are allocated according to how much capital was subscribed by the member nation. The daily affairs of the World Bank are managed by 22 executive directors. Five of them are elected by the five largest member nations, the

United States, Japan, Germany, Great Britain, and France. The rest are elected by all other member nations. The president of the Bank is a national of the largest subscribing member, and thus has always been from the United States.

Although member governments are required to purchase shares as a capital subscription for membership, which amounts to a subscription or prorated membership fee and the purchase of bank stocks, upon joining the World Bank, they actually only pay a portion of the value of the shares with the understanding that if there is ever great need for these funds, the rest of the money will have to be delivered. This has never happened. The payments of the member nations make up only about 5 percent of the Bank's funds. The rest comes from the Bank's activities in the financial markets. It is a self-sustaining business that sells bonds and debt securities to banks, insurance companies, and pension funds and charges its borrowers interest, making a profit like any other bank.

While the International Bank for Reconstruction and Development was the original institution coming out of the Bretton Woods conference, the World Bank Group as it now exists is made up of five organizations: the IBRD, the International Development Association (IDA), the International Finance Corp (IFC), the Multilateral Investment Guarantee Agency (MIGA), and the International Center for Settlement of Investment Disputes (ICSID). IDA was established in 1960; currently 40 countries participate in it. The agency assists countries that are too poor to pay commercial interest rates, providing interest-free loans along with advice and technical assistance. The IFC promotes private sector investment in developing countries. MIGA promotes foreign direct investment, and the ICSID mediates investment disputes between governments and private foreign investors.

The International Monetary Fund

Harry Dexter White described the need for the International Monetary Fund in a paper he wrote right after the Bretton Woods conference (as quoted by James M. Boughton, "Harry Dexter White and the International Monetary Fund," September 1988): "... the necessary monetary and financial basis for international prosperity had been weakened by competitive currency depreciation, by exchange restriction, by multiple currency devices. ... Only through international cooperation will it be possible for countries successfully to apply measures directed toward attaining and maintaining a high level of employment and real income which must be the primary objective of economic policy."

The IMF was created as a specialized agency of the United Nations to stabilize currency exchange among nations in the effort to promote unimpeded trade. Article I, outlining the purpose of the Fund (available on the World Wide Web at <http://www.imf.org>), reads as follows:

The purposes of the International Monetary Fund are:

- i. To promote international monetary cooperation through a permanent institution which provides the machinery for consultation and collaboration on international monetary problems.
- ii. To facilitate the expansion and balanced growth of international trade, and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy.
- iii. To promote exchange stability, to maintain orderly exchange arrangements among members, and to avoid competitive exchange depreciation.
- iv. To assist in the establishment of a multilateral system of payments in respect of current transactions between members and in the elimination of foreign exchange restrictions which hamper the growth of world trade.
- v. To give confidence to members by making the Fund's resources available to them under adequate safeguards, thus providing them with opportunity to correct maladjustments in their balance of payments without resorting to measures destructive of national or international prosperity.
- vi. In accordance with the above, to shorten the duration and lessen the degree of disequilibrium in the international balances of payments of members.

At the Bretton Woods conference, Keynes and White had argued about the IMF's role and administration. Keynes had wanted the IMF to be administered by an independent body. The member-appointed directors of his plan would have only met annually to discuss major policy issues. White, however, wanted the executive directors, who took their authority directly from the board of governors, to handle the financial activities or the organization. He also wanted to place conditions on the nations that used the resources of the IMF, while Keynes did not. On both issues, White prevailed.

In order to fulfill the IMF mission of stabilizing international currencies and exchange rates, the delegates at the conference had to decide between a gold-standard or a floating system. The gold standard is the use of gold as the standard value for the money of a country. A country that will redeem its money in gold is said to be using the gold standard. If the paper money has a value that is not attached to any other commodity, then the system is "floating." Many used to believe that without the gold standard, the government's regulation of the

monetary system would be problematic: printing too much money might cause inflation, and retracting money from the economy could cause depression. Most believed that the floating system had caused international economic chaos in the 1920s and 1930s, but the availability of enough gold to support a worldwide gold standard was in question. White proposed that the United States would fix its dollar on gold, at \$35 per ounce. Then all other nations would either hold gold or U.S. currency as reserves. All member nations would, in effect, fix their currencies to the U.S. dollar.

In 1971 the Richard Nixon administration (1969–74) formally abandoned the gold standard. Britain had abandoned the gold standard in the 1930s. Since then, free-floating exchange rates have defined the relationship among the developed market currencies. There were never negative repercussions, no depressions or inflations, and most economists abandoned the idea of the gold standard as a stabilizing force. In a sense, the IMF's original mission of stabilizing currencies ended in 1971 and it turned to a very different mission of alleviating poverty and, particularly, of assisting with debt repayment in developing nations.

In the early 2000s, the IMF includes 183 member nations and has a multi-billion dollar fund. The IMF monitors economic and financial developments and policies in member countries and also at the global level. The institution also gives policy advice and technical assistance to its members. It lends to member countries that are in jeopardy of failing to pay their international debts. As it provides capital to deeply indebted countries with balance of payments problems, it also sets up adjustment and reform policies for them to follow that are aimed at correcting the underlying problems. These have been controversial for decades.

The board of governors of the IMF usually meets once a year. Each member nation has one representative on the board of governors. The executive board, comprised of 24 directors, handles the day-to-day work of the IMF. The executive board is headed by the IMF's managing director. Every member of the World Bank is also a member of the IMF. Voting power at both the World Bank and the IMF is determined by financial contribution. The United States has about 17 percent of the vote. Generally, however, the IMF works on a basis of consensus.

When a member nation is in need and applies for help, the International Monetary Fund creates a recovery plan for that government, with a strategy for economic improvement. The government

signs on to the plan, agreeing to make the required policy changes that are meant to rectify economic problems. In turn, the IMF commits itself to providing loans for a set period of time.

The World Bank and IMF, and the Debt Crisis

Multilateral debt is the debt owed by developing countries to the World Bank and IMF and other multilateral institutions, regional development banks, and intergovernmental agencies. National governments in industrialized countries allocate tax revenue and provide guarantees to the multilateral institutions that allow them to provide loans to developing countries. By the mid-1990s foreign debt emerged as one of the single greatest challenges facing the developing world.

In the post-colonial world of the 1950s and 1960s most of the poorest countries in the developing world could not borrow from the Bank at market prices. In response, “soft loans” were created for the poorest member countries, with lower interest rates and smaller, or adjustable, payments over varying periods of time. In the 1970s the prices of oil and energy soared. Developing nations took loans from the IMF to cover the costs of soaring energy prices and to improve infrastructure such as roads, schools, and factories. To meet the crisis, the IMF offered special short-term loans and encouraged commercial banks to lend to developing countries. But then the interest rates on these loans suddenly rose and, at the same time, exports from developing countries such as coffee, sugar, and other agricultural products slumped severely. Industrialized countries could import from a variety of producers, therefore driving prices down. These factors, well beyond the control of developing countries, left them utterly incapable of repaying their debts.

By the 1980s a debt crisis had arisen. Many countries were on the brink of default on their loans. The IMF stepped in to set up systems of debt repayment for the developing nations, demanding at the same time that the nations follow the IMF’s guidelines on economic policy.

The interest rates imposed by the wealthy industrialized economies turned the debt of developing countries into an unbearable burden. Much needed resources for development have been diverted toward repaying debts to the industrialized world. The debts of developing countries grew from \$9 billion in 1955 to \$572 billion in 1980 and to more than \$2,200 billion in 1998. Repaying these debts costs developing countries billions every year. The debts of developing countries have risen much

faster than their ability to pay, and continually undermine economic and social development for the poorest people in the world. Debtor countries are trapped on a debt treadmill, forced to take new loans to service old ones or risk default and economic collapse.

Given the grim portraits of debt and debt servicing, why don’t indebted countries refuse to pay and default? Former U.S. Deputy Secretary of Treasury R. T. MacNamar provided a vivid answer to this question in 1983 in a speech to the International Forum of the U.S. Chamber of Commerce (as quoted in Susan George’s *A Fate Worse Than Debt*, 1990): “Under such circumstances, the foreign assets of a country that repudiated its debts would be attached by creditors throughout the world; [that country’s] exports seized . . . ; its national airlines unable to operate; its sources of desperately needed capital goods . . . virtually eliminated. In many countries, even food imports would be curtailed. Not a pleasant scenario.”

The World Bank and IMF sought to ease the burden of indebtedness in poor countries with debt repayment assistance. This help was tied to strict conditions on the domestic economic policies of developing countries. The goal was for debtor countries to become credit-worthy again. Therefore, further money was lent in exchange for deep-rooted structural changes to their economies. These packages are known as Structural Adjustment Programs (SAPs). Between 1980, when they were first instituted, and 1992, more than 70 countries had received loans for SAPs, totaling \$43 billion, according to John Madeley, in *Hungry for Trade: How the Poor Pay for Free Trade*.

Debt and the Rise of Structural Adjustment Programs

In its 1982 Annual Report, the World Bank explained SAPs as “designed to achieve a more efficient use of resources, and contribute to a more sustainable balance of payments . . . and to the maintenance of growth.” Strictly put, an SAP is an economic package agreed to after negotiations between the World Bank and/or the IMF, and the government borrowing the funds. It is a negotiation between very unequal parties, however, as developing countries have little to offer and nowhere else to turn. The World Bank and IMF argue that SAPs are necessary to bring a developing country from crisis to economic recovery and growth. The belief is that economic growth, driven by foreign investment, is the key to development.

SAPs imposed on the nations of Africa, Latin America, and Asia, with their vastly diverse



THE WORLD BANK RAISED CONTROVERSY WHEN IT PROVIDED FINANCIAL BACKING FOR THE RESETTLEMENT OF OVER 60,000 RESIDENTS IN AN IMPOVERISHED CHINESE PROVINCE TO TIBET. CRITICS OF THE WORLD BANK STATE THAT THE ORGANIZATION'S LENDING PROGRAMS INCREASE INDEBTEDNESS AND POVERTY IN DEVELOPING NATIONS. (Photograph by Greg Baker. AP/Wide World Photos. Reproduced by permission.)

economies, have all tended to look very much the same, leading critics to argue that SAPs are designed by the IMF according to strict economic principles and not the human and social needs of the recipient country. Despite the efforts to implement far-reaching economic reforms and maintain stability, much of the developing world remains in abject poverty and material deprivation. Africa's development, for example, has been chained by a \$300 billion debt burden since 1992. It is a fact of life that some African countries now spend as much as four times more for debt repayment than for education and health care, says Charles Mutasa of the Poverty Reduction Forum

in Zimbabwe in a September 3, 2001, article in *Social Development Review*.

Many developing countries have discovered that SAPs, externally imposed upon them, have not alleviated poverty, and have, in fact, hindered human development. SAPs, critics argue, were not designed to achieve social well-being, but to apply free market principles to a developing economy to improve social welfare in the process. SAPs, according to Mutasa, have destroyed the "social contract" necessary for domestic government policies to work. These packages have been "forced down the throats of the marginalized and materially de-

prived citizens,” eroding the capacity of developing countries to work out their own strategies and programs for development.

Skeptics have further argued that the World Bank was anxious to increase lending packages so that it could have more influence over the domestic policies of developing countries. SAPs, according to this argument, have been particularly designed to ensure that debts were repaid while exploitation of cheap raw materials was ensured—two factors that have benefited the wealthy industrialized countries more than they have the developing world.

Five frequent criticisms of SAPs include:

- SAPs have made poor people poorer and have accelerated the sharp decline of social services. Poverty alleviation programs designed to cushion the effects of adjustment cannot reverse the impact that SAP policies play in contributing to the general decline in the social sector. Women are particularly affected by cutbacks to social programs. In country after country, for example, it is girls who are taken from school when user fees and privatization are introduced in education systems.
- SAPs have been implemented in countries without regard to local circumstances and concerns. The insistence on dismantling state institutions through deregulation and privatization undermines the state’s ability to directly develop programs that meet the particular needs of its people. SAPs pay little attention to private wealth and income concentration and the exclusion of the poor from decisions and control over resources. SAPs ignore both private sector inefficiency and the political repression needed to impose them through more authoritarian states, thereby undermining democracies and democratic practice.
- The World Bank and the IMF lack any real mechanisms to effectively assess social conditions in recipient countries, and do not pay sufficient regard to the social consequences of their programs. SAPs have traditionally lacked transparency, accountability, and public participation in their design and implementation.
- SAP policies have increased environmental destruction by calling for increased exports to generate foreign exchange to service debt, since developing countries’ most important exports, including timber, oil and natural gas, minerals, cash crops, and fisheries are all derived from natural resource extraction. The resulting acceleration of resource extraction and commodity

production is not ecologically sustainable. Deforestation, land degradation, soil erosion, biodiversity loss, the flooding of immense tracts of productive land, and air and water pollution are but a few of the long-term environmental impacts that can be traced to the imposition of SAPs. In addition, SAP-induced government cutbacks mean less money for enforcement of environmental regulations.

- Many critics of the World Bank and IMF contend that these institutions have never found a strategy for adjusting the whole world economy, including the wealthy industrialized economies, to the goals of equitable and sustainable development and poverty reduction through more equitable trade policies, debt reduction, and technology transfers to the poorest countries. Without such a strategy, their interference in other countries’ economic policies is likely to perpetuate inequities.

Specific Examples of the Effects of SAPs

The effects of Structural Adjustment Programs are varied and complex. Consider two examples from such diverse countries as Mozambique in Africa, and Nicaragua and Honduras in Central America.

War, drought, and falling commodity prices have devastated much of sub-Saharan Africa, but international lenders still require debt repayments that gut government provision of social services. By 1994 an indebted nation like Mozambique was spending more than US\$100 million in debt repayments. This staggering sum is more than the country’s entire budget for health, education, police, and judicial systems combined, according to Jana Kelly in her 1998 article “Mozambique Debt Resource: The Social and Economic Cost of the Debt Crisis.”

Foreign debt and accompanying IMF-designed austerity measures created a situation in Central America in which health and emergency response systems were utterly incapable of coping with the impact of one of the Atlantic basin’s strongest hurricanes ever, Hurricane Mitch, in 1998. High winds and heavy rain caused floods and mudslides that were blamed for at least 10,000 deaths in Honduras and Nicaragua. These are the poorest countries of Latin America, and the devastation of Hurricane Mitch took place within the context of years of under-spending on health and education, due, in large part, to the servicing of international debt.

In Honduras debt repayments were equal to the budgets for health and education combined.

MEASURING GLOBAL POVERTY

What are the issues underlying the debate between the world's international economic institutions and the growing voice of NGOs and demonstrators? What has led to such an outpouring of frustration, anger, and distrust of international financial institutions and global economic governance? The answer is, mainly, exclusion and the indignity suffered by millions of people across the world who are unable to participate in the decisions that so seriously affect their lives.

According to a UN Report on Financing for Development in 2001, half the world's people are still living in abject poverty, with 80 percent of the earth's population living on less than 20 percent of global income. Furthermore, the report continues, too many people in too many countries lack the freedom to take advantage of the new opportunities of modern technology and are consequently left on the sidelines of the globalization process. People lack freedom when they lack food, education, training, health, basic human and political rights, security, and employment opportunities. The report concluded that the increasing polarization between the haves and have-nots has become a feature of our world (UN High-Level Panel of Experts, 2001). Consider:

- 1.3 billion people worldwide do not have access to safe water.
- 2.6 billion people worldwide do not have access to adequate sanitation.

- 11 million children under the age of 5 die each year from easily preventable diseases such as diarrhea, malaria, and measles.

(Source: Walter & Tomlinson, *State of the World Index*, 2000)

UNICEF reports that across the world nearly one billion people, two-thirds of them women, are unable to read. This total includes more than 130 million primary school-aged children who are growing up without access to basic education.

United Nations secretary-general Kofi Annan has written that eradicating poverty is an ethical, social, political, and economic imperative of humankind. While some individuals today are enjoying wealth on a scale previously unimagined, victims of poverty still endure intolerable forms of deprivation. They continue to be marginalized and excluded (Canadian Council for International Cooperation, 1999).

In a speech in 2001 in Berlin, Germany, World Bank President Wolfensohn reiterated that the World Bank's mission is to alleviate world poverty. He concluded: "We must be the first generation to think both as nationals of our countries and as global citizens in an ever shrinking and more connected planet. Unless we hit hard at poverty we will not have a stable and peaceful world. Our children will inherit the world we create. The issues are urgent."

Nicaragua had to cut its public expenditures from 30 percent and 90 percent in real terms since 1994. The need of foreign exchange for debt servicing led, in part, to the deforestation and clearing of land for large scale, export-oriented agriculture. The resultant environmental devastation contributed to the mudslides that caused thousands of deaths, according to the Canadian Ecumenical Jubilee Initiative in 1999.

What Have the World Bank and IMF Accomplished?

According to its 1996 Annual Report, since 1945 the World Bank had helped some 140 developing countries and post-communist countries to integrate into the world economy. In the 1996 Report, the Bank claimed that 70 percent of growth in gross domestic product (GDP) and half of all

growth in world trade were generated by developing countries. Bank president Wolfensohn claimed that many countries had cut their poverty rates by more than half and had expanded access to health, education, and social services, with far more people having economic opportunity than in the past.

During the protests at the 2000 annual World Bank and IMF spring meetings, officials defended their work by taking credit for dramatically improved prospects in some parts of the world, like East Asia. In a press review in 2000, the World Bank pointed to the rise in per capita income in countries aided by the IMF, and to the billions of dollars invested by the Bank to improve schools and water supplies around the world. Working closely with national governments, United Nations agencies, donors, nongovernmental organizations, and other partners, the Bank has become the world's

largest external funder of education, providing more than \$30 billion in loans and credits and currently financing 164 projects in 82 countries. The Bank is also the world's largest external funder of health programs and the fight against HIV/AIDS, according to "World Bank: Ten Things You Never Knew," on its Web site.

In spite of widespread criticism of the negative effects of SAPs on developing countries, some critics have acknowledged that SAPs have had certain positive effects. For instance, SAPs have exposed, and in some cases eliminated, the excessive and inefficient state control over many aspects of political and economic life. The World Bank has, to some degree, exposed the inability of many countries to mediate competing domestic political interests and effectively allocate resources to their citizens. The issues of good governance and democracy have been brought to the fore as prerequisites of peaceful social development. SAPs have made it clear, Charles Mutasa has written, that violent and undemocratic governments can no longer be tolerated or overlooked.

The World Bank and IMF insist they have learned to put poverty alleviation and social concerns at the center of their development strategies. Along with greater emphasis on the social aspects of Bank operations, more attention is also being paid to domestic governmental institutions and corruption because of their impact on social development. Analysis of 41 low-income countries demonstrated that only one was rated satisfactory on the quality of government institutions. The 1998 Annual Review of Development Effectiveness by Robert Buckley further found that only 40 percent of Bank-supported projects had a substantial impact on institutional development.

The Promotion of Good Governance

The World Bank's annual "World Development Report" in 1997 was devoted entirely to the subject of the role of the state in development. The report focused on how the ability of a state to fulfill its political, public administration, legal, and policing functions can be factored into the Bank's country assistance strategies so as to promote equitable and sustainable development. The 1997 "World Development Report" suggested the need for greater political and cultural awareness in carrying out Bank lending. It also signaled the Bank's willingness to work with other international actors, and that its long-term development goals would become more attentive to state-building and good governance.

According to John Stremlau and Francisco Sagasti in "Preventing Deadly Conflict: Does the

World Bank Have a Role?—A Report to the Carnegie Commission on Preventing Deadly Conflict" (1998), one of the underlying concerns is the reduction of those elements of political tension, fragmentation, and violence within states that are destroying any hope of economic and social development. The costs of failing to prevent violent conflicts are enormous. Armed conflict throughout the last five decades has been the most pervasive element on the development landscape, pushing millions of people into abject poverty and causing severe social trauma, political dislocation, and environmental damage.

Of states in the bottom half of the annual United Nations Human Development Index in 1998, almost half (41 percent) have been at war at some time during the past decade—compared with less than 15 percent of those in the top half of the index, reported Ernie Regehr in his 1997 "Armed Conflicts Report," on the Project Ploughshares Web site. By 1995 almost one-quarter of the World Bank's members were afflicted with 35 different domestic armed conflicts with an estimated 90 percent of deaths among civilians, according to Stremlau & Sagasti. "If war is a product or condition of underdevelopment," wrote 1997 Nobel Peace Prize recipient Jody Williams in the 1999 "Armed Conflicts Report" for Project Ploughshares, "then war prevention requires an accelerated recommitment to development." Following their 2001 annual spring meetings, the World Bank and IMF reiterated the commitment to reestablishing the basis for economic and social progress through conflict resolution.

The HIPC Initiative

In 1996 the Initiative for the Heavily Indebted Poor Countries (HIPC) was launched by the IMF and the World Bank. The plan allowed the qualifying debtor countries to repay loans in a way that would not compromise their economic growth by reducing their payments over a period of years to a level at which the country is considered able to make debt payments. It was originally designed to benefit the 41 poorest and most indebted countries, which were mainly in Africa.

Those countries had a combined debt of about \$200 billion, and the IMF with this initiative was also ensuring that the countries did not default on their outstanding loans. Repayment of the debts in these countries was taking so much of the countries' resources that there was no money for economic or social development. People in the targeted countries lived shorter lives and often earned less than \$1 a day. The project was improved in 1999



PROTESTERS GATHERED IN APRIL 2001 NEAR IMF HEADQUARTERS IN WASHINGTON, DC, TO CALL FOR THE PARDONING OF THE DEBTS OF POOR COUNTRIES TO THE WORLD BANK. (Photograph by Alex Wong. Hilton/Archive. Reproduced by permission.)

and was, for the most part, in effect in 2000, with 26 countries benefiting.

According to the World Bank's promotional material, the World Bank and IMF were successful in ensuring that the debt relief brought additional resources where they were needed. On average, prior to the initiative, the qualifying countries had spent more on debt relief than on health and education combined. With effort on the part of the institutions to ensure that the funds were used for helping the poor, by 2002, the first 26 countries qualifying for HIPC relief were spending more on health and education. But there is a long way to go to set the course for sustainable development. Particularly in war-torn countries that need loans for reconstruction at the same time that they are receiving debt relief, chronic debt is assured unless new economic structures are put into place.

According to Salih Booker, Director of the Africa Policy Information Center and The Africa Fund/American Committee on Africa, the HIPC initiative has not helped the poor nations of Africa. Zambia, he noted, applied for HIPC debt relief. One of the poorest nations in the world, Zambia spent \$137 million in debt repayment in 1999, more than it spent on any other budgeted item. While the HIPC plan for Zambia reduced the

amount of its debt, payments will increase in the future as other IMF loans come due. Besides, the HIPC relief in Zambia would not reach "sustainable levels" until 2005. Booker quotes UN secretary-general Kofi Annan's warning that the HIPC initiative does not do enough to help the deeply indebted countries.

RECENT HISTORY AND THE FUTURE

On March 22, 2002, the United Nations International Conference on Financing for Development in Monterrey, Mexico, ended with renewed commitment to achieving poverty alleviation, sustainable development, and a more equitable world. The conference brought together heads of state; foreign, finance, development, and trade ministers; civil and business leaders, and international institutions. Wolfensohn called it "perhaps the greatest consensus than ever before on what needs to be done" as cited in the World Bank Web site's development news section on March 25, 2002.

The consensus is based on a plan that calls for the commitment of resources necessary to meet the Millennium Development Goals, which were agreed upon by the heads of state of 189 countries at the United Nations Millennium Summit in

2000. With the goal of ensuring that globalization becomes a positive force for all the world's people, the Millennium Summit Declaration Development Goals included:

- Halving poverty by 2015.
- Achieving universal primary education.
- Eliminating gender disparity.
- Reducing by two-thirds child mortality.
- Reduce by three-quarters the maternal mortality rate.
- Combat HIV/AIDS, malaria and other preventable diseases.
- Ensure environmental sustainability.
- Develop a global partnership for development (UN Resolution A/55/L.2).

When asked what was known about development following the Monterrey conference that was not known before, Wolfensohn spoke of a unity of purpose between the leaders of developed and developing states. He referred to an unprecedented international consensus on "furthering development and a new global partnership."

Despite this agreement, however, the NGO Global Forum on Financing the Right to Equitable and Sustainable Development—in which 2,600 people from 700 organizations from all countries of the world participated—proclaimed itself not part of the Monterrey Consensus. In its Final Resolution, the NGO Global Forum disapproved of the World Bank and IMF's prevailing economic model, which, the Global Forum argues, does not allow people the full enjoyment of the human rights of equity, equality, and justice in sustainable development. The Global Forum reiterated the call for human rights to be the overarching framework and objective in development models, making the World Bank, the IMF, and other instruments of global economic governance accountable to the United Nations Commission of Human Rights. In its Final Resolution, it called for a framework of financial support for developing countries that included the principles of accountability and democratic civil society participation.

The efforts to alleviate global poverty can be understood in many ways. It is not only about eliminating poverty, it is also about the ability of people to have a voice and a stake in the decision-making processes that directly affect their daily lives. The central question behind the conflict in global economic governance, as manifested in the

streets of Seattle, Washington, and again in the NGO statement out of Monterrey, is whether there is room for improving the existing policies for development and poverty alleviation that affect people across the world. Can the standards of effectiveness, accountability, and participation be raised? The answer is, of course, yes, but the true question that remains is—how?

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Christopher Hynes

THE WORLD TRADE ORGANIZATION: THE TECHNICAL SIDE OF GLOBALIZATION

During the week of November 30, 1999, an estimated 50,000 protestors descended upon Seattle, Washington, to demonstrate against the ministerial meeting of the World Trade Organization (WTO). The protestors represented more than 700 organizations, ranging from environmental and human rights organizations and religious groups to labor unions, left-wing political parties and anarchists. They demonstrated in the streets, carrying signs that read “No Globalization without Representation” and “WTO: Fix it or Nix it!” The Rainforest Action Network hung a huge sign from a crane showing two arrows pointed in different directions, one labeled “Democracy,” the other, “WTO.” On the first day of the WTO meeting, attended by trade ministers and other high-ranking trade diplomats, the street demonstrations effectively blocked off access to the convention hall and prevented the opening ceremonies from taking place.

As reported by Alex Tizon in the *Seattle Times* (December 5, 1999), most of the protest was peaceful, but some of the demonstrations turned violent, with a small number of rampaging protestors breaking windows, spray-painting walls, and causing other property damage. About 600 were arrested as the otherwise peaceful demonstrations continued throughout the week. Meeting under a cloud of controversy all week, the trade officials finally adjourned the meeting without accomplishing their main goal, which had been to start a new round of trade negotiations. The protestors declared victory in their war against globalization.

The Seattle protests represented a watershed event, the first of many high-profile demonstrations against global economic institutions that included the WTO, the World Bank, and the

THE CONFLICT

The World Trade Organization (WTO) had drawn criticism and protest, mainly on four basic principles: 1) protection of domestic industries; 2) use of trade restrictions to achieve social goals; 3) protection of national sovereignty; and 4) general political or ideological opposition to the structure of market-determined trade. The protest was sufficient in Seattle in 1999 that the WTO meeting there was adjourned without accomplishing its main goal, which had been to start a new round of trade negotiations.

Economic

- Although markets opened by the WTO should make the economies of member nations better, the benefit may not affect everyone equally. Efficient world trade may reduce the demand for workers in a given domestic industry, causing layoffs and shutdowns. Out of work laborers may be unable to find new employment, contributing to what is called the “adjustment problem” of trade.
- WTO membership is valuable for the benefits of guaranteed terms of foreign market access for each member’s exports. The benefits include improved market access guaranteed by the WTO agreement in general, and specific trade agreements under its auspices. The guaranteed benefits are extremely valuable because they reduce the risk of trade activities faced by domestic businesses, especially exporters.

Political

- The WTO has come under attack from the right and left. Globalization tends to diminish national sovereignty in terms of a country’s control over consumption, production, and employment patterns. When national markets are opened to world trade, resources will shift and global markets, rather than just national markets, will determine national economic structure.

Social

- Environmentalists, human rights advocates, and those pressing for international labor standards argue that the WTO system is too strict in forcing governments to keep their import markets open in cases where trade sanctions have been used or proposed to achieve social goals.

CHRONOLOGY

- 1929–39** A global collapse of stock markets heralds world-wide financial crisis and economic depression. Governments impose protectionist trade policies, causing trade to collapse also, compounding the economic crisis. The increased political tension and conflict culminate in world war.
- 1939–45** World War II brings economic and human devastation. The Allies begin planning postwar economic order at the Bretton Woods meeting (1944). International cooperation and coordination are regarded as the key to avoiding global economic disasters that had led to two world wars since 1914.
- 1947–48** The U.S. Congress rejects the establishment of an International Trade Organization (ITO), but ratifies the less ambitious General Agreement on Tariffs and Trade (GATT) on a provisional basis. The agreement has 27 signatories, called “Contracting Parties.”
- 1947–64** GATT sponsors four rounds of multilateral trade negotiations, cutting tariffs drastically among all members. A new section of GATT added in 1964 addresses concerns of developing countries.
- 1965–85** GATT continues to increase its membership. New trade agreements are concluded but become more complicated. A postwar economic boom slows down and tensions among GATT members rise as import competition displaces workers.
- 1986–94** The Uruguay round of trade negotiations convenes and results in the founding of the World Trade Organization.
- 1999** At a WTO meeting in Seattle, Washington, massive protests disrupt the meeting; plans to launch a new trade round are delayed.
- 2001** The WTO ministerial meeting in Doha, Qatar, launches new trade negotiations. China and Taiwan join WTO as the 143rd and 144th members.

International Monetary Fund (IMF). Yet the confrontation between such a broad spectrum of advocacy and political groups and the symbols of global trade and finance was for many observers startling and unexpected. International trade, in particular, is for most people an utterly boring subject, and the work of the WTO focuses on international market access agreements of mind-

numbing detail and complexity. The Uruguay Round trade agreement, for example, contains over 1,000 pages of treaty text and 26,000 pages of tariff tables. The predecessor to the WTO, the General Agreement on Tariffs and Trade (GATT), had operated for many years in solemn and quiet obscurity, sponsoring several trade negotiations. Only occasionally did such trade diplomacy attract public attention, and then it was usually positive. What had caused so many different groups to find the WTO so objectionable?

HISTORICAL BACKGROUND

The Origins of the WTO

Efforts to promote trade liberalization have always encountered opposition and protest, based primarily on protectionist interests of domestic import-competing industries. It is ironic that more recent opposition to trade liberalization, with its broader range of protest, has come about largely because of the very success of the WTO system.

The story of the WTO goes back to the end of World War II (1939–45), when the Western allied powers were planning a new, postwar economic order. Government leaders of that time had just lived through the devastation of yet another world war and attributed much of the deterioration in political relations that led to the outbreak of hostilities in the 1930s to the deterioration in international economic relations during the Great Depression (1929–39). In particular, as financial markets collapsed and economies faltered, governments had resorted to import tariffs in a desperate attempt to stimulate domestic production and “save” jobs at home. Yet this strategy led to a spiral of retaliatory tariffs and a collapse of trade. In the end, all countries suffered from the closure of markets, and the economic suspicions and tensions between countries contributed heavily to a breakdown in political relations.

The postwar period was marked by renewed efforts to establish international institutions that would support global peace and stability. The Western allies, led by the United States and the United Kingdom, designed the Bretton Woods institutions, which included the World Bank, the International Monetary Fund, and the General Agreement on Tariffs and Trade (GATT). The GATT came into being in 1947 as plans for the proposed International Trade Organization (ITO), a broad and comprehensive trade agreement, were still being negotiated. When the U.S. Congress refused to ratify the ITO in 1948, the less ambitious



DESPITE DIFFERING REASONS FOR OPPOSING THE WORLD TRADE ORGANIZATION, CRITICS ARE UNITED IN DEMONSTRATIONS AGAINST IT. PROTESTORS IN GENEVA CARRY A BANNER THAT READS: "ALL UNITED AGAINST THE WTO." (Photograph by Fabrice Coffrini. AP/Wide World Photos. Reproduced by permission.)

GATT treaty continued as a "provisional" agreement for the next 47 years, until the founding of the WTO.

Since it was not a full-fledged, treaty-backed international organization, the original GATT did not have "members" but rather "Contracting Parties" (CPs), reflecting the narrower scope of the organization. Its purpose was to negotiate tariff reductions and establish rules for CPs to follow in their respective trade policies, mainly with regard to manufactured goods.

The GATT provided the framework for several rounds of trade negotiations from 1947 to 1979, which led to the reduction of tariffs on manufactured goods from an average of 40 percent to 4.7 percent worldwide during this period, according to Nigel Grimwade, author of *International Trade Policy: A Contemporary Analysis* (1996). Yet the successful accomplishment of this, its primary goal, left participants in the GATT wanting even more and broader trade liberalization. It had become clear, for example, that the GATT was not broad enough to negotiate comprehensive rules on trade-related policies and practices outside the narrow scope of the original agreement. Eventually, negotiations on issues such as antidumping, government procurement, and customs valuation resulted in "codes" followed by some, but not all CPs.

There were in fact many areas of government policy that touched in some way on trade, such as investment, intellectual property law, and technical rules governing imports. In addition, the GATT's focus on manufacturing had left much trade uncovered by the rules, particularly agriculture and services. Textiles and apparel had also been exempted from GATT rules, and developing countries felt that they would benefit greatly from more trade liberalization in these products. Finally, the GATT dispute settlement system, while effective as far as it went, was considered by many CPs to be too weak to resolve major disputes.

The list of potential issues for broader trade liberalization was so large that it captured the interests of a large number of CPs. They agreed in 1986 to an ambitious negotiating agenda, which led to the Uruguay Round of trade talks. The final Uruguay Round agreement took nearly eight years to complete, but it resulted in a new and significantly expanded set of trade rules and created the WTO, a full-fledged international institution (see sidebar).

The WTO as an Institution

The WTO, like the GATT before it, operates on four basic principles:

Non-discrimination, the so-called "most-favored nation" (MFN) clause. This principle requires all

THE BRETTON WOODS CONFERENCE, 1944

Near the end of World War II, in July 1944, the International Monetary and Financial Conference of the United and Associated Nations was held at Bretton Woods, New Hampshire. There, representatives from 45 nations met to discuss rebuilding the shattered postwar world economy and promoting international economic cooperation. The United States and Britain were the main proponents of a new international economic system.

U.S. Treasury Secretary Henry Morgenthau (1891–1967) had given the task of analyzing postwar economic strategies to his chief economic advisor Harry Dexter White (1892–1948) back in 1941, and White had developed an ambitious package. At the same time, the highly acclaimed British economist John Maynard Keynes (1883–1946) had come up with his own plan. White and Keynes presented their international economic strategy at Bretton Woods, outlining plans for the International Bank for Reconstruction and Development (IBRD; also known as the World Bank) and the International Money Fund. These two institutions were then established.

White also brought out plans for an International Trade Organization (ITO), a broad and comprehensive trade agreement and the concept of what would later become the World Trade Organization. The GATT came into being in 1947 as plans for the proposed ITO were still being negotiated. When the U.S. Congress refused to ratify the ITO in 1948, the less ambitious GATT treaty continued as a “provisional” agreement for the next 47 years, until the founding of the WTO.

WTO members to extend the same trade and market access terms to all other members as they did to their “most-favored” trading partners.

Transparency, the elimination as much as possible of all non-tariff trade barriers. Non-tariff barriers tend to be especially disruptive and distorting, and their effects tend to be difficult to assess. By agreeing to resort only to the use of tariffs, governments can more easily negotiate their reduction and removal.

Reciprocity in trade negotiations. All members are expected to take part in trade negotiations by offering “concessions”—increased market access for imports—so that overall general reductions in trade barriers could take place. This requirement

was relaxed for developing countries, although most of them have come to realize that they stand to gain more from the negotiations when they take an active role in the give-and-take of bargaining.

Peaceful resolution of trade disputes. The WTO system of dispute resolution provides a forum for negotiations and strongly discourages retaliation, which had given rise to the disastrous spiral of protectionism in the 1930s.

As an institution, the WTO provides countries with a very important framework for capturing the gains from trade. Because of the adjustment problem described earlier, governments have always known that there would be strong and focused opposition to trade liberalization. The GATT/WTO system provides external political “cover” for governments to resist protectionist pressures for tariffs. In other words, it allows them to claim adherence to a multilateral set of rules and negotiating principles that disciplines their trade policy (that is, “innoculates” it against protectionist tariffs) and mobilizes their domestic export interests to push for trade negotiations that would open foreign markets. True, there have to be “concessions” in the form of lower domestic tariffs to let in imports, but then *everyone* has to play by this rule. And if everyone plays by the rules, all the countries can simultaneously lower their tariffs and everyone will be better off. This sounds like a clever trick, but it has worked very well in the history of the GATT and WTO.

It is essential in this regard to understand the *fundamental value proposition of WTO membership* that has emerged from this system, which focuses on the *benefits of guaranteed terms of foreign market access for each member's exports*. Basically, countries join the WTO with specific expectations regarding obligations and benefits. The obligations are based on the rules of discipline in the agreement and the negotiated market access each country has “conceded” to its WTO trading partners. The benefits include the terms of improved market access guaranteed by the WTO agreement in general, and by the hard bargaining that leads to specific trade agreements under its auspices. Economically, the guaranteed benefits are extremely valuable because they reduce the risk of trade activities faced by domestic businesses, especially exporters. The benefits are politically crucial because a government cannot usually proceed with the negotiations in the first place if it does not get domestic support from those who gain from trade.

The Uruguay Round had expanded the gains from trade and made more progress in trade liber-

alization possible. Yet in retrospect it has become clear that the underlying ambitions for a stronger trading system that motivated the Uruguay Round also planted the seeds of future conflict. The far-reaching effects of the new WTO would inspire suspicions, fears, and vehement opposition.

The WTO and its Critics

The WTO, founded in 1995, is a global institution devoted to negotiating trade rules and agreements among its members, which include 144 countries. Trade agreements negotiated under the WTO and its predecessor, the GATT, have succeeded in reducing trade barriers and establishing rules of market access for a large portion of global trade. The WTO system is therefore responsible for the large increase in world trade and direct foreign investment, which typically accompanies trade. WTO agreements have also expanded the scope of trade policy rules into areas such as intellectual property and foreign investment regulations.

There are a number of groups, however, that oppose the WTO system, or the consequences of it. The anti-WTO protest falls into four general categories, described here by their goals: 1) protection of domestic industries, 2) use of trade restrictions to achieve social goals, 3) protection of national sovereignty, and 4) general political or ideological opposition to the structure of market-determined trade. Most protest groups can be linked primarily with one of these four streams of anti-WTO protest. It should be noted, however, that many groups combine the categories, and others have formed anti-WTO coalitions with groups across the categories.

The first group, representing domestic firms and/or their workers, is the most traditional opponent of free trade in general. Certain labor unions, in particular, see the trade liberalizing agreements of the WTO as a threat to job security for their workers. In the United States, the AFL-CIO and the United Steelworkers are prominent critics of the WTO and participated in the Seattle protests. Their position, as presented by Jay Mazur in *Foreign Affairs* (January/February 2000), is typically one of advocating restrictions on “unfair trade” and preventing the job disruptions of globalization. By this they usually mean that they are in favor of trade as long as it does not involve illegal or unfair advantages by foreign competitors. Such unfair practices include government subsidies, pricing in violation of antidumping laws, and unjustifiably low wages paid to workers in violation of labor standards. Their underlying and ultimate goal is generally to protect the jobs of their members from

import competition, hence the designation of this type of argument as “protectionist.”

The second group includes environmentalists, human rights advocates, and those pressing for international labor standards. These groups argue that the WTO system is too strict in forcing governments to keep their import markets open in cases where trade sanctions have been used or proposed to achieve social goals. For example, if a foreign government allows its tuna fishermen to use nets that also endanger dolphins, many environmentalists believe that their home government should be able to punish that country by imposing trade restrictions on imported tuna caught with “dolphin-killer” nets. WTO rules, however, do not allow countries to impose trade restrictions in this manner. Environmentalist groups such as Greenpeace, Rainforest Action Network, and Friends of the Earth have been vocal critics of the WTO on these issues; these three groups maintain websites that articulate their views on the trading system.

This group of anti-WTO protesters also claims that the WTO is insensitive to human rights, placing commercial interests above all other concerns. At the time of the Seattle protests, much opposition of this type came from those who opposed the entry of China into the WTO, which was at the time still being debated in the United States (Congress later approved it, paving the way for China’s WTO accession in 2001). China had a dubious human rights record, suppressing political dissent, and human rights advocates feared that granting China the benefits of full WTO membership would remove the trade policy leverage that could be used to force the country to change its ways.

A slightly different objection to the WTO system is based on the alleged damage caused by increased trade to the environment itself, or to the plight of labor or human rights, especially in poor countries. Some environmentalists oppose increased trade (and therefore the WTO) to the extent that trade contributes to pollution or other environmental problems. Similarly, some advocates of labor and human rights argue that increased trade, especially if it comes from activities by multinational corporations, often tends to harm workers by creating “sweatshop” conditions, and may furthermore harm human rights by promoting anti-labor, authoritarian political regimes. These positions are controversial because it is difficult to prove that trade itself is bad for the environment, labor, and human rights. In fact, many others claim that exactly the opposite is true. This type of



OPPOSITION TO TRADE LIBERALIZATION, AS ADVOCATED BY THE WTO, HAS INCREASED IN RECENT YEARS. COMPLAINTS AGAINST THE ORGANIZATION HAVE BEEN HEARD FROM DOMESTIC BUSINESSES AND WORKERS, AND ENVIRONMENTALISTS AND HUMAN RIGHTS ADVOCATES, AMONG OTHERS. (Photograph by Barry Sweet. AP/Wide World Photos. Reproduced by permission.)

anti-trade argument overlaps with political/ideological opposition to the WTO described below.

The third group includes economic nationalists such as the Reform Party presidential candidate Ross Perot and hard right Republican Patrick Buchanan in the United States. Their criticism of the WTO is that it imposes trade rules and judgments on countries in violation of their national sovereignty. This argument is based on the idea that a government should retain control of all aspects of its own economy, and should not allow any “world government” to dictate what trade policy it should follow. For example, the WTO has a dispute settlement system with panels of trade experts that may find a member country’s policy to be in violation of WTO rules. The WTO agreement calls for such violations to be corrected by changing the national law so that it is compatible with the country’s WTO obligations. In the words of Pat Buchanan, addressing the Chicago Council on Foreign Relations on November 18, 1998: “American sovereignty is being eroded. In 1994, for the first time, the U.S. joined a global institution, the World Trade Organization, where America has no

veto power and the one-nation, one-vote rule applies. For America to continue down this road of global interdependence is a betrayal of our history and our heritage of liberty.”

Finally, there are those who oppose the WTO system on political or ideological grounds. For example, Marxist and many other left-wing opponents of the WTO oppose capitalism in general, of which the WTO is considered to be a symbol. In particular, these groups regard trade as a means of exploitation by rich corporations of workers and the poor, both in the home countries of these corporations, and in the developing world. A variant of this type of protest is the argument that the WTO is controlled by multinational corporations, who use it to wield disproportionate power in the world economy. The collections of essays *Globalize This* (2000) and *The Case Against Free Trade* (1993) are representative of this point of view. In fact, the idea that multinational corporations are corrupt, rapacious, and unrestrained profit-seekers on global markets unifies much of the opposition to the WTO.

As noted earlier, opposition to the WTO often crosses over among the various categories. This was an interesting development of the Seattle protests. The largest organizing force in these demonstrations was the Citizen’s Trade Watch (CTW), an advocacy organization that is an offshoot of Ralph Nader’s Public Interest Research Groups. Its director, Lori Wallach, presented some of the crossover themes of anti-WTO sentiment in a letter to the *Wall Street Journal*:

[Globalization] is controlled by secretive and publicly unaccountable, intergovernmental bureaucracies such as the WTO and IMF and by the business interests who designed and now influence these imbalanced institutions. We need trade that upholds the principles of democracy, that respects human rights and that protects public health, safety and the environment. We need a new set of trade rules that does not put corporate profits over all other concerns (April 28, 2000).

Opposition to the WTO therefore ranges across a wide spectrum of economic, social, and ideological concerns, which sometimes makes for strange bedfellows. Despite denials that it received right-wing financial support, for example, it was clear that the CTW’s activities in Seattle were viewed favorably by economic nationalists, as reported by Ryan Lizza in the *New Republic* on January 10, 2000. Non-violent protesters also distanced themselves from those who destroyed property, particularly the anarchists. And while the coalition of labor unions and environmentalists, “teamsters and turtles,” appeared to hold to-

gether during much of the Seattle protests, it is not clear that their interests will continue to mesh in the future. If nations begin to conclude international agreements that address environmental concerns, for example, will Greenpeace continue to join with the United Steelworkers to protest imports?

The Reason for the WTO: Why Countries Trade (and Join the WTO)

The Seattle protests showed that the WTO was under fire from a broad range of interest groups. Yet one must also consider the fact that the WTO counts nearly all the world's countries as its members, and all of them have voluntarily joined in order to gain the benefits of trade. As of 2002, the WTO had 144 members, with only 35 countries or so outside the organization, and most of this remaining group had applied to join. The membership of the WTO cuts across all types of countries, rich and poor, ranging from strongly market-oriented to social welfare states to mixed and transitional economies. There must be a unifying force with very compelling reasons for countries to choose to join.

The single most important benefit of WTO membership is that it allows members to increase their gains from trade. The simple economics of trade are that people—and countries—benefit from having access to a larger amount and greater variety of goods at lower prices than would be available without trade. They also benefit from specializing their production in activities that they are better at, in relative terms, than their trading partners, and allowing their trading partners to do the same. Each country then exports the good that it makes the best, and imports goods that other countries make best. These elements represent the gains from exchange and the gains from specialization that are part of the *theory of comparative advantage*, developed by the English economist David Ricardo. Over the years, economists have refined and amplified these arguments, and while difficult to quantify, there is a large amount of evidence to support the idea that trade improves a country's standard of living.

The arguments in favor of trade go beyond the basic predictions of comparative advantage, however. For example, opening up a country's markets to trade increases competition, and thereby reduces monopoly or concentrated market power. In a similar fashion, increased trade promotes the spread of new technologies, improved production efficiencies, and best business practices. It tends to stimulate productive investment and innovation.

But of course the situation may not appear to be so rosy for those who may lose their jobs as a result of trade. The domestic consumer's decision to purchase the imported item may in some cases reduce the demand for the domestically produced version of that item. This economic effect, in turn, may reduce the demand for workers in that domestic industry, causing layoffs, or it may even cause entire firms to shut down, perhaps in extreme cases closing most or all of the entire domestic industry. Layoffs and factory shut-downs are part of what is known as the "adjustment problem" of trade. Theoretically, in a well-functioning economy, laid-off workers will find other jobs and shut-down factories and equipment will find other productive uses. Still, there is no guarantee that the new job will pay as much as the old one, and the transition period of unemployment can be very painful. Where are the gains from trade now?

So far, it seems that domestic consumers and exporters gain from trade, while those whose incomes are tied to domestic goods that compete with imports may lose. The question now is to see if the "winners" from trade gain more than the "losers" lose. If so, then we can say that the country as a whole gains from trade. If there is not a reasonably straightforward answer to this question, then we would expect trade policy to be nothing more than a battle between special interests. For then the determining factor would always be who has the stronger political support, the winners from trade or the losers from trade (that is, the winners from trade restrictions).

From the perspective of economic theory there is (usually) a straightforward answer to this question: the gains outweigh the losses and both countries involved in the exchange of imports and exports will benefit from trade. Under these circumstances, it is theoretically possible to compensate the losers and still leave the country as a whole better off with trade than without it. At the same time, it is a tremendous challenge for countries to devise economic policies of trade adjustment assistance that will accomplish this goal.

And yet all the WTO members know of these pitfalls, and still they have joined. One can surmise that in many cases countries have simply decided that, whatever the adjustment problems, it is better for the country to participate in the world trading system than to stay outside it. Beyond that, it may also be worth considering what the WTO offers as an institutional arrangement, with a "value proposition" and rules of trade policy discipline for its members.

Flashpoint: Dispute Settlement

One of the major misperceptions in much anti-WTO sentiment is the concept of the WTO as a “world government.” In fact, the WTO secretariat has no independent powers. All its authority must be delegated to it by the collective WTO member countries. Its staff of about 600 and its budget are tiny compared to those of United Nations agencies, the World Bank, or the International Monetary Fund. It also has no enforcement authority. Trade sanctions, which are rare, can only be initiated under WTO rules by specific national governments.

Yet the single most controversial aspect of the WTO is the dispute settlement system. Most critics and opponents of the organization have bad things to say about it. But what is all the fuss about?

One major new feature of the WTO is that it makes dispute settlement much stronger and more legalistic. John Jackson, the leading authority on international trade law, describes the changes in his book, *The World Trading System* (1997). Under the original GATT system the dispute panels, composed of trade law experts, would investigate the problem and determine whether a country's trade policies or practices had violated GATT rules or had diminished the market access benefits that its trading partners had negotiated. The results of these investigations were subject to the veto of any CP, including the country under investigation. As a result the GATT dispute resolution system often depended primarily on the “moral suasion” that a dispute panel provided, as well as on the political will of the disputing parties to find a way to fix the problem without resorting to trade retaliation.

The revised WTO dispute settlement system generates judgments that are much closer to being legally binding. WTO members have delegated this authority to the panels. The dispute panel report can now be overturned only by a unanimous vote of WTO members that participate in the review process. Since any such judgment is prohibited in principle from changing any “rights or obligations” of WTO members, the dispute panels' reasoning has generally asserted the primacy of market access rules over non-trade (especially environmental) considerations. This sort of reasoning is consistent with the fundamental value proposition of the WTO described earlier, by which the process of dispute settlement protects the sanctity of WTO-generated market access rules, the main source of benefit of WTO membership.

Some panel decisions have been particularly controversial. For example, one ruling disallowed a

U.S. trade policy that set restrictions on imported shrimp caught in nets deemed dangerous to certain turtles. Another ruling declared that European import restrictions on U.S. beef violated WTO rules. The European Union had determined that traces of certain hormones in U.S. beef justified an import ban for health reasons, but the WTO panel concluded that there was insufficient scientific evidence to support that claim. These rulings have infuriated many environmentalists and galvanized much of the more vociferous anti-WTO opposition.

Are There Ways to Reconcile the Differences?

A close look at the opposition to the WTO reveals that there is possible room for neutralizing the opposition to trade and the trading system while still moving towards the goals of the protesters, but that implementing the necessary policies will be difficult.

The Adjustment Problem and Globalization

The most persistent and deep-seated opposition to the WTO still comes from domestic industries and others who must deal with adjustment to competition from trade. These fears have been heightened in the rapidly changing, globalized economy. For many years governments have been trying to soften the blow of import competition through various social “safety net” programs, such as trade adjustment assistance or other forms of income replacement. In practice, these programs have been difficult to administer in a way that matches the assistance properly and appropriately with workers displaced by trade. The key is to provide assistance without distorting the economy, which will tend to gain from trade if its resources respond to the global market signals.

Thinking about the proper government response to the adjustment problem has caused some economists, such as Lori Kletzer and Robert Litan, to devise new approaches to these issues. In a modern economy, it is often difficult to distinguish between adjustment pressures caused by trade and those caused by technology or other changes in the marketplace. A simple plan would be to give adjustment assistance to all workers who lose their jobs, regardless of the cause. The aid would be temporary and linked to re-training or re-location, for example. Such a plan would not solve all the problems of worker adjustment—especially among older workers for whom the transition to a new job would be difficult, or among those with strong ties to their regions. In such cases lump sum payments may be the best

form of compensation. The cost of such a program would also be the subject of debate, as would the adequacy of the compensation from the other side of the issue. Yet economic theory suggests that it should be possible to design a way to compensate those who incur adjustment costs while still allowing the country to gain from trade.

Alleviating the most severe adjustment costs for workers would tend to neutralize opposition to trade in general, as well as other sources of economic dislocation. It will not remove the opposition of some anti-trade forces, however, such as trade unions, whose membership would decline under such a plan. It is also possible that some displaced workers will conclude that their new jobs, supplemented by the transitional adjustment payments, even then do not adequately compensate for the old ones. Yet it is also important to recognize that it may not be possible to protect the “old jobs” even with heavy tariffs, as shown by the decline in textile and steel employment in industrialized countries despite strong trade protection. It is therefore very likely that the tensions inherent in a changing economy will remain a perennial political problem far into the future.

Environmental and Social Issues

There are two broad issues relating to the link between trade and social/environmental conditions in the global community. The first issue is whether trade has a direct impact on those conditions themselves. That is, does trade itself cause harm to the environment? Does trade activity contribute to the abuse of human rights or the welfare of workers? Based on the research and evidence accepted by most observers, the answers to these questions is “no,” although some ambiguity remains, and there is a vocal minority who believe that trade is indeed very harmful. The proper question to ask is this: what would environmental and human/labor rights conditions be like in the absence of trade? Eliminating trade may reduce economic activity in general, for example, but it is not clear that pollution levels would fall, that workers would be better off, or that human rights would enjoy increased respect.

There is in fact reason to believe that the suppression of economic opportunities and activities associated with trade could reduce incomes, which would prevent the country from improving its environmental quality. However many “sweatshops” exist in poor countries, few workers would actually be *better* off without trade, which provides additional markets for their output. Additionally, the record of human rights in countries that suppress

trade—typically repressive dictatorships—is generally appalling. Limiting trade is, in itself, arguably a denial of freedom.

The other proposed link between trade and environmental and social issues, however, enjoys much more widespread support, and that is the use of trade sanctions as a weapon to force countries to change their “bad behavior.” In this case the argument is that the WTO needs to incorporate environmental, labor, and possibly human rights “chapters” into its rules, which would be enforced by the implementation (or the legal acceptability) of trade restrictions and sanctions.

There are several reasons why such “social chapters” in the WTO would be very problematical. First of all, the effectiveness of trade sanctions in forcing countries to conform to externally imposed standards—social, political, economic—is dubious. A study by Gary Hufbauer, Jeffrey Schott, and Kimberly Elliott in 1985, *Economic Sanctions Reconsidered*, indicated that these measures usually fail to achieve their goals. In addition, United Nations studies (in the UN Sub-Commission report, 2000) has disapproved of this approach to achieving compliance with global standards of human rights and worker rights. Even comprehensive economic embargoes by large and powerful coalitions of countries have often failed to change internal policies in countries such as Iraq and Cuba.

The second problem with WTO-enforced social standards is that the WTO was never designed for such a task, is already overloaded with trade issues as it is, and is the wrong forum in which to pursue these goals. Ideally, a set of dedicated global institutions needs to be developed or strengthened in order to deal with these goals as, for example, Daniel Esty has proposed in his 1996 article “Greening World Trade” with a Global Environment Organization. Some global institutions already exist in some form, such as the International Labour Office (ILO), environmental treaties, and human rights conventions. Proponents of using the WTO for achieving these goals insist that the existing institutions are too weak, and that trade must be used as leverage, because it is such a powerful weapon. Yet for that very reason trade sanctions would be damaging to many people beyond the target group, since it is indeed a blunt instrument. In addition, trade sanctions are exclusively negative in the incentive structure they provide. The development of dedicated global institutions would allow greater flexibility in achieving the goals, for example through cooperation, foreign aid, and assistance, and other positive incentives.

THE LEGACY OF THE URUGUAY ROUND

The Uruguay Round created a new full-fledged international organization, the WTO, which replaced the looser and narrower agreement that had preceded it, the GATT. The WTO was established as a consensus-based organization. In principle, the major provisions of WTO rules and agreements cannot be changed without very large majorities or even unanimity among the member countries. Here are some of the main results of the Uruguay Round:

- The WTO has expanded the scope of rules covering trade issues and has established adherence to all aspects of the negotiated agreements as a “single undertaking.” In other words, any negotiated agreement under WTO auspices is a “package deal.”
- The traditional outcome of multilateral trade negotiations, tariff reductions, continued with the Uruguay Round agreements. WTO members reduced many tariff and non-tariff restrictions on trade, continuing the trend in general trade liberalization since the first GATT trade round in 1948.
- The negotiations also brought agriculture officially under the disciplines of international trade agreements. Agriculture remains one of the most controversial trade issues among both developed and developing countries. For political reasons, many developed countries continue to subsidize and protect agriculture heavily, and there are strong farm lobbies to support the status quo. The spillover of subsidized agricultural production into export markets has often suppressed prices and damaged farmers in importing countries.
- The other major sectoral agreement in goods set out to liberalize trade in textiles and apparel. Previous international agreements had removed these goods from GATT disciplines and established a global network of highly restrictive and detailed quotas, the Multifiber Agreement (MFA). Many developing countries demanded a phase-out of these trade restrictions. The resulting timetable called for trade liberalization over a ten-year period, but with most of the improvement in market access “back-loaded” in the last year.
- The WTO established a new Dispute Settlement Understanding (DSU) with greater power than its predecessor under the GATT. It has become a major “lightning rod” for WTO protest. Dispute settlement panels under the new DSU consist of specialists in trade law and render decisions that can no longer be vetoed by one of the parties, as was the case under the GATT. A country found to have laws or practices inconsistent with WTO rules is in principle required to change them to ensure WTO compliance or face possible retaliation authorized by the terms of the DSU. The new DSU has led to vehement protests that it violates national sovereignty that it undermines legitimate trade measures to protect the environment.
- The other major “lightning rod” for protest has been the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), which makes compliance with international standards on patent protection and copyrights a requirement for membership in the WTO. Complying with the TRIPs provisions can be expensive, especially for poorer countries that will also pay more for goods with intellectual property content.
- The General Agreement on Trade in Services (GATS) extends significant multilateral trade disciplines for the first time into the services sector. Financial services, insurance, and telecommunications industries in developed countries were strong supporters of the GATS. In general, services trade is growing more rapidly than merchandise trade, so this agreement is significant even though it only established a preliminary framework.
- The Uruguay Round agreement contained provisions for numerous other aspects of trade policy, including import licensing, rules of origin, pre-shipment inspection, customs valuation, and technical barriers to trade. In addition, it established a specific goal to improve the coherence of global economic policy, particularly with regard to the coordination of policies and activities between the WTO and the other Bretton Woods institutions.

Taken together, the outcomes listed here and above indicate an emerging WTO agenda to provide a global systemic framework for trade policy and trade-related activities, and to establish a holistic institutional link between trade, finance, and development. For those who have lamented the lack of coordination in international economic policy making in the past, these are welcome steps. For others who fear the consequences of globalization, the WTO is regarded as the embodiment of a bad idea.

Finally, the use of the WTO to carry out non-trade agendas would very likely do irreparable harm to the WTO itself. The attractiveness of the WTO as a potential “enforcer” of non-trade objectives stems from the solid consensus it represents among its members regarding the gains from trade. Yet if the institution cannot be counted on to protect the gains from trade for all its members, then its purpose as an institution will be severely diminished. As noted earlier, the fundamental proposition of the WTO is that joining means guaranteed, non-discriminatory, and predictable foreign market access conditions for each member’s exports. Now consider how WTO “social chapters” would change this proposition. Allowing individual countries, or even larger coalitions of countries, to determine unilaterally that access to their import markets will now be subject to their approval of another member’s environmental, labor, or human rights policies would be completely unacceptable to many, if not most, WTO members. Developing countries, in particular, have been adamant in opposing such proposals.

Sovereignty, Democracy and Globalization

The criticism that the WTO compromises national sovereignty actually comes from both right-wing and left-wing groups. On the right, economic nationalists complain about how the WTO (and trade liberalization in general) causes the loss of domestic control over the national economy’s production and employment patterns. They also resent the WTO dispute settlement system that “forces” compliance of national laws and policies to the requirements of WTO rules. On the left, the sovereignty concern focuses more on the integrity of national social programs and laws that may come into conflict with WTO regulations regarding trade policy, as seen in the tuna-dolphin, shrimp-turtle, and beef hormone dispute settlement cases discussed earlier.

It is undeniable that globalization tends to diminish national sovereignty in terms of a country’s control over consumption, production, and employment patterns. When national markets are opened to world trade, resources will shift and global markets, rather than just national markets, will determine national economic structure. On balance, most countries are still willing to accept this trade-off in exchange for the gains from trade: higher overall efficiency, income, growth, and consumer choice.

The increasing pace of global economic change in some sectors has, to be sure, increased anxieties about the disruptions of adjustment, and

these fears have translated in some cases into “loss of sovereignty” arguments against the WTO. Yet the underlying concern of adjusting to economic change is not just a trade issue. In a modern economy we are all probably stuck with the continuing prospect of change that comes from technology, rapid communications, changing tastes and demographics, and other disruptive forces. As noted earlier, a generalized and comprehensive program of adjustment assistance for any worker layoffs would provide a “safety net” that would alleviate these fears and make globalization more acceptable. The sovereignty issue would probably also recede as a result.

The criticism that the WTO is undemocratic or unrepresentative of the global community is related to the sovereignty issue as well, since one could imagine enlightened world institutions as a manifestation of “pooled” sovereignty among nations. Many WTO critics are in fact “globalists” who believe that the WTO should represent a broader array of transnational interests than those associated with trade. Yet this complaint implies, first of all, that their governments do not adequately represent their interests in the WTO, since the WTO membership is composed exclusively of governments, and most of these critics are from countries with democratically elected governments. At the same time it is clear that introducing new and broader agendas and interests into the WTO would overload an already overburdened institution, and it is therefore understandable that governments have not tended to use the WTO as a forum for pursuing environmental, labor, and human rights goals.

A resolution of this conflict again comes down to establishing the channels for “civil society” representation in appropriate new and strengthened global institutions that are dedicated to specific goals and issues. The many NGOs that are strong advocates for environmental and social reform would then have the opportunity for a more direct voice in issues of concern to them. This outcome would also depend on the structure of representation allowed in these institutions, which is typically determined by the members (usually governments, once again). In any global system of governance dealing with interrelated issues, it would also be important to establish links among the various trade, social, and environmental institutions. The WTO has already begun such discussions in its Committee on Trade and the Environment, for example, and it has also opened up many WTO discussions to NGOs.



THE WORLD TRADE ORGANIZATION'S HEADQUARTERS IS LOCATED IN GENEVA, SWITZERLAND. THE ORGANIZATION OPERATES UNDER FOUR MAIN PRINCIPLES: NON-DISCRIMINATION IN TRADE, TRANSPARENCY, RECIPROCITY, AND THE PEACEFUL RESOLUTION OF TRADE DISPUTES. (Photograph by Donald Stampfli. AP/Wide World Photos. Reproduced by permission.)

RECENT HISTORY AND THE FUTURE

The Way Forward

In the wake of the terrorist attacks of September 11, 2001, most countries acquired a new appreciation of international institutions in general, for support and communication in troubled times. The trading system, as represented by the WTO, is a major linchpin of the global community, and the fear and disruption sown by terrorism pose a serious threat to the functioning of global commerce and finance. Moving forward with trade liberalization therefore became a priority issue for many countries as a consequence of these events.

The truth behind the collapse of the Seattle WTO ministerial meeting, as described by Sylvia Ostrey in her 2000 essay "Making Sense of It All: A Post-Mortem on the Meaning of Seattle," was in fact that the WTO representatives had squabbled over the agenda for a new trade round without adequate preparation, motivation, and leadership. Thus the conference would have been a failure even without the massive demonstrations. By the time the next ministerial meeting took place in November 2001 in Doha, Qatar, the WTO members had mustered the resolve in the wake of

September 11 to move forward with a new round of trade negotiations, called the Doha Round. At that same meeting, China formally joined the WTO, thereby bringing a total of more than 90 percent of the world's population under WTO membership. In view of these developments, one can say that the WTO survived the Seattle protests (and others that occurred subsequently) in good shape.

Yet the multi-dimensional issues of an interconnected and rapidly changing global community will continue to stoke conflict well into the future. As with any problem of conflict among competing interests, its resolution will require a sufficient degree of goodwill among those involved in setting policy. In the case of trade and the non-trade issues, the goodwill must come from governments, and the solution must satisfy a strong need for adequate global institutions.

As countries entered into the Doha Round of trade negotiations, there was continuing debate on the proper role of the environment and labor standards in the negotiating agenda. Some interest groups and observers continued to insist that the WTO must adopt new social chapters in order to address these issues and remain relevant as a global

institution. The preceding discussion has emphasized, however, that expansion of the WTO into these areas is not only inappropriate, but probably doomed to failure because of the conflict it would create with the fundamental value proposition of the organization. For this reason, meaningful progress in resolving the conflict will require governments to see their way towards establishing, supporting, and strengthening global institutions dedicated to these issues.

In addition to these “new” problems in the global economy, there is plentiful evidence that old-fashioned protectionism is alive and well, as new measures to protect domestic industries in steel, agriculture, and lumber were added in 2001–02 to the continuing protection in these and other industries such as textiles and services. The politics of adjustment to economic change is still a significant and potent force in the backlash against globalization. Here again, governments will be challenged to resolve the conflict that arises over adjustment to trade, while making possible economic progress and growth through the gains from trade.

In the end there is a vast consensus in the world that trade is good, and it is the job of the WTO as a representative body of the world’s nations to make sure that trade liberalization continues. It is also the job of governments to let the WTO be the WTO, and take steps to resolve their adjustment problems and the non-trade conflicts from globalization with the appropriate domestic policies and international institutions.

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Kent Jones

ZIONISM: A PERSPECTIVE ON THE JEWISH-ISRAELI EXPERIENCE IN THE ARAB-ISRAELI CONFLICT

THE CONFLICT

In 2001 Palestinians claimed in an international conference that Zionism is racism, and that they are the victims of gross crimes against humanity at the hands of the Israelis. The charges are somewhat ironic, since the Jews created Israel as a homeland in 1948 in order to escape from being the victims of crimes against humanity, as they had been in the Holocaust and through anti-Semitic movements before it. As a nation, Israel has been in conflict almost constantly with Arabs who live in the same territory. Since 1967 the West Bank and Gaza Strip, where the majority of the Palestinians reside, have been occupied by Israel.

Political

- Palestinians claim that Israel committed gross human rights abuses during its 1948 War of Independence, at which time many Palestinians became refugees, and in its everyday policies in the post-1967 occupied territories. Israel claims that the Palestinians are responsible for terrorist attacks against Israelis and Jews, both in Israel and abroad.

Religious

- Jews have suffered anti-Semitism and persecution throughout history. Zionists assert that only in a Jewish state can Jews protect themselves from anti-Semitism.
- Israel is the holy land for the Jews, especially the Temple Mount in Jerusalem. Palestinians, both the Muslim majority and the Christian minority, view Jerusalem as holy, and consider the territory to be "holy land."

Economic

- The Palestinians in the occupied territories are dependent upon the Israeli economy; Israeli blockades have been devastating to Palestinian workers and the Palestinian economy.
- There is a large gap between the standard of living among Palestinians and Israelis.
- When the early Jewish settlers came into the territory that is now Israel, they bought land to farm themselves and therefore displaced many Arab agricultural workers.

Editor's Note: Due to the complexity of the conflict, the editors felt that an in-depth examination of the Israeli and Palestinian experiences in the Middle East could not each be fully and fairly addressed within the confines of one entry. The following is a perspective on the Jewish-Israeli experience in the Arab-Israeli conflict. A succeeding volume of *History Behind the Headlines* will present the Palestinian experience. Please read this and all entries critically, as conflicts of any nature can inspire strong positions and passions.

The Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa, from August 31 to September 7, 2001. The conference was marred by contention and controversy over several issues, above all a comparison between Zionism and racist ideologies. The controversy reached its peak when the United States decided, on September 3, to join Israel and withdraw from the conference, claiming that it had been "hijacked" by those hostile to Israel.

The controversy over the contents of the conference agenda began months before the meeting convened. The purpose of the Durban conference was to examine racism in its various existing modes: from the practices of slavery (with some demands for reparations on slavery from Western countries) to India's caste system and ethnic discrimination. Factions, however, formed during the preparation of the agenda for the meeting. The third preparatory meeting before the conference was held by the Asian regional group, and Jewish organizations were excluded. Zionism as a racist phenomenon was inserted into the proposed agenda without the participation of many of the key parties.

CHRONOLOGY

- 1881** A mass Jewish immigration to Palestine (mainly from Russia, after severe pogroms there) begins.
- 1897** The First Zionist Congress is held in Basel, Switzerland.
- 1909** Tel Aviv, the first Jewish city in modern times, is founded; the first Kibbutz is founded.
- 1917** The Balfour Declaration is issued by the British, promising to help the Jews establish a state in Palestine.
- 1918** The British receive a mandate to rule over Palestine as a quasi-colony.
- 1920** The *Haganah* (Hebrew for “defense”) is founded, a military force to protect the Jewish settlements against perpetrators.
- 1932** The National Socialist Party (the Nazis) takes control of Germany.
- 1936–1939** Arabs revolt against the Jewish settlers in Palestine.
- 1939** The British government publishes a “White Paper,” which implies the termination of Britain’s commitment to Zionism as articulated in the Balfour Declaration. The paper promises to establish a Palestinian (Arab) state within ten years and implements restrictions on Jewish immigration to Palestine.
- November 29, 1947** The UN issues Resolution 181, dividing Palestine between the Arabs and the Jews. The resolution is accepted by the Jews but rejected by the Palestinians.
- May 15, 1948** The State of Israel is proclaimed. Arab armies invade Israel; by the end of the war, 900,000 Palestinians become refugees or are displaced.
- October 29, 1956** Israel, backed by Britain and France, attacks Egypt and occupies most of the Sinai Peninsula after Egyptian president Gamal Abd-al Nasser nationalizes the Suez Canal and blocks Israel’s maritime access in the Red Sea.
- 1964–1965** The Palestine Liberation Organization (PLO) is founded and the al-Fatah organization becomes recognized as a significant force in the Palestinian movement.
- 1966** The military government rule over Israeli-Arabs is officially terminated.
- June 5, 1967** In the Six-Days War, Israel occupies the Sinai Peninsula, the Gaza Strip, the West Bank, East Jerusalem, and the Golan Heights. Palestinians in these areas are submitted to military rule under emergency regulations.
- October 6, 1973** The Yom Kippur (October-Ramadan) War breaks out. Egypt and Syria launch an attack against Israel.
- 1975** The UN General Assembly awards a permanent representative status to the PLO.
- 1975** The UN General Assembly brands Zionism as a form of racism with Resolution 3379.
- 1976** The first Israeli settlement in the occupied West Bank is established.
- March 26, 1979** Israel and Egypt sign a peace treaty.
- June 6, 1982** Israel invades Lebanon and the Lebanon War begins. During the war a Christian militia massacres hundreds of Palestinians in the Sabra and Shatila refugee camps; Defense Minister Ariel Sharon resigns his post after an Israeli investigation committee finds him indirectly responsible for the massacre.
- December 1987** The *Intifada*, a Palestinian uprising in the occupied territories, begins.
- December 16, 1991** The UN General Assembly votes 111–25 to repeal Resolution 3379, which equates Zionism with racism.
- October 30, 1991** Multilateral talks between Israel and Jordan, Lebanon, Syria, and the Palestinians take place in Madrid.
- September 13, 1993** Declaration of Principles between Israel and the PLO for transferring Gaza and Jericho to Palestinian control, and to give Palestinians in Israel more control, is initialed in secret.
- 1994** The Oslo Accords between Israel and the PLO is signed.
- October 26, 1994** A peace treaty between Israel and Jordan is signed.
- 1998** The Oslo Accords collapse.
- September 2000** Negotiations between Israel and the Palestinians fail; violence erupts.
- September 3, 2001** Israel and the United States reject the Durban Conference.
- March 27, 2002** After a Palestinian terrorist attack on the eve of Passover, the Israeli military invades refugee camps from which the terrorists arrived, blockading Palestinian leader Yasser Arafat’s compounds, and encircling an entrenchment of Palestinian gunmen in the Church of Nativity in Bethlehem.

Zionism is not easy to fit into a satisfactory definition. Simply, it is the movement to establish a Jewish nation. Since the foundation of Israel in 1948, the definition entails supporting and maintaining the state of Israel. The idea behind Zionism was that the only way for the Jews to counter anti-Semitism was for them to congregate in a Jewish state in Palestine where they could, if necessary, protect themselves from foes.

There has always been controversy about the nature of Zionism, not only from its opponents, but also from within the Jewish, and the Zionist, communities. Much of the controversy from within has entailed matters such as whether a Jewish nation should be based on a religious or secular foundation, whether the Jewish home should be a state or a cultural center, and what the politics of the community should be. What Zionism has come to mean in the modern world has as much to do with the conflict between the Israelis and the Palestinians as it does with the early theories of Zionism. Since Zionist theories originated in response to the persecution of Jews, particularly the pogroms in eastern Europe in the late nineteenth century and the Holocaust during World War II (1939–45), the historical and political context is central to any discussion of the term.

Because the area in which Israel now exists has been under the control of colonial powers and empires for thousands of years, there was never a Palestinian nation, in the Western sense of the word, until the twentieth century. Palestinians are Arabs of any religion whose roots can be traced to the territory that today includes Israel, the West Bank, and Gaza. In the 2000s, approximately three million Palestinians live there: 700,000 in Israel, 1.2 million on the West Bank, and about one million in Gaza. There are about three million more Palestinians who live outside of these lands. The majority of them have moved to other Arab countries, but many of them remain in refugee camps.

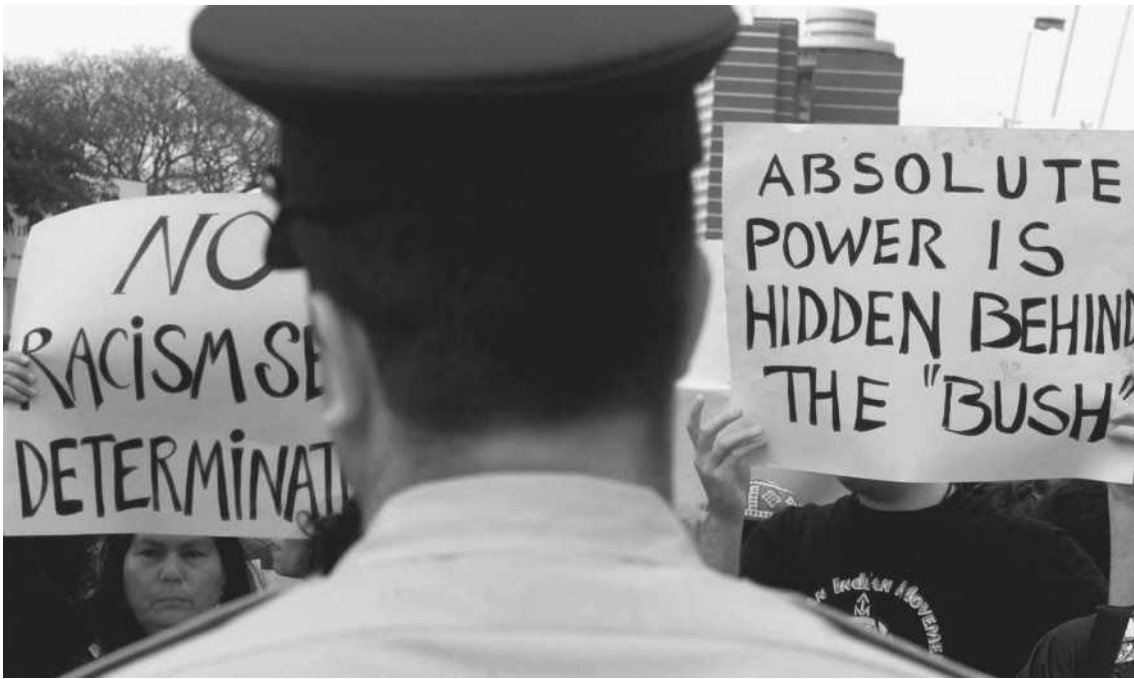
The language used by the anti-Zionists at the Durban Conference was blunt in its equation of Zionism with racism. Paragraph 68 of the Durban Declaration deprecates the “emergence of racial and violent movements based on racism and discriminatory ideas, in particular the Zionist movement, which is based on racial superiority.” The Arab and Asian nations at the Durban conference compared Israel’s treatment of Palestinians to the former South African “apartheid” rule. Cuban dictator Fidel Castro decried the “genocide” being committed by Israel against the Palestinians. Other issues were brought up about Israel’s war practice of ex-

ecuting Palestinians without trial, and of the Israeli “law of return,” which denies Arabs the right to become citizens.

The question of racism could not be appropriately discussed in the environment that the anti-Zionists themselves created. That many anti-Zionists were not present to engage in a mutual exchange of ideas became apparent in the events surrounding the conference. Ironically, some anti-Zionist groups displayed anti-Semitic material in their stalls at a conference in which the subject was the struggle against racism. For example, a group of Arab lawyers distributed pamphlets depicting Israelis as hook-nosed monsters with blood dripping from their fangs. In the Egyptian official government daily *Al-Akhabbar*, a columnist expressed “Thanks to Hitler, of blessed memory, who on behalf of the Palestinians took revenge in advance against the most vile criminals on the face of the earth. Although we do have a complaint against him, for his revenge on them was not enough” (as quoted by the Arab Anti-Semitism Documentation Project, April 20, 2001).

The United States and Israel claimed that throughout the conference Israel and Zionist ideology were unfairly singled out. Human rights abuses and ethnic or racial discrimination in other countries was not included by the preliminary regional committees that set the agenda for the conference. The United States rejected the agenda and threatened not to attend the conference. The United Nations (UN), aware that a U.S. boycott could diminish the importance of the conference, attempted to refine the wordings used in the proposal. UN Secretary-General Kofi Annan spoke about a UN resolution in 1975 that equated Zionism with racism, calling it the low point of the organization. However, the main messages that, according to the United States and Israel, singled Israel out as a racist state, remained in the conference agenda and final declaration. On the third day of the conference the United States and Israel walked out.

The Durban Conference was only one of several events in which Muslim and Arab states attempted to de-legitimize the state of Israel and ascribe the Zionist ideology as racist. This and other attempts are deeply rooted in the history of the Jews (and particularly the phenomena of hatred against the Jews, anti-Semitism). It is especially entrenched in the recent history of Jewish nationalism (Zionism), its materialization in the State of Israel, and its conflict with the nationalism of the Arabs, with whom it shares territory in the Middle East.



DEMONSTRATORS HOLD BANNERS AT THE WORLD CONFERENCE AGAINST RACISM IN DURBAN, SOUTH AFRICA, DENOUNCING THE UNITED STATES AND ISRAEL FOR PULLING OUT OF THE CONFERENCE AFTER A DISPUTE OVER ZIONISM BEING COMPARED TO RACIST IDEOLOGIES. ZIONISM ORIGINATED IN THE LATE 1800s AS A MOVEMENT TO RETURN JEWS TO THEIR ANCESTRAL HOMELAND IN PALESTINE. (Photograph by Obed Zikwa. AP/Wide World Photos. Reproduced by permissions.)

Oddly, some of the claims raised in Durban, as well as the literature and the language spread by some anti-Zionist parties, were anti-Semitic—even though they were accusing the Israelis of racism. Literally, anti-Semitism applies to hostility toward the “Semitic” peoples, which include Jews and Arabs as well as other groups. The origin of the term “Semites” lays in the Bible—the word applies to all descendants of Shem (the eldest son of the biblical Noah). The word, however, has come to describe hatred, agitation, and actions against Jews at all levels. In the social sphere this includes speech and behavior that are derogatory to people of Jewish origin.

HISTORICAL BACKGROUND

Anti-Semitism in History

The Jews have a very long and unique history among the peoples of the world. In the words of historian Paul Johnson in *A History of the Jews* (1987): “The Jews created a separate and specific identity earlier than almost any other people which still survives. They have maintained it, amid appalling adversities, right up to the present.”

The biblical account of Jewish history starts in Canaan, which comprises present-day Israel and

parts of Jordan. The Jews settled there thousands of years ago in two kingdoms, the kingdom of Israel in the north and the kingdom of Judah in the south. In 722 BCE most of the northern tribes of Israel were expelled, but the tribes in Judah remained. Their land, however, was dominated over the years by other states and empires. Jews, who were often abused or expelled by their conquerors, began to move to other cities, where they could study and carry on in their own traditions. Under Byzantine rule, from about 300 to 600 CE, many anti-Jewish laws were enacted and Jews were expelled from the land. By the sixth century Jews had become a minority in Israel. They migrated to places such as Egypt and Babylon, which became a great Jewish center. A large population of Jews migrated to Europe, most notably to Spain, where they prospered for hundreds of years.

Starting around the eleventh century, however, Jews were persecuted throughout Europe, in large part due to their religion, which was not the majority, Christian religion predominant in most of Europe at that time. They could not own land and were restricted to just a few occupations, such as money lending and trading. In many European cities, Jewish ghettos were established, isolating Jews from the rest of the population. In 1209 the

Jews were expelled from England, and about a hundred years later they were expelled from France. In 1492 they were expelled from Spain. Many Jews fled to Poland, where, although they were persecuted, they were able to create a thriving culture.

Anti-Semitism in the Age of Enlightenment

The Enlightenment spread throughout Europe beginning in the eighteenth century, bringing with it a belief in science, reason, and the ability of human beings to create a rational order in their world. The new movement created a significant change in the status of the Jews in Western society. The idea of separation between church and state enabled Jews to integrate into the general society more than had been possible with the religious barriers of the more Christian-oriented philosophies. The official, state/church-led persecution was virtually eliminated, and Jews suffered less from religious and economic persecution.

Philosophical perceptions among Jews were influenced by the ideas of Enlightenment. The *Haskala* (Hebrew for “enlightenment”), a philosophical concept initiated by German-Jewish philosopher Moses Mendelssohn (1729–86), influenced the Jewish society. The *Haskala* movement advocated assimilation, making Jews, though of a different religion, full members of the general European society. The perception was that Jews could become citizens of the state and integrate themselves into the political and economic sphere. At the social level, however, Jews were frequently not accepted as full members of the society. In some areas, deeply rooted anti-Semitic prejudices still existed, with significant social consequences for the Jews.

Nationalism

As a counter-effect to the rationalism of the Enlightenment, nationalist theories began to flourish in the nineteenth century in many countries, especially in Germany. The nationalists expressed a yearning for a glorious past of the nation and exalted their own national culture above all others. These so-called “romantic” ideologies tended to cast Jews, and other groups such as the Roma or Gypsies, into the role of “outsiders” who did not share the common features of the nation (religion, language, culture, values) and were therefore a possible threat to the nation. Moreover, new anti-Semitic theories were developed that attempted to justify hatred against the Jews and other such groups in a secularized society. As opposed to viewing Jews as a different religion, the new persecution was based on the notion that Jews compose a different “race.”

In Germany, the emancipation of the Jews was in 1871. While legal reforms officially eliminated most discrimination against Jews on religious grounds, resentment against the Jews, based on racist theories, swelled. “Social Darwinism” theories arose that described humankind as composed of several different “races” in different “evolutionary” stages of development. In Germany, Social Darwinists claimed that those who belong to a so-called “Aryan” race (which included the Teutonic and Nordic peoples) were superior to people of other races, especially those of “Semitic” stock. These theories were rejected by the larger part of the scientific community; nevertheless, the popular pseudo-scientific, anti-Semitic literature was highly popular. The theory of racial superiority was used to justify the intensification of the social and political persecution of the Jews.

Anti-Semitism

The term “anti-Semite” was, in fact, coined during this period. A German activist, William Marr, first used it in 1879, when he published the popular book *The Victory of Judaism over Germanism* and founded the League for Anti-Semitism. Like other anti-Semites of his time, Marr promoted the notion that Jews formed a distinctive racial group, a group that was both physically and morally inferior. Marr quoted pseudo-scientific “evidences,” according to which the Jews were inclined to be a “slave race,” while the “Aryans” were the “master race.”

After the Franco-Prussian War of 1870–71 and the following economic crisis and depression in Germany in 1873, an assemblage of anti-Semitic parties flourished. Various racist and anti-Semitic parties continued to exist in Germany in the following decades and reached their peak when anti-Semitism became the official government policy under the National-Socialist German Workers Party—the Nazis—in 1933.

Anti-Semitic theories, as well as discriminatory beliefs against other ethnic groups, were not only popular in Germany, but throughout Europe. In the middle and late nineteenth century in eastern Europe, nationalist ideologies were in many cases accompanied by anti-Semitic rhetoric. In the middle of the nineteenth century in Russia and eastern Europe, several violent attacks known as “pogroms” were carried out against the Jews. (The pogroms were attacks on Jewish communities that included murder, injury, and rape and left thousands homeless and without means of support.) In these attacks, governments incited the population against the Jews; many historians believe the gov-

ernments did this as a way to divert the social discontent felt by the peasantry and the lower classes away from the governments' failures. Jews thus were put in the role of scapegoats in hard times.

Government-sponsored anti-Semitic literature thrived in eastern Europe. Most notorious was the publication of the *Protocols of the Learned Elders of Zion*, which contained false documents that alleged to expose details of an international Jewish conspiracy to dominate the world. This booklet was first published in Russia in 1905 and was dispersed regularly thereafter. In Russia after the revolution in 1917, supporters of the ousted Tsar revived the *Protocols* to discredit the Bolshevik revolution by linking it to an alleged Jewish plot to enslave the world. One result of reviving the *Protocols* was that the rhetoric inflamed public attitudes toward Jews. More pogroms took place in which thousands died.

Anti-Semitic literature also flourished in France, where Jews were officially accorded equal rights through the separation of church and state. One of the climaxes of French anti-Semitism in the late nineteenth century was the Dreyfus affair (1894–1906), in which Alfred Dreyfus, a Jewish officer in the French army, was falsely imprisoned for treason. Widespread anti-Semitism in the army and the press were turned on the innocent Dreyfus, and forged documents were used to indict him. The obvious anti-Semitism of the proceedings stimulated author Emile Zola to publish in 1898 an open letter to the government, titled “J'accuse” (“I accuse”), in which he accused the French government, the military, and the clerics of a miscarriage of justice against Dreyfus. Zola had to escape to Britain to avoid punishment as a consequence of his letter.

Jewish Nationalism as a Response to Modern Anti-Semitism

One of those influenced by the anti-Semitism expressed in the Dreyfus affair was Theodor Herzl (1860–1904), a Hungarian journalist in Paris. Herzl's conclusion was that the assimilation of Jews into political and economical life through emancipation had not and would not bring an end to anti-Semitism. His solution to the problem was the creation of Jewish national entity that would separate the Jews from their persecutors. Herzl and other like-minded Jews formed the Zionist movement.

The term “Zionist” was coined by Austrian Jew Nathan Birnbaum. It derives from the biblical word “Zion,” which is the name of a hill in East Jerusalem on which the biblical Temple and other central buildings were built that became a center of Jewish spiritual life. The name of Zion long ago came to express the religious yearning to return to

THEODOR HERZL

1860–1904 Theodor (Binyamin Ze'ev) Herzl was born in Budapest (Hungary, then Austro-Hungary) in 1860. His upbringing was secular, in the spirit of the *Haskala*, or enlightenment. In 1878 Herzl moved to Vienna, where he was awarded a doctorate in law in 1884. After his graduation, Herzl began writing in various venues, and became the Paris correspondent of the Viennese *Neue Freie Presse*.

Anti-Semitism of the late nineteenth century shaped Herzl's view of the world and he constantly sought solutions to the problem. From 1894 to 1906 he witnessed in horror as Alfred Dreyfus, a Jewish officer in the French army, was falsely imprisoned for treason. Widespread anti-Semitism in the army and the press were turned on the innocent Dreyfus, and forged documents were used to indict him. After the Dreyfus affair, Herzl reached the conclusion that for Jews, attempting to assimilate into society did not solve the problem of anti-Semitism. He believed that anti-Semitism could decrease only with an establishment of a Jewish homeland.

In 1896 Herzl published *Der Judenstaat* (The Jewish State), in which he presented his vision. On August 1897, the First Zionist Congress assembled in Basel, Switzerland. Unlike other Zionist leaders, Herzl's vision was secular, and stressed the need for a Jewish state. He did not consider its location to be important. Herzl died in Vienna in 1904, after his proposal to settle persecuted Russian Jews in Uganda for an interim period was rejected by the rest of the Zionist leadership.

“Zion,” or “Eretz Israel,” the holy land. According to the orthodox Jewish doctrine, the return to Zion would take place with the coming of the Messiah.

Most Zionist leaders in the formative days of the ideology were not religious. They had arisen out of the Haskala movement and became disappointed by its failure to abolish anti-Semitism and make the assimilation of Jews into general society a reality. The nineteenth-century wave of anti-Semitic expression led Jews across Europe to seek alternative solutions, including the idea of a Jewish nationalist revival.

In 1896 Herzl articulated his Jewish-nationalist vision in *Der Judenstaat* (The Jewish State), a book that analyzed the sources of anti-Semitism and concluded that the only cure for them was the creation of a Jewish state. A year later, the first

Zionist Congress in Basel, Switzerland, set out the basic manifesto of the Zionist movement. The Basel Program defined the goal of the movement as the formation of “a home in Palestine [for the Jewish people] secured by public law.” At the same congress, an operative organization, the World Zionist Organization (WZO), was founded.

Inside the Zionist movement, ideological perceptions varied. In the early years, the central question was whether or not to accept, as a practical solution, an alternate Jewish homeland, away from the holy land in Palestine. There was dispute between Jews over the image of the Jewish homeland. Some emphasized semi-socialist ideals and an agricultural society. Others wanted an industrialized socialist society, while some emphasized semi-romantic ideals, such as the prominence of the Jewish spiritual and cultural heritage in the Jewish homeland. Still others stressed religion.

Zionism: From Theory to Practice

The Zionist movement came up against numerous obstacles. First, the movement did not succeed in convincing the majority of the Jews, especially the religious ones (who believed that only the coming of the Messiah would enable the Jews to return from exile) to lend their support. The movement did not gain significant backing from the political leadership of the time or the much-needed financial support from wealthy Jews.

Herzl's appeals to Kaiser Wilhelm II of Germany and to Sultan Abd al-Hamid II of the Ottoman Empire at the turn of the century failed to obtain support for the idea. Herzl, consequently turned to the support of another superpower of the time, the British Empire. The British Empire offered to examine the possibility of Jewish colonization in Uganda. The “Uganda Plan” was rejected by the majority of emissaries in the Sixth Zionist Congress of 1903. Palestine as the “chosen land” prevailed in the Seventh Zionist Congress (1905), and any alternatives to Palestine were rejected.

In the meantime, some Jews began to translate theory into practice and emigrated to Palestine. The upsurge of government-led pogroms in Russia in 1881 was a turning point for Russian Judaism. In order to avoid further persecutions, many decided to emigrate from the country. Most chose North America as their destination; only a few, influenced by Zionism, chose to emigrate to Palestine and to establish agricultural communities there.

Early Zionist Settlement in Palestine

Several elements shaped the Zionist settlements in Palestine—the fact that the territory was

already inhabited by Arabs, international power-relations, and internal power-relations within the Zionist movement. First and foremost, although Jews have lived continuously in Palestine, most of the territory's inhabitants were Arabs.

Since the first settlements in 1881, attempts were made by the Zionists to gain land and land rights in Palestine. During the Fifth Zionist Congress of 1901 the Jewish National Fund (JNF) was established to purchase lands in Palestine to be used for settlements. All the lands purchased by the JNF remained in JNF hands; they were never sold, either to Jews or to Arabs, but were leased for Jewish settlement. In the first stage, lands were purchased from Arab landlords who did not live on their land, but leased it to agricultural workers. The Arab farmers who worked the land thought that they would continue to work the land for a new landlord who would receive some of the yield (or profits) of their work. The Jews who purchased the land expected to cultivate it themselves—they expected the current inhabitants to leave the land. The new settlements they created on the land were cooperative agricultural settlements, or *kibbutzim*. These socialist collectives were set up to be self-sufficient, relying only on internal shared resources. Thus a class of landless Arab cultivators was created, and the first conflicts between Zionists and Palestinian-Arabs were based on these land and work resources.

The British in Palestine

Palestine had been under the rule of the Ottoman Empire since 1517. When the Ottoman Empire began to weaken in the nineteenth century, Europeans were ready to move in. During World War I (1914–18), the British convinced an Arab leader, Husayn ibn ‘Ali, to lead a revolt against the Ottomans, who had aligned themselves to Germany against Britain and France. In return for executing the revolt, the British promised to support the establishment of an independent Arab state in the Arab provinces of the Ottoman Empire—this included Palestine. The revolt against the Ottoman Empire that followed was led by Husayn's son Faysal and T. E. Lawrence, the famed “Lawrence of Arabia.” Their forces succeeded in eliminating the Ottoman rule, and the British took control in 1917.

The Jewish population of Palestine had grown rapidly after the first wave of immigrants in 1881. By the eve of World War I (1914) there were 100,000 Jews in Palestine. (The number of Jews in the territory decreased during the war, due to their support of the allied forces. By the time of British occupation there were only 50,000 Jews in Palestine.)



A BILLBOARD ADVERTISES THE THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA, AND RELATED INTOLERANCE. PALESTINIANS AT THE CONFERENCE CLAIMED THAT ZIONISM WAS A FORM OF RACISM AND THAT THEY WERE VICTIMS OF CRIMES AGAINST HUMANITY AT THE HANDS OF THE ISRAELIS. (Photograph by Juda Ngwanya. Reuters NewMedia Inc./Corbis. Reproduced by permission.)

The British desired the Zionists' support of their campaign in order to gain strategic control over Palestine. The consequence of the Zionists' support of the British was the Balfour Declaration of 1917. This declaration was in fact a letter sent from Foreign Secretary Arthur J. Balfour to Lionel Walter, second Baron Rothschild (1868–1937), chairman of the British Zionist Federation. It endorsed the establishment in Palestine of a “national home for the Jewish people.” The letter assured British assistance for this goal, on condition that the interests of the Arab population in Palestine would be preserved in addition to the rights of Jews in other countries.

As a further complication, the British and the French made a secret agreement on how to divide control of the Arab provinces of the former Ottoman Empire between themselves. After World War I they persuaded the League of Nations to grant them control over the area in the form of mandates. Britain received a mandate over the area that is now Israel, the West Bank, the Gaza Strip, and Jordan, while France received a mandate over Syria, and Lebanon was divided out as a separate state. At this stage—at the Paris Peace conference after World War I—the name Palestine was applied to the territory that today composes Israel, the Palestinian Authority, and

Jordan. It was the first time Palestine had ever been one political entity, albeit a cobbled together one. Under the terms of the mandate over Palestine, the principles of the Balfour Declaration were to be implemented. Under the mandate, Britain was to “facilitate Jewish immigration under suitable conditions and shall encourage close settlement by Jews on the land.”

In 1921 Britain divided its mandate in two, with Faysal’s brother leading the Emirate of Transjordan on the east of the Jordan River, and a state of Palestine, still ruled by Britain, on the west side of the river. The Arabs had not been given self-rule as promised and were angry that the British were helping the Jews to create a settlement. Violence broke out between the Arabs and the Jews.

Divisions Within

From the start, there was trouble within the Zionist movement as well as without. The main anticipated source of personnel for settlement, the Russian Jews, had not been allowed to emigrate from the Soviet Union. Financial problems then set the course of the Zionist movement. In 1929 Dr. Chaim Weizmann founded the “Jewish Agency,” a body whose purpose was to draw financial support from Jews worldwide for their brethren in Palestine. Many American Jews, in an example of the split between Jewish people over the ideology of Zionism, did not believe that Israel should become a nation-state and held back their financial support.

Those who held themselves to be both Zionists and socialists found themselves in a dilemma. The idea of socialism, or the promotion of class solidarity with all workers, including Arab ones, did not fit well with the Zionist ideas of nationalism, or the promotion of Jewish unity, which generally included owning property. Most settled the dilemma by favoring Zionism over socialism and by endorsing the application of socialist policy first and foremost on Jews.

In 1935 the revisionists, led by Ze’ev Vladimir Jabotinsky, split from the Zionist movement. The revisionists wished to establish a Jewish homeland on both banks of the Jordan River. The rejection of their agenda by the World Zionist Organization led to increasing frictions between the revisionists and the mainstream Zionist leadership. In 1935, following the organization’s refusal to define the formation of a nation-state as the final goal, the revisionists seceded and formed the “New Zionists.” From that year on, Jabotinsky was relentlessly engaged in attempts to advance the immigration of European Judaism and to save as many as possible from Nazi persecutions.

Organized Political Anti-Semitism: Nazism and the Holocaust

One of the main elements that influenced the Jewish immigration to Palestine was the growing volume of anti-Semitic activities in Europe, especially with the rise of the Nazi Party in Germany. Between World War I and World War II, anti-Semitism persisted around the world and was most evident in countries that had suffered great losses in World War I. Jews became scapegoats who were blamed for the troubles of the country.

In Germany, the Nazi regime systematically persecuted and murdered millions of Jews. Nazi propaganda against the Jews varied in content—it used a combination of quasi-scientific, racist beliefs with elements of “traditional,” religiously based anti-Semitism to identify Jews as enemies of the country. In other places in the world those who sympathized with Nazi ideology formed anti-Semitic organizations.

The ideology and propaganda were then applied in a policy of physical persecution of the Jewish community. In 1933 the Nazi Party came to power in Germany; under this new leadership Jews were no longer protected under German law and their property and human rights were revoked. A wave of massacres and pogroms occurred, culminating in the *Kristallnacht*, Crystal Night, a name given by the Nazis for the pogrom on November 9, 1938, in which attacks organized by the Nazi leadership took place against Jewish synagogues and Jews. Jews, as well as other groups who were deemed inferior in Nazi ideology (homosexuals, mentally and physically disabled, Roma, and black people) were incarcerated in concentration camps, forced into to slave labor, tortured, and executed.

The pace of organized, official, anti-Semitic attacks intensified after 1939, with the outbreak of World War II. The Nazi policy was enacted in occupied territories, by German puppet-governments and by governments that were dependent on the Germans. The Nazis began to promote what they called a “final solution,” or *Endlösung*, to the “Jewish problem.” The implementation of the policy was the Holocaust: the systematic extermination of Jews throughout Europe. By the end of World War II in 1945, about six million Jews—70 percent of the Jewish population of Europe—had been annihilated, as well as thousands of others, including homosexuals, political dissenters, and Roma.

When the full extent of Nazi crimes was revealed to the world, the result was several important international developments. Among others,

the Universal Declaration of Human Rights (1948) and the definition of genocide in the international law were structured in the postwar era. Many Nazi officials were tried in the International War Crimes Trials in Nuremberg, Germany.

Theologically, many Christian communities designed new doctrines expressing their wish to eradicate the religious basis of anti-Semitism. Most notably, in the Second Vatican Council (1962–65), the Roman Catholic Church officially renounced the accusation that all Jews were responsible for the death of Jesus Christ. Racism and genocide were condemned. The attempt to bring about a dialogue between Jews and Christians went beyond Catholic Christians, however, and was also between Protestant Christians and Jews.

Palestine Between the Wars

The events in Europe affected both the Arab and the Jewish populations in Palestine. While the Jewish leadership had attempted to promote the immigration of as many Jews as possible, Arabs felt increasingly threatened by that immigration. Both sides pressured the British Mandate government to limit the other.

From the 1920s onward, Arab leadership strongly resisted Jewish settlement and the Zionist plans to transform the territory into the Jewish homeland. Disappointment in British policy led some Arab leaders to support Britain's enemy—Nazi Germany. The Palestinian leadership also organized recurring uprisings against Jewish settlers as well as against the British rule. Persistent riots against the British government and attacks against Jewish settlers began in the 1920s, especially in the years 1921, 1923, and 1929. The unrest reached its peak with a complete rebellion in the years 1936–39.

The Jews in Palestine were divided in their reaction to the Arabs' riots. One approach, endorsed by Jabotinsky and others, was to form a protective force. Cohabiting with the Arabs, they claimed, could occur only if the Jews were in a position of strength, both in population and in actual force. In 1920 the *Haganah* (Hebrew for "Defense") was founded. The original aim of the Haganah was to protect the Jewish settlements against perpetrators. After the 1936 rebellion, however, the Haganah took a more militant role, though there did exist other approaches to the conflict within the Zionist movement. For example, the president of the Hebrew University, Judah L. Magnes, promoted the foundation of a joint Arab-Jewish state.



PALESTINIAN LEADER YASSER ARAFAT SPEAKS WITH SOUTH AFRICA'S DEPUTY FOREIGN MINISTER AT THE WORLD CONFERENCE AGAINST RACISM. THOUSANDS OF PALESTINIANS WERE UPROOTED FROM THEIR HOMES AFTER THE FORMATION OF ISRAEL, WHICH FULFILLED THE ZIONIST GOAL OF A RETURN TO THE JEWISH HOMELAND, BUT CREATED A STILL-UNRESOLVED BATTLE FOR ACCEPTANCE AND COEXISTENCE BETWEEN ISRAELIS AND PALESTINIANS. (Photograph by Themba Hadebe. AP/Wide World Photos. Reproduced by permission.)

British response to both sides' activity was repressive. On the eve of World War II (1939–45), however, the British government required the support of the Arab world. In May 1939 the British government published a "White Paper" (a government position paper), which implied the termination of Britain's commitment to Zionism as articulated in the Balfour Declaration, and a guarantee to establish a Palestinian (Arab) state within ten years. The "White Paper" stated that restrictions on Jewish immigration to Palestine would be implemented, with a quota of 75,000 Jews during the following five years, after which further immigration would depend on Palestinian approval.

In response to the British change in position, Jewish organizations began to organize illegal immigration into Palestine, smuggling refugees from war-torn Europe. Others initiated violent protest. In 1931 members of the Haganah who were unhappy with the militia's defensive strategy formed the Etzel, initials for *Irgum Zevai Le'umi* (national military organization). In 1937 the new militia became identified with the revisionist (Jabotinsky)

faction in Zionism. After the publication of the White Paper, the Etzel began an active military campaign against British forces. Zionist terrorist attacks carried out against Arabs as well as British forces were condemned by the mainstream in the Zionist movement.

In May 1942 Zionist leaders met at the Baltimore Hotel in New York and decided to demand—as part of the postwar deployment—a Jewish Democratic Commonwealth (a state) in all of the territory of western Palestine. The news about the Holocaust had brought about a change of heart among American Jewish leaders. While in the past they had objected to the formation of a Jewish state as the defined goal of the Zionist movement, by 1942 they came to view its creation as essential.

After the war, most Western nations felt obliged to assist the surviving Jews. When Britain could no longer manage the problems between the Jews and the Arabs in Palestine, it handed the problem over to the United Nations. On November 29, 1947, the UN adopted Resolution 181, dividing the Palestine territory west of the Jordan River into two states: Arab and Jewish. The Zionist leadership accepted the partition of Palestine. In their view, it was better to have part of the territory than none. The Palestinians rejected the UN division of Palestine. They viewed it as unjust, giving 55 percent of the territory to the Zionists, when Jews composed only about a quarter of the population of Palestine. On May 14, 1948, the British Mandate in Palestine ended and the State of Israel was declared.

The State of Israel

After the UN adopted resolution 181, a civil war broke out between the Jews and the Arabs. The British refused to intervene in the conflict, leaving the country on May 15, 1948. The following day the armies of Egypt, Jordan, Syria, Lebanon, and Iraq joined forces with the Palestinians in the war against Israel.

The first prime minister of Israel was David Ben-Gurion (1886–1973), a leader of the mainstream party among Jews, the “Land of Israel Workers’ Party” (Mapai). Ben-Gurion’s main challenge was to secure the state amidst the full-scale war waged on it. He formed the Israeli army (Israeli Defense Forces: IDF), annulling any pre-independence militias such as the Etzel and the Haganah.

The 1948 war ended with several armistice agreements signed between Israel and its neighbors (Egypt, Jordan, Lebanon and Syria). The postwar

agreements, in fact, left Israel in a better position than it was before the war. It now presided over 75 percent of the territory west of the Jordan River, including West Jerusalem. The West Bank (which included East Jerusalem) was occupied by Jordanian forces, while Egypt took hold of the Gaza Strip in the south of the territory.

A wave of immigrants was arriving in Israel from displaced camps in postwar Europe and as a result of the mass-expulsion of Jews from Arab countries following the founding of Israel. Israel became a dynamic immigrant society, with Jews from all over the world living arriving to the new nation. Its demographic composition changed from a majority of European Jews, to a majority of Jews who emigrated from Asian and African countries. Many of the new immigrants from these countries felt discriminated against by the European elite, and were settled in “development towns” on the borders, which became poverty-ridden areas.

The Status of Israeli-Arabs in Israel

The Arab loss of the war in 1948 caused about 900,000 Palestinians to become refugees, displaced from the Israeli territory. Most were settled in refugee camps in neighboring countries, where many still remain as of mid-2002. More than five hundred Palestinian settlements were depopulated, at least 60 percent of which were completely destroyed. Palestinians (“Israeli-Arabs”) who remained in Israeli territory were submitted to the rule of a military government under emergency regulations; this lasted until 1966 and has caused much rancor among Palestinians. Their right to form political organizations and other civil rights were severely limited under these emergency regulations. It should be noted, however, that those who stayed in Israel received citizenship and eventually obtained recognition for equal rights.

In 1948 Israel’s Declaration of Independence called upon the Arab inhabitants of Israel to participate in the functions of the country “on the basis of full and equal citizenship and [with] due representation in all its provisional and permanent institutions”; it also promised them “complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex,” guaranteeing “freedom of religion, conscience, language, education and culture.” Several factors, however, hinder the equal status of the Arab citizens of Israel. For instance, Arab citizens are not equal in immigration and naturalization rights. While under the Israeli “law of return” almost every Jewish person is entitled to become an Israeli citizen, non-

Jews are not granted that right. The right of return is for Palestinians one of the most important issues in the Israeli-Palestinian conflict.

A wide economic gap developed between the Arabs and the Jews in Israel. The military rule until 1966 and the expropriation of Arab-owned land created economic differences between the median Arab standard of living and the Jewish one. While the Arab population had grown six-fold in 1966 than it was in 1948, the Arab-owned land decreased by 50 percent. There were contributing factors to this gap. While Arabs were not obliged to serve in the army (the IDF), they were also not entitled to many social benefits rewarded to army veterans. Arabic is an official language in Israel, but the education system in the Arab language exists only at the K-12 level, and there are no universities or colleges that use Arabic. Arabs who wish to attain an academic degree in Israel must go to Hebrew-speaking universities. Accordingly, the percentage of 17-year-olds who attended university or college is 5 percent of Israeli-Arabs, while 13 percent of Jews of the lower classes have sought academic degrees. Since higher education is the key to many higher-paying jobs, the economic gap persists.

Arab Opposition to Israel after Its Consolidation

The first years after 1948 were marred by border incidents. In some of them, Palestinians tried to infiltrate the Israeli territory in order to attack Israeli settlements. For example, in 1954 Palestinian terrorists attacked a bus on its way from the southern town of Eilat, and killed eleven passengers. Infiltrations like this persisted, and the Jewish Israelis retaliated, contributing to the tensions between Jews and Arabs. By 1950 the Arab nations surrounding Israel were hostile to the new government, particularly disturbed by the mass immigration of Jews from all over the world to the area. That year, the new Israeli government passed its Law of Return, which provided for free and immediate citizenship for all immigrant Jews. These rights were not afforded Arabs.

In 1956 the nationalization of the Suez Canal by Egyptian president Gamal Abd-al Nasser provided Egypt with the opportunity to block the Strait of Tiran, Israel's approach to the Red Sea and, from there, to Asia, Africa, and Oceania. With the strait blocked, ships were prevented from arriving in Israel through the canal. The action threatened Israel's economy and also its international ties and security. According to international law, blockage of a waterway is a cause for war. Israel found its allies in the United Kingdom and

France, who were disputing with Nasser over his nationalization plans. In October 1956 Israel, backed by France and the United Kingdom, attacked Egypt and occupied the Sinai Peninsula and Gaza Strip. The United States and the Soviet Union both protested Israel's occupation and it withdrew its forces to their previous boundaries after few weeks.

The Occupation of the Territories

The Six-Day War occurred in 1967. Israel looked on as the Arabs prepared for war. A united Arab front made up of the troops of Egypt, Syria, and Jordan gathered along Israel's borders, and the Strait of Tiran in the Red Sea was once again blocked. On June 5, 1967, Israel attacked Egypt, Jordan, and Syria simultaneously. Within six days Israel had taken the West Bank and East Jerusalem from the Jordanians, the Sinai Peninsula and the Gaza Strip from the Egyptians, and the Golan Heights from the Syrians.

One of the outcomes of the war was a new refugee problem. Many of the Palestinian refugees of 1948 settled in refugee camps in the West Bank and Gaza Strip, and along with the permanent occupants of the territories, they came under Israeli occupation. Unlike their brethren who became Israeli citizens in 1948, the Palestinians in the occupied territories were subjected to military rule and emergency regulations, and denied many civil and human rights. The occupied territories were to become a major political issue in the coming years.

The Palestinian Liberation Organization

The Palestinian national movement, which had existed since the 1920s, was spurred into action by the occupation of the West Bank and the Gaza Strip. The Palestine Liberation Organization (PLO) had been created in 1964 by the Arab League to serve as an umbrella organization for Palestinians and their interests. The al-Fatah, an organization that had existed underground and had carried out attacks on Israelis since the 1950s, engaged in its first armed action against Israel in 1965. These groups increased their attacks against Israelis both in Israel (in schools, buses, market places, and other populated areas) and abroad (with plane hijackings and destruction of Israeli targets abroad). In the 1972 Olympic Summer-Games in Munich, Germany, Palestinian terrorists took part of the Israeli team hostage, killing two in the initial hostage-taking. The remaining nine were killed during a failed German rescue attempt.

During the Cold War the Arab bloc in the United Nations made strong efforts to undermine

Israel's legitimacy in the international arena, using the conflict between the superpowers to recruit the Soviet Union to its side. In 1975 the United Nations General Assembly adopted a resolution equating Zionism with racism. The United States, along with Israel, rejected the resolution. It was not until after the collapse of the Soviet Union in 1991 that the General Assembly voted 111 to 25 for repeal of the resolution.

A military attempt to regain the territories lost in 1967 was made by Egypt and Syria in 1973. On October 6, 1973, Yom Kippur—the holiest day of the Jewish calendar, which also falls within the holy Muslim month of Ramadan—the two countries attacked Israel. The Arab forces managed to take back some of the occupied territories, the Sinai Peninsula and the Golan Heights, before the Israeli defensive turned to counterattack.

Israel's occupation of the Gaza Strip and the West Bank caused internal disputes within Israel. A significant portion of the population wanted to reach an agreement with the Arab world in which the Israelis would withdraw from the territories. Those in Israel's right wing, though, viewed the territories as part of the historical Israel and opposed any withdrawal. In 1974 a right-wing religious group *Gush Emunim* ("the bloc of the faithful") formed with the aim of promoting settlement in the occupied territories. The Israeli left formed its own popular movement, *Shalom Achshav* ("Peace Now"), with the object of advancing peace settlements through withdrawal from the occupied territories. Both movements claimed they represented the "true" interpretation of Zionism.

Peace with Egypt

In November 1977 Egyptian president Anwar al-Sadat (1918–81) made a historic visit to Jerusalem to begin peace negotiations with Israel. In 1979 Nasser and Israeli prime minister Menachem Begin (1913–92) became the first Israeli and Arab leaders to reach a peace agreement. That year Egypt and Israel signed a peace treaty. Israel agreed to withdraw from the Sinai Peninsula and to begin negotiations for the establishment of Arab autonomy in the West Bank and Gaza Strip.

By the early 1980s Israel completed its last preparations to withdraw from the Sinai. Nevertheless, Palestinian attacks against the country persisted, carried out mostly across the Israel-Lebanon border. In June 1982 Israel retaliated against the PLO raids by launching an all-out counterattack that destroyed PLO headquarters in Beirut, Lebanon. Lebanon had been immersed in a civil war since 1975 and occupied by Syria since 1976.

In June 1982, following an assassination attempt on the life of the Israeli ambassador in London and in reaction to the PLO's military and terrorist attacks from its base in that country, Israel invaded Lebanon. Its goal was reduce the PLO's ability to threaten Israel from its bases in Lebanon. Within two months the IDF forces encircled Beirut and obtained an agreement providing for Israel's withdrawal—14,000 to 15,000 PLO and Syrian forces would evacuate from Lebanon and the PLO leadership would no longer use Lebanon as its headquarters. Israel did pull back from its location, but it maintained an occupied "security zone" in southern Lebanon to serve as a buffer zone from continued attacks, from which its forces did not withdraw until May 2000.

Inside Israel, the war on Lebanon caused a protest movement organized by Shalom Achshav and other organizations. Further civil protest caused investigation over the occurrences in the Palestinian refugee camps of Sabra and Shatila in Lebanon during the war. On September 16, 1982, a group of the Christian Lebanese militia, the *Falange*, entered these refugee camps near Beirut and, over a period of about 36 hours, brutally murdered between 800 and 2,000 people there. The Israeli army had entered this part of the city the day before and was under the command of Israel's defense minister, Ariel Sharon. The protesters and Palestinian survivors of the massacre claim that Sharon himself gave the order for the Falange to enter the camp, knowing that the soldiers were hostile to the refugees. The Israeli army was monitoring the camps and did nothing to stop the massacre. Some of the surviving Palestinians from Sabra and Shatila have advocated into the twenty-first century to have Sharon investigated and tried by an international court for his actions in 1982. Although an Israeli government commission found that Sharon had been indirectly responsible for the massacre of Palestinians at these camps and he was forced to resign his position, he was never tried for his alleged part in the killings.

In the occupied territories, the call for Arab autonomy was increasing. In December 1987 the Palestinian population in the occupied West Bank and Gaza launched an uprising. The *Intifada*, or civil rebellion, began with acts of civil disobedience: demonstrations, strikes, and attacks against Israeli soldiers and Jewish settlers. Hundreds of thousands of Palestinian men, women, and children set up a resistance movement to let the Israeli government know that occupation was not acceptable. Israel responded with stronger repression. From 1987 to 1991 Israeli forces killed more than one thousand

Palestinians and arrested most of the leaders of the resistance.

The new Palestinian movement within the occupied territories demanded a clear program in their fight for independence from Israel. Consequently, in November 1988, the Palestinian National Council met in Algeria and made three historic proclamations. For the first time, it recognized the State of Israel; it proclaimed the independent State of Palestine in the West Bank and Gaza Strip; and it renounced terrorism. The Israeli government did not respond to these proclamations and refused to change its stand.

Negotiations with the Palestinians

In October 1991 Israel, sponsored by the United States and Russia, began multilateral peace talks in Madrid, Spain, with Jordan, Lebanon, Syria, and the Palestinians. The multilateral track was soon abandoned in favor of bilateral talks with each side. These began in December 1991 in Washington, D.C.

Yitzhak Rabin (1922–95) was elected prime minister of Israel in 1992. The next year Rabin signed a historical peace agreement with PLO chairman Yasser Arafat, a man recognized by most Palestinians as the official leader of their cause. The Oslo Accords (called that because the initial secret negotiations took place outside Oslo, Norway) contracted to grant the Palestinians gradual self-rule. The Israel-PLO “Declaration of Principles” for transferring Gaza and Jericho to Palestinian control and to give Palestinians in Israel more control, was initialed in secret and later signed at the White House. Arafat and Rabin shook hands in front of television cameras in a historic moment. In May 1994 the first stage of the peace plan, a withdrawal from most of the Gaza Strip and from Jericho, took place. The newly established Palestinian National Authority, a political body created to exercise self-government in the Palestinian territories, was established by the end of that year and led by Yasser Arafat. Rabin also signed a peace treaty with King Hussein of Jordan, ending 46 years of conflict. Negotiations in the Syrian track continued, but did not lead to a peace agreement due to dispute over the occupied Golan Heights.

Rabin’s policy was not supported by all parts of Israeli society. The extreme right wing, including Gush Emunim and the settlers in the occupied territories, opposed his policy. Some began forming new settlements in the territories, knowing that Rabin would have great difficulty in evacuating them. On November 4, 1995, as he left a peace rally, Rabin was assassinated by Yigal Amir, a Jewish student

who resented the peace process and its consequences—relinquishing territory to the Palestinians.

A wave of Palestinian attacks against Israelis in the turmoil that followed, especially in the form of suicide bombings in buses and crowded places, made the peace process even more difficult. Prime Minister Shimon Peres, Rabin’s successor, tried to stop the attacks by sealing off the territories from Israel. The blockades created further economic hardships on the Palestinians in the territories, who were dependent on the Israeli economy and worked in Israel. The closure also did not bring about a stop to the Palestinian attacks, and Peres was defeated in the prime ministerial elections by a fearful and disappointed public, who chose Binyamin Netanyahu, a right-winger who strongly objected to the peace process, to be their new leader.

Netanyahu’s government delayed and postponed the fulfillment of the agreements with the Palestinians. He rejected the planned expansion of the agreement, leaving the Palestinians with only part of the agreed-upon territory, and at the same time he authorized the building of new settlements or the expansion of existing ones. Furthermore, on September 1996, Netanyahu decided to open a disputed archeological site in Jerusalem, which, according to Palestinians, undermined their control over the al-Aqsa Mosque. Netanyahu would not budge, saying the site was the cornerstone of Israel’s existence. Consequent riots in the occupied territories left hundreds of dead on both sides.

A series of further suicide bombings slowed the already dawdling peace process. On May 1998 the Oslo Peace Accords collapsed. U.S. pressure led Netanyahu to sign a new peace accord, the so-called Wye Accord in October 1998, which provided for the withdrawal of Israeli forces from more territory in the West Bank. Netanyahu, however, did not gain the parliamentary majority to carry out the agreement, and announced elections.

Netanyahu lost those elections to Labor Party candidate Ehud Barak, a supporter of the peace process. Barak renewed negotiations with the Palestinians and on September 4, 1999, signed a revised version of the Wye Accord, the “Sharm el Sheikh” Agreement. Consequently, in 2000 Israel began to transfer seven percent more of the West Bank territory to the Palestinians. Barak also withdrew from southern Lebanon in May 2000, a significant development for both sides in the conflict, as it meant the loss of Israel’s long-held buffer zone and was a tangible indicator to Palestinians that Israel was serious about making progress.

ARIEL SHARON

1928—Israeli prime minister Ariel “Arik” Sharon was born in Palestine in 1928, under the British Mandate. At the age of 14 he joined the *Haganah* (defense forces) and was a brigade commander in Israel’s War of Independence in 1948. Sharon remained in the military and carried out retaliation attacks against infiltrators during the 1950s. In 1967 Sharon was a Brigadier General, commanding a division. His actions in the 1973 war with Egypt and Syria made him a hero in the eyes of many Israelis, and he was considered a great military strategist.

After his retirement from the army in 1974, Sharon turned to the political arena. In 1982, as minister of defense, he masterminded the Israeli invasion of Lebanon. Later, it was claimed that Sharon had not revealed to Prime Minister Menachem Begin all the details regarding the operation. An Israeli investigation committee found Sharon indirectly responsible for the massacre of hundreds of Palestinians by the Lebanese Christian militia in the refugee camps of Sabra and Shatila and recommended his resignation.

Despite the indictment and the committee’s recommendation, Sharon remained in the political arena after his resignation from the Ministry of Defense. He became housing minister in the early 1990s, launching mass housing and building operations in the occupied territories. When the right-wing Likud Party returned to power in 1996, Sharon was appointed Prime Minister Binyamin Netanyahu’s foreign minister. Following Netanyahu’s defeat in the 1999 elections, Sharon became the leader of the Likud Party. As the leader of the main opposition party, Sharon was Prime Minister Ehud Barak’s main critic. His visit to the al-Aqsa Mosque (a site holy both to Jews and Muslims) sparked the second Palestinian *Intifada*. Subsequent to the new outbreak in violence, Sharon was elected prime minister in February 2000.

Negotiations slowed down again as the question of Jerusalem reached the negotiation table. Jerusalem is Israel’s capital, though most foreign countries maintain their embassies in Tel Aviv, and it is the holiest city to Jews as well as Christians. The Palestinians view Jerusalem, under the name of al-Quds, as their intended capital, and it is the third holiest shrine of Islam. In the summer of 2000 the Israelis and Palestinians attended a summit at Camp David with U.S. president Bill Clinton (1993–2001). The Palestinians intended to announce the creation of their state on September 13,

2000, but the negotiations at Camp David reached a standstill when the future of Jerusalem was discussed. Neither side could compromise about the holy city. They left Camp David with no agreement on July 25, 1999.

RECENT HISTORY AND THE FUTURE

A Second Intifada Erupts

Tensions exploded in September 2000 when Ariel Sharon, the former defense minister and the leader of the right-wing bloc after the resignation of Netanyahu, visited the site of the al-Aqsa Mosque and Temple Mount with a host of Israeli troops. His controversial visit, at a time when tensions between Israelis and Palestinians were at a high, sparked a second Intifada by Palestinians. Sharon’s “visit” to al-Aqsa/Temple Mount with an army of soldiers was viewed by many as a purposeful act of aggression during a tense time. Because Barak was not able to contain the uprising that followed and was forced to act against the Palestinians, he lost credence with both left and right wing in Israel. Sharon won the next election for prime minister by a landslide.

Sharon was elected prime minister in February 2001. A summit in Sharm el-Sheikh on October 2000, assembled by the United States, made efforts to resolve tensions between the Israelis and the Palestinians and avoid further violence. In April 2001 a fact-finding committee headed by Senator George Mitchell recommended measures to end the violence. Neither Sharon nor Arafat met the measures and the violence continued; between September 2000 and April 2002 it has claimed the lives of more than 1,200 Palestinians and about 500 Israelis. Desperate Palestinian suicide bombers have terrorized Israel continuously since that time and Israel has attacked and invaded the Palestinian territories repeatedly in a growing wave of aggression and fighting. Mediation attempts by the United States, Egypt, and the European Union have ended without result.

In April 2002 Israeli troops stormed Jenin, a Palestinian refugee camp in the West Bank. Calling the camp a hotbed of Palestinian militancy, the Israeli government said the army was sent to Jenin to destroy terrorist cells within the camp. Palestinians reporting on the 10-day siege said that the Israeli army had fired on civilians, used bulldozers to destroy houses without warning occupants, carried out summary executions, used civilians as human shields while going door-to-door in their

searches, and prevented Palestinians from getting medical help. Although Palestinians claimed that hundreds had died in the event, the numbers estimated afterwards were 43 Palestinian deaths and 23 Israeli soldier deaths. After Israel withdrew, the United Nations decided to investigate the camp to see if a massacre had taken place. Israel objected to the investigation and the UN called it off, noting that the questions surrounding the event would remain. During the spring of 2002 Israel also surrounded Palestinian Authority leader Yasser Arafat's headquarters at Ramallah as well as the Church of the Nativity in Bethlehem, where a group of armed Palestinians were hiding, several of whom were wanted by Israel as suspected terrorists. These sieges ended only after intense negotiations through the international community.

The Question of Racism

The Durban conference on racism clearly served as a global forum for the venting of a widespread feelings of discontent and hatred. As many as ten thousand demonstrators chanted anti-Israel and anti-United States slogans in Durban during the conference. In a BBC article on September 4, 2001, "Anger Over Zionism Debate," David Malone of the International Peace Academy explains that for years the concept of Zionism as racism has been brought up by Arabs at times of crisis in the Middle East. "The sense of powerlessness in the Arab world to influence in any meaningful way, outcomes on the ground [in the conflict with Israel] is very strong. They do what they can, which is at the rhetorical level."

The Palestinian-Israeli conflict is a conflict between two polarized societies. In Israel, an anti-liberal, right-wing extremist assassinated Prime Minister Rabin in 1995, and many others are following fundamentalist or extremist movements; on the other hand, many Israelis are Westernized, secularized, and economically and politically liberal. In the Palestinian society, a similar gap occurs between a significant well-off, educated segment and fundamentalist or extremist groups. As the violence escalates, the hardliners are predominating in both Israel and the occupied territories.

Both groups face a terrifying enemy. The Palestinians in the occupied territories are up against a very strong military power—Israel, backed by the United States—and cannot hope to prevail in conventional battle. Their lives have been thoroughly disrupted by blockades and the forces of occupation. At the same time, widespread attacks carried out by Palestinians against the Israelis has thoroughly disrupted Israeli life. Israel's military incursions into

the occupied territories to, as Israel reports, root out the Palestinian attackers and their supporters, further disrupts life and helps perpetuate the cycle of violence, frustration, and oppression.

What Zionism means to the people of Israel and to Jews around the world is widely varied. Many Jews are distancing themselves from any connection with the hardliners in power in Israel in the early 2000s. Israel, though united for a time in its fight against what it perceives as Palestinian terrorism, was facing significant internal division over the issue of racism in the summer of 2002. Prime Minister Sharon supported a law proposed by the extreme right wing that prohibited the Arab citizens of Israel from buying homes or living in many communities. By this law, Israel would have "Jews only" towns. Israeli foreign minister Shimon Peres vowed to fight this proposal, calling it racist. Many Israelis do not believe that the proposal is in the spirit of the Zionist movement. Israeli cabinet minister Dan Meridor, an opponent of the measure, was quoted by Tracy Wilkinson in the July 9, 2002, *Los Angeles Times* ("Racism Debate Flares in Israel"): "Israel is the state of the Jewish people, but because it is a Jewish state, it must not practice against its non-Jewish citizens the kind of discrimination to which Jews were subjected in the diaspora." Notably, in 2000, the Israeli Supreme Court ruled that Arab citizens had equal rights in terms of buying and living on state-owned land.

That Zionism was established as a measure to escape anti-Semitism and persecution is relevant to the discussion on Zionism that was introduced in the Durban conference. In his opening address to the conference, UN secretary-general Kofi Annan remarked that the Jews have been victimized by anti-Semitism for centuries and that they suffered the Holocaust—"the ultimate abomination." He added, "This fact must never be forgotten or diminished."

Annan made it clear that the Israelis, like all members of an international community, must answer for their behavior in war and conflict. The Palestinian accusations concerning war and military occupation practices should receive attention in the international forum. In his address, Annan also said that, for the Palestinians, the past sufferings of the Jews can never be sufficient reason for their own sufferings now: "We cannot expect Palestinians to accept this as a reason why the wrongs done to them—displacement, occupation, blockade, and now extra-judicial killings—should be ignored, whatever label one uses to describe them."

While the question of whether Zionism equates to racism was not resolved at the Durban conference, the agenda item did bring international public attention to the Israeli-Palestinian conflict beyond the boundaries of suicide bombings and military incursions. Each side has legitimate grievances toward the other. The histories of anti-Semitism and the Zionist movement have illustrated that solutions to widespread discrimination and ethnic or other hatreds are not easily achieved—a realization both the Israelis and Palestinians well know and continue to struggle over.

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Tamar Gablinger

CONTRIBUTORS

Natalie Ammarell Ph.D., is a consultant, teacher, and mentor around the issues facing executives and boards of directors of nonprofit and government organizations. She is currently rewriting and updating the history of a social service agency founded in 1891 and is conducting other social history research. She has recently joined a team at Duke University School of Nursing in a qualitative research study of nursing home management practices.

ENTRIES: Children Exploited: Combating the Commercial Sexual Exploitation of Children

Jessica Blitt received an M.A. in international affairs from the Norman Paterson School of International Affairs in Ottawa, Ontario, and a B.A. in peace and conflict studies from the University of Toronto. From November 2000 to May 2001, she worked in Bosnia and Herzegovina for the Democratization Department of the Organization for Security and Cooperation in Europe (OSCE). She has also researched and worked in Sri Lanka and the Philippines. Her publications include, *Ecoviolence: Links among Environment, Scarcity and Violence*, which she co-edited with Dr. Thomas Homer-Dixon.

ENTRIES: The International Criminal Court: Accountability at Last?; Water Wars: Myth or Reality?

Michael P. Bobic earned his B.A. in political science from Berea College (1985) in Kentucky. He earned his M.A. in 1992 and Ph.D. in 1996 in political science from the University of Tennessee, specializing in national institutions and research methods. Dr. Bobic is currently employed at Emmanuel College in Franklin Springs, Georgia, as an assistant professor of political science and as the director of institutional research. He and his wife live in upstate South Carolina. Dr. Bobic was assisted in the research and writing of "Bangladesh: The Democratic Election of 2001" by his students: Jason Couch, Tristan Dooley, Jade Duke, Brook Kirby, Tashara Luster, Daniel Moore, Anetra Pattman, Mary Ritterbrandt, Tony Weaver, and Nikki Willis.

ENTRIES: Bangladesh: The Democratic Election of 2001

Timothy G. Borden completed his doctorate in history at Indiana University and holds degrees in economics and international relations from Brown University, and in labor history from the University of Toledo. He has worked as a consultant in the areas of international relations and public policy in addition to teaching at Indiana University and the University of Toledo. Dr. Borden's work has appeared in *Labor History*, *Michigan Historical Review*, *Polish American Studies*, *Northwest Ohio Quarterly*, and the *Organization of American Historians Magazine of History*.

ENTRIES: Argentina: From Economic Miracle to Political Meltdown; Enron: How Did This Happen?

Ian Boxill teaches sociology at the University of the West Indies, Mona, Jamaica. He has published extensively on development issues in developing countries, including the Caribbean, Asia, and the Pacific region. He is currently involved in a research project in Mexico.

ENTRIES: Jamaica: Gun Battles in Kingston

Gregory Dehler received his Ph.D. in American history from Lehigh University. His dissertation was entitled "An American Crusader: William Temple Hornaday and Wildlife Conservation, 1850–1940." He lives in Westminster, Colorado, and teaches as an adjunct at Front Range Community College. Dr. Dehler's research and teaching interests include the late-nineteenth and early twentieth centuries, and environmental and military history.

ENTRIES: Portugal at the Forefront: The Decriminalization of Drugs in Europe

Erica L. Fraser is a graduate student at the University of Illinois at Urbana-Champaign, currently working on her Ph.D. in history. She completed her bachelor of arts (Honours) degree at the University of Calgary in 1998 and her master of arts degree at the University of British Columbia in 2000 before moving to Russia for a year to teach English and continue to study the Russian language. Her major field of interest is the history of the Soviet Union, particularly during World War II and the early Cold War period. Her doctoral

dissertation will examine how the Cold War was experienced in Russian culture.

ENTRIES: Russia-NATO Relations in the Post-Cold War World: Rethinking the Future of Collective Security

Tamar Gablinger is a postgraduate at Humboldt University, Berlin. Her current research interests include religion and politics (especially new religious movements), as well as German, Israeli, and American politics. Her research thesis discussed the nature of the relationships between the Catholic Church and non-Democratic regimes. She wrote in the past for the *Sentinel* on political and military issues in Central America and currently writes in Political-Tips.com (<http://www.political-tips.com>).

ENTRIES: Zionism: A Perspective on the Jewish-Israeli Experience in the Arab-Israeli Conflict

Gregory P. Granger received his Ph.D. in political science from the University of New Orleans in 1996. He is currently associate professor of political science at Northwestern State University in Natchitoches, Louisiana. At NSU, Dr. Granger teaches courses in comparative politics, international relations, and U.S. foreign policy. He is co-author of *International Organizations: A Comparative Approach to the Management of Cooperation* (Greenwood, 2001), and his current research interests focus on the foreign policy of the George W. Bush administration. Dr. Granger lives in Campti, Louisiana, with his wife, Pamela, and their catahoula hound dog and three cats.

ENTRIES: Ukraine—A President Stands Accused: Murder and Politics

Thomas Haymes is an analyst and consultant on a variety of topics in international relations and group dynamics. He has an M.A. in international relations and an M.A. in German and European studies, both from Georgetown University. He was formerly Africa analyst for Stratfor, Inc., an Austin, Texas-based intelligence firm and is author of analyses and publications on nationalism, ethnonationalism, and international politics. He is currently working on a book on decision-making and is a founding partner of Global Synergies, an international consulting and software services company based in Austin, Texas.

ENTRIES: Africa's Small Arms Trade: An Infection of Guns and Chaos; European Union: Advancements and Delays in European Integration; Gibraltar: A Thorn in the Side of the EU; South Africa: A Slow Economy Delays Some Post-Apartheid Goals

Stephen Hoadley teaches and writes on the foreign policies of New Zealand, Australia, the South Pacific, East Asia, and the United States. He lectures at the University of Auckland, New Zealand, and the Air Force Command and Staff College. His previous books include *Negotiating Free Trade: The New Zealand-Singapore CEP Agreement* (2002), *New Zealand United States Relations: Friends No Longer Allies* (2000), *New Zealand and Taiwan* (1998), *New Zealand and Australia: Negotiating Closer Economic Relations* (1995), and *The New Zealand Foreign Affairs Handbook* (1992). He also contributes to *Jane's Defence Weekly*,

New Zealand Herald, and *New Zealand International Review*.

ENTRIES: Australia's Illegal Migration: An Australian Dilemma or Worldwide Problem?

Colleen Hoey has a master's degree in international affairs with a specialization in conflict analysis. She has worked for international organizations at the UN, government, and NGO levels. Currently she is attending McGill Law School in Montreal, Canada.

ENTRIES: Women, Peace, and Security: United Nations Resolution 1325

Christopher Hynes holds a master's degree from the Norman Paterson School of International Affairs, Ottawa, Canada. He has worked as researcher and legislative assistant in the Canadian Senate, and has worked extensively with nongovernmental organizations on the issues of disarmament and development. He is currently studying law at McGill University in Montreal, Canada.

ENTRIES: The World Bank and the IMF in Developing Countries: Globalization and the Crisis of Legitimacy

Kent Jones is professor and chair of the Economics Division at Babson College. He received an A.B. from Oberlin College, a M.A.L.D. from the Fletcher School at Tufts University, and a Ph.D. from the University of Geneva, Switzerland. Dr. Jones specializes in trade policy issues, particularly industrial adjustment to import competition. His current research focuses on the World Trade Organization. He has served as a consultant to the National Science Foundation and the International Labor Office, and was senior economist for trade policy at the U.S. Department of State. Dr. Jones is the author of *Politics vs. Economics in World Steel Trade, Export Restraint and the New Protectionism* and the forthcoming *Who's Afraid of the WTO?*

ENTRIES: World Trade Organization: The Technical Side of Globalization

Alan McPherson is assistant professor of history at Howard University. He grew up in Quebec, Canada, where he was a student journalist and a columnist for daily newspapers. In 2001 he obtained a Ph.D. from the University of North Carolina at Chapel Hill. He teaches U.S. history and U.S. foreign relations, and publishes on U.S.-Latin American relations during the twentieth century.

ENTRIES: War Correspondents Today

Kate Sampsell, a graduate of Georgetown University, is a historian of twentieth-century American intellectual and cultural history and a professional fine art photographer. Currently, she teaches American history in Turkey and is preparing a manuscript for publication titled, *"To Grab a Hunk of Lightning": An Intellectual History of Depression-Era American Photography*.

ENTRIES: The Cloning Debate: The Future Is Burdened by Its Past

Julia Watts Belser is a freelance writer living in Berkeley, California. She presently studies progressive religious leadership as well as Jewish history at the Graduate

Theological Union. A committed feminist, she is fascinated by the intersection of religion, culture, and social change.

ENTRIES: Turkey: Women Are Granted Equal Rights

John Wills is a research associate in the Department of Historical Studies, University of Bristol, United Kingdom, where he received a Ph.D. in American history in 2000. He is currently working on a history of the park idea and several projects dealing with popular culture and videogames.

ENTRIES: Cybercrime: Is the Internet Outside the Law?

Allen Wittenborn spent two years in Turkey with the U.S. Air Force. He has an A.B. in Chinese-Japanese literature, an M.A. in international relations, and a Ph.D. in Chinese-Japanese intellectual history. Wittenborn published *Further Reflections on Things at Hand*, a study of a twelfth-century Chinese thinker, as well as several articles on current affairs in China, Indonesia, and Burma. He also testified as an "expert witness" in political asylum cases concerning Asian refugees. Wittenborn has worked, lived, and/or traveled in every country in Asia except North Korea, Brunei, and Philippines. He is currently professor of Asian studies and history at San Diego State University. He has a special interest in the modern history and society of China, Indonesia, Malaysia, and Burma and is currently researching the Chinese Nationalist troops in Burma after World War II.

ENTRIES: China and ASEAN Agree to Free Trade Area, But Why?; The Philippines Rebellion: Freedom Fighting, Banditry, or Terrorism?

Glynn Wood is professor of international policy studies at the Monterey Institute of International Studies. He served as vice president of the Monterey Institute from 1980 until 1997. Before coming to Monterey, Dr. Wood was on the faculty of the American University in Washington D.C. for ten years. In 1998 he was a visiting professor at Colombo University in Sri Lanka. Dr. Wood received a B.A. in journalism from Louisiana State University, an M.A. in communications-journalism from Stanford, and a Ph.D. in political science from the Massachusetts Institute of Technology. Outside his academic career, Dr. Wood has been a newspaper reporter, a cultural officer with the U.S. Information Agency in Lebanon, Afghanistan, and India, and later served as South Asia chairman for the U.S. State Department's Foreign Service Institute.

ENTRIES: Pakistan: Partner Against Terrorism

Kathleen Woods Masalski is a former award-winning high school teacher who now directs programs on Japan, China, and Korea for K-12 teachers at the Five College Center for East Asian Studies at Smith College in Northampton, Massachusetts. Masalski has followed the textbook controversy in Japan (and in other countries) since 1983, when she was living in Yokohama. She is one of five coordinators of the National Consortium for Teaching about Asia and serves as one of the editors of *Education About Asia*.

ENTRIES: Japan: History and the Textbook Controversy

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